



Appeal Decision

Inquiry Held on 20-23 June 2023

Site visit made on 22 June 2023

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2023

Appeal Ref: APP/M3645/W/22/3313605
381 Croydon Road, Caterham, CR3 6PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Aldi Stores Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2021/1800, dated 15 September 2021, was refused by notice dated 9 August 2022.
 - The development proposed is demolition of existing buildings on site and the erection of a Class E retail unit, including refurbishment of existing office unit to provide a commercial unit at ground floor with residential dwelling above; alongside access, car parking and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings on site and the erection of a Class E retail unit, including refurbishment of existing office unit to provide a commercial unit at ground floor with residential dwelling above; alongside access, car parking and associated works at 381 Croydon Road, Caterham, CR3 6PN in accordance with the terms of the application, Ref TA/2021/1800, dated 15 September 2021, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - (a) Whether the proposed parking and delivery arrangements would result in unacceptable impacts on highway safety; and
 - (b) Whether the level of parking provision would result in unacceptable impacts to residents and businesses in the surrounding area.

Reasons

Highway safety

3. The appeal site is a disused former car dealership located on Croydon Road, which is a busy route between Caterham Town Centre and the Wapses Lodge Roundabout. It is positioned opposite to Marden Lodge Primary School, and is within an area that has limited availability of on-street car parking.
4. The development proposes a food store with a retail floor area of 1,164.5 square metres, that would be served by a total of 64 car parking spaces. In

this regard, the Tandridge Parking Standards Supplementary Planning Document (SPD) (2012) states that food retail stores with a retail floor area of over 1,000 square metres should be served by a maximum of 1 parking space per 14 square metres. The more recent Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development (2021) includes the same maximum standard, albeit with a suggested discount of 25% for suburban locations such as this. These standards would generate a total maximum parking level for the development of 129 and 97 spaces respectively.

5. The Tandridge Parking Standards SPD identifies maximum levels of parking provision that should only be exceeded "*in special circumstances*". Where the level of parking proposed is below these maximum levels, it should be "*critically examined to ensure that there would be no adverse effect on highway safety, the free flow of traffic or parking provision in the immediate area generally*". Accordingly, fewer spaces can be provided where this would not give rise to unacceptable impacts. In this regard, the Council accepted that if I were to conclude that 64 spaces were sufficient for the development, then its case regarding highway safety would fail.
6. The appellant has produced a number of assessments of the likely level of parking demand that the development would generate. The first of these is based on TRICS, which is a database of trip rates for developments that is used for transport planning purposes. The outputs from this assessment were based on comparable TRICS sites in England, excluding Greater London, between 1 January 2013 and 15 March 2020. This assessment indicated that the proposed car park would have sufficient capacity to accommodate the likely level of parking demand. Whilst there are some limitations to TRICS, as comparator stores within the database may have different locational characteristics, it is nonetheless a standard and widely used assessment tool to which I attach significant weight.
7. Assessments were also made of parking demand at 6 existing Aldi stores using Automatic Number Plate Recognition (ANPR) data to monitor arrivals and departures. These stores included the nearby Selsdon and Coulsdon stores, 3 other outer London stores, and a store at Ewell in Surrey. This analysis indicated that the weighted average maximum demand for parking would equate to 56, 61, and 65 vehicles for the weekday, Saturday, and Sunday peaks respectively. This implies that demand would exceed capacity at the proposed car park on a Sunday. However, this exceedance would be minor and at a time when the school opposite is closed. Whilst 5 of the comparator Aldi stores are in outer London rather than Surrey, the appeal site itself is within the M25 and is only around a mile from the Greater London boundary. I therefore consider the use of these comparator stores to be appropriate. In this regard, car ownership levels in Caterham are broadly similar to the areas where most of the comparator stores are located. Moreover, whilst there are currently no Aldi stores in East Surrey, the proposed store is close to existing Aldi stores just beyond the Surrey boundary and is therefore unlikely to attract customers from a significantly wider catchment area.
8. Further assessments were carried out on 5 of the comparator Aldi stores using ANPR data from between December 2021 and June 2022 (which included the busy Christmas and Easter periods). This indicated that peak parking demand on weekdays, Saturdays and Sundays would be below the 64 spaces that are proposed, including when scaled to the floor area of the proposed store. Whilst

