



Appeal Decision

Hearing held on 18 March 2025

Site visits made on 11, 17 and 18 March 2025

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Appeal Ref: APP/P3610/W/24/3352418

Former Dairy Crest Site, Alexandra Road, Epsom, Surrey KT17 4BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Aldi Stores Ltd against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 23/00402/FUL.
 - The development proposed is redevelopment of site to deliver a retail foodstore (Class E), supporting car park, access, servicing and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the site to deliver a retail foodstore (Class E), supporting car park, access, servicing and landscaping at the Former Dairy Crest Site, Alexandra Road, Epsom, Surrey KT17 4BJ, in accordance with the application Ref: 23/00402/FUL, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Following the Council's decision to refuse permission, contrary to the officer's recommendation, the Council requested an extended deadline to submit evidence to defend its decision. I agreed to this being 5 February and gave the appellant until 11 March to provide a rebuttal statement. I also asked the parties to prepare a Statement of Common Ground (SoCG) in respect of the principle matters in dispute relating to highway and transport matters by 14 March. These documents were duly provided in accordance with the agreed deadlines, discussed at the Hearing, and have been taken into account in reaching my decision.
3. A list of draft conditions was set out in the planning SoCG, dated September 2024. These were discussed at the Hearing, together with potential additional ones suggested in response to points raised during the discussion. An extended and final list of conditions agreed by the main parties was received on 27 March 2025.
4. The appellant submitted an executed Unilateral Undertaking prior to the Hearing. The Council confirmed that it was content with its provisions. I have taken it into account in my decision.
5. On 12 December, during the appeal process, the government published a revised National Planning Policy Framework (the 2024 Framework). Both parties therefore had opportunity to address changes which were relevant to the appeal and these matters were discussed at the Hearing.

Main Issues

6. Having considered the written and aural evidence, and the provisions of the 2024 Framework, I consider the main issues are:
 - a) Whether suitable provision would be made for access to the store by a variety of modes of transport:
 - b) Whether the access and adjoining junction would be safe and suitable for all users:
 - c) Whether the residual cumulative impact of the proposal on the operation of the highway network would be severe.

Reasons

Provision of access by sustainable transport modes

7. The transport assessment (TA) submitted with the application included a description of the site's accessibility by non-car modes. It referred to the maximum likely walking distance of 800m for shoppers, and 2km for employees. However, there was no quantification of the number of customers to the proposed store who would be likely to come on foot. Neither were there any suggestions as to how improvements to the highway and public realm in the vicinity of the site could encourage customers to walk to the store.
8. Cycling was also addressed in a descriptive and qualitative way. It was suggested that cycling provided an opportunity to access the store by a sustainable mode. However, given the practical difficulties of carrying any more than a few items of grocery shopping on a bicycle, this may not be a realistic choice for many customers. There are bus stops on Upper High Street providing limited connectivity by bus. However other stops are further away on the A24, making bus travel a less attractive choice for customers. In any event, the TA did not quantify cycling or public transport use by customers or staff. From the discussion at the Hearing about the sustainable transport choices, it was agreed that walking is likely to be the most realistic alternative to the car for most customers and staff.
9. The primary focus of the TA was to estimate the number of car trips to the site in the peak periods (morning, evening and on Saturday). It then sought to demonstrate that these could be satisfactorily accommodated at peak periods on the surrounding highway network, including the Five Ways junction, without causing significant congestion. This approach mirrored that taken in respect of a previous appeal¹ decision on the site which, although dismissed for other reasons, had concluded that the additional traffic to an Aldi store would not cause severe residual impacts on the operation of the surrounding highway network.
10. I understand that discussions took place between the main parties and the highway authority in relation to the transport implications of the current proposal, including at pre-application stage and during the Council's consideration of the scheme. However, it would appear that neither the Council nor the highway authority requested any specific assessment or measurement of pedestrian or cycling movements in the vicinity of the site. There was no evidence that deterrents to walking and cycling to the store were identified or discussed. Neither

¹ APP/P3610/W/16/3160370

did either authority appear to explore improvements that could be implemented to encourage customers or staff to walk and cycle to the proposed store, beyond those which had been agreed in respect of the previous appeal.