it is asserted that this data may reflect behavioural trends associated with the pandemic, the measurement period was well after the various lockdowns and the point at which vaccinations had been made available to all adults. Moreover, I consider it unlikely that discount food stores would still have been seeing reduced trip numbers during this period, given that they sell essential everyday goods, and do not typically offer a home delivery service. Whilst my attention has been drawn to 'TEMPro and NTEM data release notes – additional guidance' (June 2022), I note that this identifies travel patterns in 2022 as "*more normal*" than those in 2020 and 2021. Whilst it also states that "*it is too soon to regard them as stable*", that may be in the context of the document being published in mid-2022. The appellant also states that their own analysis indicates little difference between travel patterns in May 2022 and May 2023.

9. Additional assessments of the comparator Aldi stores, scaled to turnover, were undertaken using data from December 2021 to October 2022. This analysis also indicated that the proposed car park would be likely to accommodate peak demand. However, the turnover figures have not been provided as they are commercially confidential, and the appellant therefore conceded that only limited-to-moderate weight could be attached to this analysis.
10. A final assessment using a TRICS-based methodology was undertaken using ANPR data collected between December 2021 and October 2022. This was used to identify parking demand for the busiest and typical month across the comparator stores, and then to calculate the average parking accumulation by floorspace. The results of this analysis indicated that (based on the unadjusted busiest average accumulation profiles) demand would exceed capacity at the proposed car park by 1 on a Sunday in the busiest month. However, this exceedance would be minor and at a time when the school opposite is closed. This final analysis was based on a large dataset that incorporated the busy Christmas and easter periods, and a significant period beyond the end of Covid restrictions. The size of the dataset increases the robustness of these findings.
11. Most of the assessments undertaken by the appellant were informed by ANPR data provided by Parking Eye. This has some limitations in that it does not record any overspill parking that takes place outside of the store car park. However, that would only be expected to occur when the car park is either full, or almost full, which the ANPR data is able to capture. Whilst the Council stated that 15 minute or half hourly accumulation assessments would have been preferable given the high turnover of parking, the ANPR data is only available on an hourly basis. In any case, I note that Surrey County Council (as the Highway Authority) stated that such additional work would be "*unlikely to provide sufficient evidence to reach a different conclusion on the acceptability of the application*".
12. Each of the assessment methods provided by the appellant has some limitations. However, each produce broadly consistent findings and, when taken together, I consider that they present a robust assessment of likely parking demand at the proposed store. I further note that the Highway Authority were satisfied that the submitted information was sufficient to determine the application, and it did not object to the development on highway safety grounds.
13. It is common ground that there are limited on-street parking spaces available in the vicinity of the appeal site. However, even if parking capacity at the site

were exceeded then there would be circulation space within the car park itself that would allow for additional vehicles to wait for spaces to become available. This is a key difference between the appeal proposal and the existing Aldi store at Coulsdon, which appears to have little circulation space available based on the images provided. Moreover, the relatively small size of the proposed store is likely to attract a high proportion of shorter top up shopping visits that would increase the turnover of spaces. Parking surveys provided by the appellant also indicate that there is some spare capacity in the on-street bays in front of the shopping parade to the south, particularly on Saturdays and Sundays, and there are 4 additional on-street bays a short distance to the north. These spaces could accommodate excess car parking attracted by the store during unusually busy times. In addition, the store would serve a primarily local catchment, and in time, customers would be likely to make an informed choice regarding the time of their visit based on prior experience.