11. I find this disappointing given that the Framework, even prior to the latest version, was clear that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and within neighbouring areas (now paragraph 117). The 2024 Framework strengthens that approach stating sustainable transport modes should be prioritised taking account of the vision for the site, the type of development and its location, paragraph 115.
12. The Appellant's appeal transport statement of case (ATSoC) stated that approximately 10,000 residents live within 800m of the site, roughly a 10-minute walk. This would enable the store to draw trade from those who come on foot. However, the ATSoC did not go on to consider what measures could be implemented to encourage these potential customers to walk from the surrounding area. The first and only quantitative information about pedestrian flows in the area was set out in the Council's transport appeal statement. This showed that there are already many pedestrian movements at the Five Ways junction throughout the day. Observed pedestrian flows were approaching 2,000 on Saturday and in excess of 2,200 on Friday, with significant numbers seen during the morning and evening weekday peak periods and the Saturday peak shopping time.
13. The Council went on to estimate the number of pedestrians that are likely to be attracted to the store based on TRICS information from elsewhere. This suggested that pedestrian movements to and from the new store are likely to be in the range of between 400-650/day, or some 13-16.5% of the total people movements. Ultimately the modal share will be site-specific and dependent on the walking and cycling infrastructure that is provided in the surrounding area. Nevertheless, given the priority that the Framework places on use of sustainable modes, it seems to me that this should be viewed as a conservative estimate. Furthermore, during the Hearing the Appellant suggested that the proportion of customers who undertake 'basket' shopping trips could be as high as 30%. Therefore, specific measures, particularly to encourage more customers to walk, would have benefits for everyone. It would reduce traffic and parking demand, would be beneficial to public health by promoting active travel, and could possibly increase the store's turnover.
14. The Appellant had already agreed a series of modest improvements around the Five Ways junction with the highway authority, which are shown on drawing number 0837-4-112E. Table features and tactile paving would assist pedestrians crossing Church Road (north) and Mill Road. These would make crossing these streets marginally easier for those on foot but would not directly improve pedestrian access to the store. The most significant improvement would be provision of a new 2m footway on the eastern side of Church Road (south). By setting back the fence currently enclosing the electricity sub-station a continuous footway would be provided along the appeal site frontage for any pedestrians who wish to access the store from the south. However, the previous Inspector commented that this footway, which also formed part of the proposal before him, would only contribute to a slight improvement in safety.
15. The existing pedestrian refuge on Alexandra Road would be relocated further east. Concerns were raised about the visibility splays for pedestrians using this refuge in view of its proximity to the existing parking layby on the southern side of the road.

It is proposed that this would be considered further as part of the detailed design and, if found necessary, parking would be removed. However, the primary purpose of moving the pedestrian refuge would be to facilitate the provision of a right turn lane into the site access. It was not aimed at making it easier for pedestrians to cross the road. If anything, it would make it a little more difficult and possibly increase the distance involved for some routes to/from the store.

16. No improvement was proposed to the existing, rather narrow refuge on Church Road (south) which is already a well-used crossing and would be likely to attract the most additional pedestrians visiting the store. The layout only showed limited areas of tactile paving on Upper High Street. However, in the absence of a pedestrian refuge, which is visible and provides an opportunity to cross the road in two stages, it would not necessarily be easy for those on foot, especially if visually impaired, to identify an obvious place to cross safely.
17. There was therefore a robust discussion at the Hearing as to whether adequate provision was being made to encourage walking to the store, given the number of potential customers who live within a 10-minute walk, which in response to the Council's evidence, was increased from 10,000 to 11,300. As a consequence of the discussion the Appellant indicated a willingness to include consideration of a number of additional physical improvements and interventions, subject to agreeing details with the highway authority. These included: i) enlarging the pedestrian refuge on Church Road (south), ii) providing a central refuge on Upper High Street, iii) reducing the radii kerb line at the Upper High Street/Church Road (north) to reduce traffic speed and the crossing distance for pedestrians, iv) introducing advanced junction configuration signage, v) providing anti-skid surfacing, and vi) introducing Smiley Activation Messaging 'SAM' to encourage vehicles to slow down on the approach to the junction. The Appellant suggested that consideration of all these measures could be secured by means of a Grampian condition.
18. In my view this combination of improvements and features would make it easier for customers to cross the roads safely on the approaches to and from the store. They would also demonstrate a greater commitment to improving the environment and public realm for pedestrians in the vicinity of the Five Ways junction. This would make walking to the store a more realistic and attractive proposition, particularly for those purchasing a smaller number of items. It was acknowledged that customers would be reluctant to walk home when carrying bags of heavy shopping. There was therefore discussion about the potential for the inbound journey to be on foot and the possibility of a taxi for the homeward journey. The Appellant therefore agreed to consider an appropriate pick-up point within the car park for use by taxis as part of a car park management plan. This could also be secured by condition.
19. At present the draft Travel Plan submitted with the application only considers staff travel. Although staff would be given information about travel options prior to the store's opening, this alone may not be enough to encourage use of sustainable modes. Any information would need to be repeatedly updated and promoted to staff. However, rather than drawing on information about staff travel behaviour from other stores, the Plan would rely on surveying the travel modes 6 months after opening to set targets. I consider this to be too little too late. The example targets suggested were based on census information and focused on a small reduction in single occupancy car use over a five-year period. The Plan did not attempt to prioritise increasing the proportion of staff walking or cycling to work.