14. It is asserted that vehicles manoeuvring in or out of the parking bays near to the proposed entrance would block access into the site and cause queuing back onto Croydon Road during busy times. However, bollards are clearly indicated on drawing Ref 17035-110 Rev F that would prevent the parking spaces along the northern side of the access route from being entered from the south. Moreover, the spaces to the south of the access route are set back further into the site, and if vehicles manoeuvring into these spaces caused a temporary blockage, then several cars could queue within the site before affecting Croydon Road. This is an important distinction between the appeal proposal and the existing Aldi stores at Coulsdon, East Barnet and Ewell, each of which have parking spaces located either closer to, or on either side of, the site entrance route. This, and the lack of internal circulation space at some of those stores, was also commented upon by the Highway Authority in their response (dated 25 July 2022) to the DHA Review.
15. The proposed car parking layout would therefore limit any queuing at the site entrance during busy times. The location of the store entrances would also incentivise drivers to favour those spaces located furthest from the site access. Accordingly, the likelihood of long queues forming in either the north or south bound carriageways would be limited. Moreover, it is unclear why short queuing in either carriageway would necessarily result in highway safety issues. In this regard, the proposed site entrance would be a significant distance from the Wapses Lodge Roundabout, and any queue caused by a vehicle waiting to turn right would need to be lengthy before it began to affect the roundabout. In this regard, the appellant has submitted evidence to show that even if a 129-metre-long queue formed in that carriageway, then a 43 metre visibility splay would still be available to any vehicle leaving the roundabout. That accords with my own observations when driving in the area. The Highway Authority also state that minor queuing would be unlikely to result in highway safety issues, and that drivers would be likely to continue southbound towards the new Lidl if queuing was taking place.
16. Marden Lodge Primary School is located directly opposite the site and attracts significant amounts of illegal parking at school drop off and collection times, as I observed on my site visit. This particularly affects the eastern side of Croydon Road, and there is also evidence of dangerous manoeuvres taking place at these times. However, the busiest times for the proposed store would be on Saturdays and Sundays when the school is closed. The development could also provide some improvement to the existing situation if parents made

use of the store car park rather than parking on street. I further note that the existing parking issues associated with the school, including any resultant queuing and/or narrowing of the carriageway, has not resulted in a pattern of recorded road traffic accidents along this part of Croydon Road. Any illegal parking associated with the proposed store is likely to be far less significant or frequent than this existing situation. Moreover, the proposed bollards to the south of the site entrance would prevent illegal parking in that location. The proposed mitigation measures along the site frontage would also deter any illegal parking to the north. In addition, the submitted Delivery and Servicing Plan specifies that deliveries would not take place during school pick up or drop off times, and adherence to this is capable of being secured by condition.

17. Pedestrian access to the site would be constrained in part by the topography of the area. In this regard, the main pedestrian route from the west would be across an existing footbridge over the railway line which has a steep access ramp and leads to a narrow unlit alleyway. This would be an unattractive pedestrian route in poor light, albeit most trips to the store would be likely to take place during the day. In addition, the main pedestrian route from the north is via the underpasses beneath the Wapses Lodge roundabout, which benefit from little natural surveillance. The appeal site is also within a valley, and some of the walking routes to it are on an incline. Taken together, these factors are likely to discourage some customers from walking to the proposed store, who may instead choose to drive. Conversely, the pedestrian routes to the site from the south are relatively unconstrained, and it benefits from good accessibility via a frequent bus service along Croydon Road. Overall, I consider that the effect of these factors would be modest and unlikely to result in significant additional car parking demand at the store.
18. The Council has drawn my attention to collisions outside the existing Aldi stores at Ewell and Coulsdon. However, the car parking layouts of those stores are dissimilar to the current appeal proposal, and I further note that the Coulsdon store is in a busy town centre location. Incidents relating to those stores are therefore of limited relevance to the current appeal site.
19. My attention has also been drawn to several other Aldi stores in the Southeast (outside of London) and the Council has provided the amount of floorspace per parking space for each. This analysis shows that the appeal proposal would provide 1 space per 27 square metres of floorspace, which is significantly below other stores in the sample. However, all but one of those stores are located away from London, and the other store in Surrey has a comparable level of parking provision to that proposed here. Moreover, this analysis contains no assessment of the demand for parking spaces at those stores. I therefore attach only limited weight to this analysis.
20. A number of appeal decisions are referred to in the submissions. With regard to appeal Ref APP/A1910/W/21/3278371 in Dacorum, that proposal involved the use of retractable bollards that would be lowered by staff to allow deliveries to take place. That Inspector expressed concern that were the mechanism to fail, or staff were unavailable to operate it, then delivery vehicles would be stranded for extended periods of time blocking the road. Appeal Ref APP/A2335/W/22/3296344 in Lancaster also related to a scheme where it was considered that delivery vehicles would be forced to wait in the highway, in that case causing congestion to Lancaster City Centre. Neither of those circumstances are comparable to the current appeal proposal in my view.

21. For the above reasons, I conclude that the development would not prejudice highway safety. It would therefore accord with Policy CSP 12 of the Tandridge District Core Strategy (2008) and Policies DP5 and DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2004). These policies seek to ensure, amongst other things, that development does not create hazards to traffic and other road users, is served by a safe and suitable access, and has regard to the Council's adopted parking standards.
22. Reference was also made at the Inquiry to Policy CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021), which requires development to provide off-road parking in accordance with the adopted Tandridge Parking Standards (2012). However, given my findings in relation to highway safety, the development would also accord with this policy.

Impacts to residents and businesses in the surrounding area

23. As set out above, I consider that the size of the proposed car park would be sufficient and that its layout would limit any queuing at the site entrance. Moreover, even if capacity were exceeded during unusually busy times, then additional vehicles could be accommodated in the circulation space and in on street parking bays. The peak demand for parking would also occur at the weekend when the school opposite is closed. In these circumstances, it is highly unlikely that the development would give rise to the types of dangerous and inconsiderate parking that were described by the Council at the Inquiry. Moreover, Nos 286-290 on the opposite side of Croydon Road are positioned near to a pedestrian crossing and have associated zigzag lines or double yellow lines in front of them. These properties are also at a narrow point in the road, and it is therefore highly unlikely that this area would attract illegal parking across driveways even at very busy times.
24. With regard to the businesses and flats in the shopping parade to the south, those occupiers could be inconvenienced by additional parking in the on-street bays along Croydon Road at very busy times. However, this inconvenience would be occasional in nature and not at a level that would justify withholding permission. I further note that some of those properties benefit from off-street parking to the rear. In addition, submitted traffic surveys relating to the businesses directly to the north show that these attract fewer vehicle movements at the weekend, and particularly on a Sunday. In any case, these premises are also served by dedicated off-street parking spaces.
25. For the above reasons, I conclude that the development would not result in unacceptable impacts to residents and businesses in the surrounding area. It would therefore accord with Policy CSP 18 of the Tandridge District Core Strategy (2008) and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2004). These policies seek to ensure, amongst other things, that development does not result in additional on-street parking that would cause harm to the amenities of neighbouring occupiers.

Other Matters

Planning obligation

26. A signed and dated Unilateral Undertaking has been submitted that relates to a Travel Plan Auditing Fee and a Traffic Regulation Order Contribution. With regard to the Travel Plan Auditing Fee, this has been agreed using a standard

formula and is necessary in order to encourage sustainable travel to and from the site. The Traffic Regulation Order Contribution relates to measures that are necessary to ensure that the development does not prejudice highway safety. I am satisfied that both of these contributions are directly related to the development and are fairly and reasonably related to it in scale and kind.

Retail matters

27. The appeal site is in an out of centre location approximately 1 mile to the north of Caterham Town Centre, and it is not allocated for retail development in the Local Plan. In this regard, an assessment has been undertaken to identify potential sequentially preferable sites either within or on the edge of Caterham Town Centre, Caterham Hill Local Centre, Woldingham Local Centre and Whyteleafe Local Centre. However, this was unable to identify any suitable and available sites within the catchment area. In my view, this assessment is robust, and the development would therefore meet the Sequential Test.
28. In terms of the impact on existing centres, the development is below the default threshold of 2,500 square metres set out in the National Planning Policy Framework. Whilst Policy TLP26 of the emerging Tandridge District Local Plan 2033 sets a lower impact threshold of 500 square metres for out-of-centre proposals, that does not currently form part of the development plan for the area. In this regard, I note that the examining Inspector has recently written to the Council expressing significant concerns relating to soundness that remain unresolved. Accordingly, I attach limited weight to emerging policy TLP26, and an impact assessment is therefore unnecessary.

Other considerations

29. Parts of Croydon Road and land around the Wapses Lodge Roundabout are subject to significant fluvial and surface water flood risk. However, the development would decrease the impermeable area on site, and would incorporate a surface water drainage scheme that would achieve green field run off rates. These measures would ensure that the development would be safe for its lifetime without increasing flood risk elsewhere. I further note that neither the Environment Agency nor the Lead Local Flood Authority has objected to the development on flood risk grounds.
30. At the Inquiry, the Council accepted that the ability of delivery vehicles to manoeuvre safely within the site does not constitute a standalone reason for refusal. In any case, detail tracking plans have been provided which show that the development can be serviced by the intended 13.2 metre articulated delivery vehicles, and by refuse vehicles. In my view, these show sufficient clearance from the proposed parking spaces, which would also be protected by bollards along the northern edge of the proposed access route.