Whilst provision of lockers and secure cycle storage would be essential as part of any plan, an effective travel plan would need to be more ambitious in developing targets and set out more specific actions to deliver modal shift. As currently defined, the role of Travel Plan Co-ordinator would be a very small element of the roles of Area Manager and on-site Store Manager, who are likely to have more important priorities than changing staff travel behaviour.

20. In any event, a Travel Plan which only addresses staff travel would not comply with the guidance of the PPG (ID: 42-011-20140306) which advises that a Travel Plan should address all journeys by anyone who may need to visit the proposed development. Furthermore, the number of staff will be small compared to the number of customers, which are expected to be many hundreds, if not thousands, every day. This requires an effectively led Travel Plan with ambitious targets and a range of key measures and activities to achieve change. This will need a creative and innovative approach with more resources and commitment than is set out in the draft Travel Plan. This was accepted by the Appellant who offered to include ways of incentivising customers to choose sustainable modes of travel to access the store as part of an updated Travel Plan, to be agreed with the Council.
21. Subject to the above physical improvements and an enhanced Travel Plan, which could be secured by means of conditions, I conclude that suitable provision would be made for access to the store by a variety of modes of transport. The proposal would then comply with Policy CS16 of the Epsom and Ewell Core Strategy 2007 (CS). This policy seeks to shift the means of access to services to non-car modes, enhance the pedestrian environment, ensure that the needs of vehicular traffic do not predominate to the detriment of other modes, and improve links to existing footways so as to maximise their use. The proposal would then accord with the objectives of Policy DM10 of the Epsom and Ewell Development Management Policies 2015 (DMP) which seeks good design including layout and access arrangements that connect effectively with adjoining highway and pedestrian networks. It would also comply with the aims of the 2024 Framework set out above.

Highway and pedestrian safety

22. The Five Ways junction is not a typical crossroads as the two arms of Church Road are offset from one another; neither it is a fully staggered junction as the separation distance is very small. Manoeuvres across Alexandra Road/Upper High Street are, therefore, more awkward for drivers to navigate. The presence of Mill Road as a fifth arm adds further complexity to the arrangement even though it operates one-way northbound. The existing layout cannot be described as pedestrian friendly and is also complicated for those on foot to navigate easily and safely.
23. The SoCG relating to highway matters stated that between 2009-2014 there were 0.8 collisions per year near the junction. In the period 2016-2024 the collision rate was 1.07 collisions per year, although it is notable that there were no collisions between April 2020 and July 2021 which was the period most affected by the reduction in traffic due to the Covid pandemic restrictions. The figures suggest that there is an upward trend in collisions which is of concern. However, there was no agreement between the parties as to how to interpret this collision data.

24. The Appellant contended that all the collisions were random events and the result of human error rather than the layout of the junction. In their view, the cluster could be explained by the fact that the junction operates as a series of T-junctions in close proximity to each other. The Council contended that even though there was no obvious pattern to the cause of the accidents, more than half of them involved vulnerable road users, which was a matter of particular concern.
25. Local residents expressed strong views about the safety of the junction. They had witnessed other collisions which were not recorded by the police as they did not result in personal injury. However, their local experience suggested that the complexity of the junction and the multiplicity of movements that take place contributes to the collisions that occur. Drivers sense that it can be potentially dangerous. Some may exercise particular caution, but that will not be universally the case, others take additional risks. When they fail to see all that is going on around them, there is an increased risk of collisions occurring.
26. The volume of traffic which passes through the junction in the peak periods in January 2025 (weekday AM - 08.00-09.00 and PM 17.00-18.00, and Saturday 12.00-13.00) is set out in Tables 4a, 5a and 6a of the Appellant's rebuttal statement. The number of trips was similar in each of these peak periods, some 1133-1233 per hour. The highways SoCG provided detail of the turning movements observed in each of these peak periods. The proportion of traffic movements that involve either crossing Alexandra Road/Upper High Street or turning in or out of the two arms of Church Road is significant, between 56% and 63%. However, no one of those movements is dominant.
27. The volume of traffic means that gaps between vehicular movements are short which limits the time available for vehicles to make turning movements or cross the junction safely. Drivers have to be aware of what other vehicles from several different directions are doing before making their manoeuvre. The possibility of failing to see something important when doing so will increase the risk of collisions, especially given the volume of traffic passing through the junction. Adding pedestrians, cyclists and motorcyclists into that mix, who may be less easily seen, is likely to increase these risks.
28. At the end of the day, nearly all collisions are the result of human error. In this case the lack of an obvious pattern of collisions suggests that there are not significant problems with the layout which could easily be addressed by engineering interventions. Nevertheless, this is a busy junction which is perceived as far from easy to navigate and potentially dangerous. It is one where vulnerable road users face increased risks and the number of collisions which have occurred over recent years is a matter of concern.
29. The introduction of the store with its associated vehicular and pedestrian movements would undoubtedly increase the potential for conflict between vehicles and pedestrians. There would be a perception that the risk of collision and harm to vulnerable road users would increase. Additional measures to encourage drivers to slow down and take extra care would help to mitigate these increased risks. To encourage customers to walk to the store, routes need to be provided which connect them as conveniently and as directly as possible to the site. They need to be easy to use (without the fear of injury) and should therefore provide a reasonable sense of safety for anyone crossing the road, including those with young children, mobility problems and/or carrying shopping. The measures that