Conditions

31. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. I have also imposed a condition requiring the submission and approval of the further work stipulated in the Geo-Environmental Assessment Report, which is necessary to ensure that any contamination is appropriately remediated. A further condition

requiring the submission and approval of a Construction Management Plan is necessary in the interest of highway safety and residential amenity. These conditions are pre-commencement in nature as they will inform the construction/demolition process and/or relate to works below ground level. As required by Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has agreed to these conditions in writing.

32. Conditions relating to surface water drainage and site levels are necessary to ensure that the site is appropriately drained, and safe from flooding without increasing flood risk elsewhere. Further conditions relating to the closure of the existing access, the proposed access point, and the proposed parking, loading/unloading and turning areas are necessary in the interests of highway safety and to ensure these facilities are available prior to first occupation. A condition requiring the submission and approval of a Car Park Management Plan is also necessary to ensure the effective operation of the car park. Other conditions relating to the submitted Travel Plan and the provision of cycling facilities, upgrades to nearby bus stops, and works to the highway are necessary to ensure that the site is accessible by foot and by public transport. A condition requiring adherence to the submitted Delivery and Servicing Plan is also necessary to ensure that delivery vehicles do not cause any significant disruption or visit the store during school pick up/drop off times.
33. A condition relating to external lighting is necessary to avoid disturbance or adverse effects on light-sensitive species, including bats. Conditions relating to landscaping and renewable energy are necessary to ensure that the site is appropriately landscaped and to accord with Policy CSP 14 of the Tandridge Core Strategy (2008). A further condition relating to internal floorspace is necessary in order to protect the vitality and viability of existing centres. Finally, conditions relating to external materials and requiring the submission and approval of further window/entrance details are necessary to ensure an acceptable appearance and sense of depth to the frontages, given the prominent location of the site.
34. The Council also suggested a condition relating to electronic vehicle charging points. However, this is unnecessary as this is subject to Part S of the Building Regulations, which took effect on 15 June 2022. A further suggested condition relating to rainwater pipes, vents, flues or grills is also unnecessary on a large modern building such as this and for a use of this nature.

Conclusion

35. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans: 17035 – 099; 17035 -110 Rev F; 17035 – 111 Rev C; 17035 – 112 Rev C; 17035 – 113 Rev B; 17035 – 114 Rev B; 17035 – 115 Rev A; 17035 – VL-L01 Rev B; 17035-SHP-V115.

Pre-commencement conditions

- 3) No development shall take place until a scheme to address the further work identified at section 10.3 of the submitted Geo-Environmental Assessment Report (Brownfield Solutions Ltd, July 2021, Ref LG/M4771/10290) has been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 30 days of the report being completed and approved in writing by the Local Planning Authority.
- 4) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall provide for:
 - i) the position of the construction access to Croydon Road;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in the construction of the development;
 - v) the position of any boundary hoarding;
 - vi) delivery vehicle routing to and from the site;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) measures to ensure the safe entry and exit to and from the site for all delivery vehicles;
 - ix) delivery, demolition and construction working hours. In this regard, no deliveries to the site shall take place between 08:30 and 09:15 and 14:30 and 15:30;
 - x) on-site turning facilities for delivery vehicles; and

- xi) details of how the proposed drainage system will be protected during the construction period and how runoff (including any pollutants) will be managed before the proposed drainage system is operational.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Prior to development above ground level conditions

- 5) No development above ground level shall take place until a scheme of surface water drainage in accordance with that contained in the submitted Flood Risk and Sustainable Drainage Strategy (Stirling Maynard, November 2021, Ref 3727 362) has been submitted to and approved in writing by the Local Planning Authority. The scheme must satisfy the drainage hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS. The drainage scheme shall include:
 - i) Evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2 l/s;
 - ii) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.); and
 - iii) Details of drainage management responsibilities and maintenance regimes for the drainage system.

The approved surface water drainage scheme shall be implemented in full prior to the first occupation of the development and shall thereafter be retained and maintained.

Pre-occupation conditions

- 6) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects that have been rectified.
- 7) Prior to the first occupation of the development, it shall be constructed with finished floor levels set no lower than 107.32 metres Above Ordnance Datum.
- 8) Prior to the first occupation of the development, the proposed vehicular access to Croydon Road shall be constructed and provided with visibility splays, dropped crossing points, and tactile paving on either side as shown on drawing Ref 17035-110 Rev F. Thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6m in height.