were discussed at the Hearing and are set out above would assist in achieving those objectives, thereby reducing the risk of unnecessary conflicts that lead to collisions and harm to vulnerable and other road users.

30. The proposed layout shown on drawing number 0837-4-112E, which includes the new access to the proposed store, has been the subject of a road safety audit. Consequently, the highway authority was satisfied that the proposal would not give rise to an unacceptable impact on highway safety. However, this assessment would have focussed on the geometric layout of the road. It did not (and could not) take full account of driver behaviour, or the increase in pedestrian movements to and from the store. Neither is it the purpose of a road safety audit to consider the wider aims of the Local Transport Plan to reduce congestion, nor that of the Core Strategy to reduce reliance on the private car.
31. However, the addition of the range of interventions discussed at the Hearing would improve pedestrian facilities and encourage a reduction in traffic speeds through the Five Ways junction. The Appellant indicated a willingness to seriously consider these additional measures in consultation with the highway authority. The detailed final design would include a Stage 2 Road Safety Audit which would ensure that the additional amendments and improvements would be appropriate to support the scheme.
32. This leads me to conclude that, subject to full consideration of these additional measures, the access and adjoining Five Ways junction would not cause unacceptable risks to highway or pedestrian safety. The proposal would accord with Policy CS16 of the CS and Policy DM10 of the DMP which require development to provide safe and convenient access for all users and incorporate enhancement to the public realm as an integral part of the design. It would not breach the test of paragraph 116 of the 2024 Framework which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Effect of additional traffic

33. The Appellant approached the assessment of traffic impacts of the current proposal by referring to the previous appeal which addressed the design and capacity of the proposed access and the effects on the Five Ways junction. Amendments to the highway network associated with that scheme were very similar to those submitted with the current proposal. The previous inspector concluded, following testing the evidence at an inquiry, that the design of the access arrangement was satisfactory having regard to the guidance of the Design Manual for Roads and Bridges (DMRB) and Manual for Streets 2 (MfS2). He also concluded that the use of PICADY for modelling the operation of the access the Five Ways junction was appropriate, and that the size of the car park was adequate. His conclusions reflected the views of the highway authority. The Appellant therefore understandably thought that highway matters were unlikely to be contentious with the current application.
34. However, as 10 years have passed since the data was collected for that assessment, it was appropriate to consider whether there have been significant changes. Since the Covid pandemic shopping habits have changed and following a significant reduction in traffic flows during lockdowns, these have been gradually returning to pre-2019 levels. Both main parties undertook collection of additional

traffic data: the Appellant in May 2022 and July 2024 and the Council in January 2025. The TA submitted with the current application assessed the scheme using the 2022 data.

35. There was significant disagreement between the parties about the baseline traffic information as the surveys showed considerable variation in the observed flows. However, in the highways SoCG the Appellant conceded that the 2022 flow data was erroneous. The highway authority also recognised that the most recent traffic counts were dramatically different from the 2022 results. In its comments it suggested that traffic conditions on other parts of the network, such as congestion within the town centre, can lead to very different flows through the Five Ways junction. However, although traffic flows in 2022 and 2024 were lower, those observed in 2025 appear to be very similar to those of 2015. It is therefore reasonable to conclude that base year traffic flows have not changed significantly.
36. The second point of contention related to the likely traffic movements that would be generated by the proposal and how this would affect firstly, the demand for car parking and secondly, the operation of the access and Five Ways junction. Inadequate capacity in the car park at peak times could result in the right turn lane into the development being too short, leading to backing up across the Five Ways junction.
37. The adopted maximum parking standard for a foodstore of more than 1000m² is 1 space per 14m². This would lead to a requirement for 111 spaces. However, for a suburban location it is deemed appropriate to reduce the requirement by 25%, and for an edge of centre site provision could be reduced by 50%. The location of the current proposal falls between the definitions of 'edge of centre' and 'suburban', suggesting the need to provide between 55-83 spaces. A total of 66 are proposed which lies in the middle of this range. This was considered adequate by the highway authority and is in line with that accepted by the Inspector at the previous appeal.
38. To estimate the peak period arrivals and departures from the proposed store the Appellant used the TRICS data base to identify trip rates from comparable sites outside London. By contrast the Council considered it would be more appropriate to use locally based data from Aldi in Ewell and the Lidl stores in Epsom and Chessington. These local stores have generated more traffic than was anticipated and consequently demand for parking exceeds capacity at peak times. This results in queuing and delays on the adjacent highway network. This understandably generates similar concerns in respect of the current proposal.
39. However, the Aldi store in Ewell, on a dual carriageway, has different characteristics from the appeal proposal. Its location on a main route makes it particularly attractive to passing traffic. It is further from other competing stores and has significantly fewer residents living within a 10-minute walk. This combination of factors is likely to increase the number of customers coming to the Ewell store by car whilst reducing its potential to attract customers on foot. It is therefore not directly comparable with the current proposal. The Lidl store in Chessington was originally opened in 2011 with 52 spaces to serve customers. This proved inadequate and caused problems on the surrounding highway network. However, it was extended in 2021 and the size of its car park increased to 76. There was no substantive evidence to suggest that this is not sufficient to meet current demand.

40. The Lidl store in Epsom is closer to the town centre and as the only discount foodstore in the area, it is believed to be overtrading. Its car park is close to capacity at peak periods. However, this intensity of operation would be unlikely to continue if the store was competing with an Aldi store close by. The current trip rate and demand for parking would therefore be likely to fall. This suggests that the parking provision for Lidl is satisfactory and that for the proposed store would be adequate.
41. The use of TRICS data to assess trip rates and parking demand provides more independent comparators. The Appellant undertook additional work to understand the difference between those comparator stores and the appeal site in respect of parking demand. Whilst I appreciate the Council's concerns, I am inclined to accept the Appellant's assessment of the traffic generation estimates and parking demand at the proposed store. This is consistent with the conclusions of the previous Inspector.
42. Nevertheless, I acknowledge that there is a risk that the number of car trips may have been under-estimated, as it was in respect of both the local comparator stores. However, as discussed at the Hearing, the appeal site is in a location where there are good opportunities to encourage more customers to choose to walk to the store given the significant number of people that live within a 10-minute walk. This adds importance to the objective of promoting modal shift of customers and staff, rather than accepting that peak hour traffic movements in and out of the store would lead to excess demand for parking on the site, resulting in queues and delays on the surrounding highway network.
43. The third area of contention between the main parties related to the use of PICADY as an appropriate tool for assessing how the junction and access would operate. This matter had been discussed at the previous inquiry as it is recognised that PICADY, which is primarily a tool for assessing the performance of T junctions is not ideal for modelling the Five Ways junction and its proximity to the access to the store.
44. Within PICADY the Five Ways junction was modelled as a four-way crossroads. The Appellant ran the model using traffic flows input directly from those observed throughout the survey periods in July 2024 and January 2025. Comparison of recorded and modelled queues showed that no model calibration was required. Traffic growth to 2030 was input to provide baseline figures without the foodstore. The model was then run assuming all journeys to the store were new primary trips. A sensitivity test was run using Saturday data for the Epsom Lidl store. The results showed that the Five Ways junction and the site access would operate within capacity. Whilst there is a risk of queues in the right turn lane at particularly busy times, this would only occur if customers did not proceed around the car park in search of a space. As there is no substantive evidence to show that the car park would be inadequate, the risk of this occurring would appear to be small, even at peak times.
45. In responding to the Council's criticisms of the traffic assessment, the highway authority acknowledged that PICADY has limitations in terms of predicting queuing at complex junctions since it relies primarily on the geometric layout of the highway. It cannot take account of factors such as congestion and driver behaviour. When these need to be considered a microsimulation model may be appropriate. However, whilst this may be applied to larger developments, the

highway authority considered that would be unreasonable to request use of a more complex assessment tool in this case, as the PICADY modelling did not suggest the surrounding highway network would be operating anywhere near capacity. In these circumstances, there are no reasons for me to take a different view.