- 9) Prior to the first occupation of the development, the existing vehicular access to Croydon Road shall be permanently closed and the kerbs and footway fully reinstated.
- 10) Prior to the first occupation of the development, the proposed parking spaces (including 3 disabled bays), loading, unloading, turning areas, and bollards to prevent the parking spaces along the northern side of the access route from being accessed from the south, as shown on drawing Ref 17035-110 Rev F, shall be fully implemented. Thereafter the parking spaces, loading and unloading areas, turning areas, and bollards shall be retained for those purposes.
- 11) Prior to the first occupation of the development, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter be managed in accordance with the approved Plan.
- 12) Prior to the first occupation of the development, the following facilities/works shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. This scheme shall provide for:
 - i) Secure and covered parking for a minimum of 12 bicycles, and changing facilities and 6 lockers within the store for use by staff who cycle to work;
 - ii) The provision of bollards on the footway between the proposed access and the signalised pedestrian crossing to prevent pavement parking and ensure the visibility splay is kept clear;
 - iii) Dropped crossing points with tactile paving across the junction of Greenhill Avenue with Croydon Road; and
 - iv) The improvement of the bus stops adjacent to the site and opposite Shaw House on Croydon Road, to include the following:
 - o Existing bus shelters to be upgraded and provided with seating with arm rests and lighting;
 - o Each bus shelter to be provided with Real Time Passenger Information displays; and
 - o Raised access kerbing to a height of 140 mm for at least a length of 9m.

Those facilities provided within the site shall thereafter be retained and maintained.

- 13) Prior to the first occupation of the development, details of external lighting including the intensity of illumination and predicted lighting spill contours shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the approved details and shall thereafter be retained as such.
- 14) The proposed Landscape Plan (Ref 17035-VL L01 Rev B) shall be implemented within the first planting and seeding season following the first occupation of the development, or otherwise in accordance with a programme to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species. The hard landscape works shall be carried out and completed in full prior to the first occupation of the development.

- 15) Prior to the first occupation of the development, the renewable energy measures set out in the Renewable and Low Carbon Energy Statement (Sol Environment, July 2021) shall be implemented, and shall thereafter be retained as such.

Other conditions

- 16) The submitted Travel Plan (Aldi Stores, March 2022) shall be implemented in accordance with the monitoring arrangements and timescales specified in section 5.0 of the Travel Plan entitled 'Plan Monitoring and Review'.
- 17) All servicing and deliveries to the store shall take place in accordance with the Delivery and Servicing Plan (9 May 2022).
- 18) The amount of sales floorspace devoted to the sale of convenience goods shall be not more than 816 square metres net at any time.
- 19) No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials.
- 20) No development involving the use of any external glazing shall take place until detailed plan/section drawings at 1:20 of the windows and entrance onto Croydon Road (including reveal, header, and sill) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved drawings.

APPEARANCES

FOR THE APPELLANT:

Christopher Katkowski KC and Gary Grant of Counsel, Kings Chambers	instructed by Planning Potential
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They called: Nicholas Bradshaw MCIHT Claire Temple BA (Hons) DipTP MRTPI	Connect Consultants Planning Potential
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FOR THE LOCAL PLANNING AUTHORITY:

Luke Wilcox of Counsel, Landmark Chambers	instructed by Tandridge District Council
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He called: Paul Lulham BA (Hons) MA (Oxon) MSc CMILT Sean Scott, BSc (Hons) MA MRTPI	DHA Tandridge District Council
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INTERESTED PARTIES:

Cllr Jeremy Webster Cllr Jenny Gaffney	County Councillor District Councillor
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INQUIRY DOCUMENTS

- ID1 TEMPro and NTEM data release notes – additional guidance (June 2022)
- ID2 Appellant's opening statement
- ID3 Extract from Shadwell Estates Ltd v Breckland DC & Pigeon [2013] EWHC 12
- ID4 Council's opening statement
- ID5 Council's list of appearances
- ID6 Speaking note submitted by Cllr Gaffney
- ID7 Speaking note submitted by Cllr Webster
- ID8 Appellant's list of appearances
- ID9 Unilateral Undertaking final draft
- ID10 Suggested additional condition submitted by the Council
- ID11 Council's closing submissions
- ID12 Appellant's closing submissions