46. Drawing the threads of this main issue together, I am satisfied that current traffic flows are not materially different from those observed in 2015. The traffic generation estimates based on TRICS comparator stores are a reasonable basis for estimating car trips to and from the store in peak periods. Based on those trip generation figures the car park should provide sufficient capacity on the majority of occasions. The risk of excess demand affecting the operation of the Five Ways junction is therefore small, although there may be exceptional times of the year (e.g. Christmas) where some delays are likely to be inevitable. However, that would not be a justification for requiring additional car parking when the priority should be to promote increased numbers of visits to the store on foot. Although PICADY is not a perfect means of modelling the Five Ways junction, there was no evidence from the testing that was carried out, and accepted by the highway authority, to suggest that it would be operating over capacity in the average peak period.
47. This leads me to conclude that the Council's concerns about the capacity of the highway network to accommodate the additional traffic to the proposed foodstore have not been substantiated. Whilst there may be occasions when some congestion and queuing occur, there was no evidence to suggest that with the highway layout proposed, there would be regular or prolonged problems associated with the operation of the access to the store or the Five Ways junction.
48. Consequently, the residual cumulative impact of the proposal on the operation of the highway network would not be severe. In this respect the proposal would comply with Policy CS16 of the CS which requires development not to adversely affect the free flow of traffic using the highway. It would also accord with paragraph 116 of the 2024 Framework which states the development should only be refused on highway grounds if the residual cumulative impacts on the road network, following mitigation, would be severe, taking account of all reasonable future scenarios.

Other Matters

Heritage

49. The appeal site abuts the Pikes Hill Conservation Area (PHCA) which occupies an area to the south of Alexandra Road and Upper High Street. I therefore have a statutory duty to consider the effects of the proposal on the setting of this designated heritage asset. The cottage hospital to the east and Jewsons to the north provide different community and commercial elements to the setting of the PHCA. The PHCA derives its significance from a somewhat random street pattern that developed from an early network of bridleways and byways. This has intrinsic historic interest and gives most of the area a sense of tranquillity. The area is primarily an enclave of modest two storey dwellings characterised by predominantly late 19th century, residential development built following the arrival of the railway. The area also includes good examples of early 20th century terraced development giving the area a suburban character typical of that period. The

housing from both the 19th and 20th centuries therefore makes a positive contribution to the significance of the conservation area.

50. The appeal site, which was previously occupied by a dairy, is a finger of land which separates the dwellings on Wyeth's Road from those on Church Road and Pikes Hill. Consequently, it shares two boundaries with the conservation area. In this context, the site does not contribute to the significance of the PHCA, but its location makes it sensitive to development of a commercial nature in close proximity to the established adjacent residential uses.
51. The introduction of a large retail building, an expanse of hard surfacing for car parking, together with the comings and goings associated with shopping activities on the site would be conspicuous both visually and aurally. To this extent it would affect the way in which the PHCA is experienced as a tightly developed suburban area. However, in common with the previous commercial use, the development would be a transition site between the densely developed grain of the PHCA and the mixed residential, commercial and community uses that characterise Alexandra Road.
52. The building would be sited close to Alexandra Road rather than aligning with the Cottage Hospital. However, other properties along this road have short frontages, and it would therefore not appear incongruous. There would be a generous gap between the tallest elements of the building and the PHCA which would provide a transitional space between the adjacent different character areas. The building's ridge line would be significantly lower than that of the Cottage Hospital. Although its continuous height would not reflect the gradient of Alexandra Road, it would not harm the mixed character of the surrounding townscape. The gable, sawtooth roof form would give the impression of a row of terraced houses. This together with architectural detailing would help to break up an otherwise bland linear elevation.
53. Taking all the above into consideration the proposal would be a large commercial building with associated comings and goings within the setting of the adjacent PHCA. In my view this would cause limited harm to its significance as a late 19th/early 20th century suburban area. Although in terms of the 2024 Framework this harm would be less than substantial, it is a matter of considerable importance and weight. It is therefore necessary for me to weigh this harm against the public benefits of the proposal, as required by paragraph 215 of the 2024 Framework.
54. The Council's own evidence base identified a need for additional convenience food floorspace. The proposal would contribute to this need and is therefore a public benefit of moderate weight. The store is expected to generate 50 permanent jobs associated with its operation, although some of these might be the result of losses elsewhere in the retail sector. There would be short-term economic benefits and jobs associated with the construction period. These contributions to the local economy are public benefits of modest weight. The store's location is a sustainable one, where there would be good opportunities to encourage customers to walk to the store; this would benefit shoppers who do not have access to a car and reduce reliance on the car for others. I consider these would also be public benefits of moderate weight. However, benefits associated with additional expenditure in the local economy were unproven, and non-mandatory provision of biodiversity gains off-site secured by condition carry only limited weight.

55. Finally, and importantly, the scheme would make use of previously developed land, which paragraph 125 c) of the 2024 Framework states should be given substantial weight in decision making. It indicates that proposals on such sites should be approved unless substantial harm would be caused. I am therefore satisfied that these collective public benefits outweigh the less than substantial harm I have identified to the setting of the PHCA.

Housing, living conditions, biodiversity

56. Local residents objected to the scheme as it would make no contribution towards meeting local housing need. This was understandable, as the previous scheme had included an element of housing provision. However, the site has a lawful commercial use and whilst the lack of any residential element may be regrettable, it is not a justification for rejecting a proposal which is otherwise acceptable.
57. Concerns have been raised about the effect of the store's operation on the living conditions of adjoining occupiers, especially those in Wyeth's Road. The Council was satisfied that conditions would address these matters and recommending restricting the store's trading hours, securing the use of appropriate fixed plant to reduce noise disturbance and agreeing a lighting scheme and its hours of use. I am satisfied that subject to such conditions, the proposal would not cause undue harm to the living conditions of these neighbours. Issues relating to the need to protect badgers, trees and biodiversity can also be addressed by the imposition of conditions.
58. Disruption during the construction period, although unavoidable, is not a justification for rejecting an otherwise acceptable scheme. However, this can be mitigated through the imposition of appropriate conditions, which have been agreed by the parties in this case.

Conditions

59. A comprehensive list of conditions which had previously been agreed by the parties was provided with the planning SoCG. A finalised list incorporating various additions and amendments was provided in accordance with the timescale agreed at the Hearing. I have considered all of these in the light of the tests set out in paragraph 57 of the 2024 Framework and the advice of the PPG.
60. The Framework advises that conditions should be kept to a minimum. However, this development requires conditions to deal with a range of matters including those associated with the redevelopment of previously developed land, drainage, protected species, as well as those needed to address access arrangements for pedestrians, vehicles and deliveries and the amenity of neighbours. A number of the conditions are required to minimise harm and disturbance during the construction period; others relate to the way in which the store will operate once open for trading. For the sake of clarity, they have therefore been set out under appropriate headings in the attached schedule. All the conditions were discussed at the Hearing, and I am satisfied that there is justification for those which must be discharged before development can commence. The Appellant has formally agreed to their imposition and the wording of those conditions.
61. In addition to the standard time limit, a condition specifying the plans is necessary in the interest of certainty [condition 2]. It was agreed at the Hearing that it would be appropriate to impose an additional Grampian condition requiring submission of

proposals to improve provision of pedestrian facilities to encourage trips to the store on foot and in the interests of highway safety, the final details of which would be subject to the agreement of the highway authority [condition 5]. These would be in addition to those already agreed and shown on drawing number 0837-4-112E which must be completed prior to the store opening for trading [condition 20].

62. Materials are to be agreed prior to commencement in the interests of the appearance of the development [condition 3]. A pre-commencement condition for a construction transport management plan (CTMP), is justified in the interests of highway safety and to protect living conditions of neighbours during the construction period [Condition 4]. Pre-commencement conditions are justified to agree a strategy to deal with risks associated with contamination of controlled waters, agree an appropriate programme of archaeological works, develop a scheme to manage surface water drainage, carry out a badger survey and agree a plan to deliver Biodiversity Net Gain [Conditions 6, 7, 8, 9 and 10]. These will protect controlled waters and public health, ensure that any archaeological and historical interest in the site is safeguarded and recorded, reduce flood risk, protect badgers and secure biodiversity improvements. To avoid harm to trees it is necessary to agree measures to protect those which are to be retained before work begins on site [Condition 11].
63. A series of conditions require agreement to matters which must be delivered and/or put in place before the store opens for trading. These are needed to ensure delivery of appropriate facilities on the site and works within the adjacent highway network. These include the provision of a new access, closure of the existing access, provision of a new footway on Church Road (south), pedestrian visibility splays at the vehicular access to the site, provision of the parking and turning areas, facilities for secure, covered cycle parking and electric vehicle charging points [13, 14,15,16, 17, 18 and 20]. These are justified in the interests of highway and pedestrian safety and to promote sustainable travel choices. Conditions are essential to manage and monitor the store's operations and will be addressed through plans setting out servicing and deliveries arrangements, car park management and monitoring, and a Travel Plan for staff and customers [conditions 12, 19 and 21]. These are justified in the interests of highway and pedestrian safety, the promotion of sustainable transport and the amenity of adjacent occupiers.
64. Reports demonstrating compliance with the remediation strategy in respect of contamination and the approved drainage system are required to protect controlled water, human health and reduce flood risk [conditions 22 and 23]. Site investigation and remediation schemes to address risk from ground and ground gas contamination must be completed before the store opens to protect people, buildings, controlled waters and ecosystems [conditions 24 and 25].
65. A condition requiring implementation of the landscaping scheme is justified in the interests of the appearance of the development, as is one to secure a management plan to ensure the landscaping is retained for a minimum of 10 years [conditions 26 and 27]. The provision of an acoustic fence before trading commences, and its retention and maintenance throughout the lifetime of the development, is justified to protect the adjoining occupiers from unacceptable noise disturbance [condition 28].

66. A series of conditions are required to address issues which arise during the construction period. Restricting hours of work is necessary to minimise disruption and disturbance to neighbouring occupiers [condition 29]. Conditions are required to address unexpected controlled water or ground contamination to prevent pollution [conditions 30 and 31]. Restrictions on drainage infiltration and piling during construction are also justified to prevent unacceptable risk to groundwater [condition 32 and 33].
67. Conditions to ensure that excavations within the root protection area of trees are undertaken by hand and that construction works are carried out in accordance with the Tree Protection Plan are needed to secure the long-term health of the trees [conditions 34 and 35]. To protect the environment and biodiversity during the construction period conditions are necessary to ensure compliance with the recommendations of the Preliminary Ecology Appraisal and the Construction Environmental and Logistics Management Plan [conditions 36 and 37].
68. Agreement to a lighting scheme and the details of any fixed plant and machinery, including any mitigation measures and operational arrangements, must be secured before the store opens for trading to protect local residents from unacceptable light pollution and noise disturbance [conditions 38 and 39].
69. On going compliance with the sustainable design measures set out in the Renewable and Low Carbon Energy Statement and Sustainability Statement is required to mitigate and adapt to climate change [condition 40].
70. Conditions restricting the store's opening hours, delivery hours and use of external lighting are necessary to protect the living conditions of neighbours [conditions 41, 42 and 43].

Planning obligation

71. The executed Unilateral Undertaking provides a fee to enable the Travel Plan to be monitored. This will ensure that the targets and measures are agreed and if necessary, the plan is adjusted to ensure that the desired outcomes are delivered.

Conclusion

72. I have found that the proposal would accord with the development plan. It would also align with the objectives of the 2024 Framework. There are no material considerations which indicate that the decision should be other than in accordance with the development plan.
73. For this reason, I conclude that the appeal should be allowed.

S M Holden

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Tucker KC of Kings Chambers instructed by Alastair Close

Alastair Close MRTPI	Director - Planning Potential
Katia Clarke MRTPI	Associate – Planning Potential
Nicholas Bradshaw MCIHT CMLIT	Director – Connect Consultants
Samual Jackson MCIHT	Principal Transport Planner – Connect Consultants
Tanya McLeod ARB RIAS RIBA	Associate – The Harris Partnership
Jonathan Edis BA MA PhD MCIfA IHBC	Director – HCUK Group

FOR THE LOCAL PLANNING AUTHORITY:

Fiona Jones BSc (Hons) BTP MRTPI	Cameron Jones Planning
Paul Willis BSc MCIHT	Transport Director – YES Engineering
Kathryn Backhouse BTEC HNC MSc CMILT MCIHT	YES Engineering
Gemma Paterson MSc MRTPI	Principal Planner

INTERESTED PARTIES:

Julie Morris	Ward Councillor
Nigel Collin	Chair College Ward Residents Association
Gareth Wakeham	Representing local residents
Deborah Sparham	Local resident
Michael Paling	Local resident
Sandra Sheal	Local resident
Anthony Thompson	Local resident
Leah Krukowski	Local resident
Andrew Ballard	Local resident

Schedule of Conditions

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 100A – Location Plan
 - 101A – Existing Block Plan
 - 102A – Existing Site Layout
 - 103A – Existing Sections
 - 111E – Proposed Block Plan
 - 112E – Proposed Site Layout (referred to elsewhere as 0837-4-112E)
 - 113B – Proposed Ground Floor Plan
 - 114 – Proposed First Floor Plan
 - 115 – Proposed Roof Plan
 - 116B – Proposed Elevations 1 of 2
 - 117C – Proposed Elevations 2 of 2
 - 118C – Proposed Street Scene & Sections
 - L01D – Landscape Plan
 - 66-0001 D2 P01 – Tree Pit Detail – Soft
 - 66-0002 D2 P02 – Tree Pit Detail – Trench

Pre-commencement conditions

- 3 No development shall commence unless and until details of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4 No development shall commence unless and until a Construction Transport Management Plan (CTMP), has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:
 - a. parking for vehicles of site personnel, operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials
 - d. provision of boundary hoarding behind any visibility zones
 - e. measures to prevent the deposit of materials on the highway
 - f. before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - g. Details to outline that no HGV movements to or from the site shall take place between the hours of 7.30 and 9.30 am and 3.00 and 5.00 pm, nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in (Alexandra Road or Church Street) during these times
 - h. on-site turning for construction vehicles (or measures for traffic management)
 - i. Routing of delivery movements to and from the site
 - j. Details of proposed access / egress during the construction phase to provide safe access / egress during this phase. The details shall also set out a timetable for construction of the new access and how this will be incorporated for use during construction.

The approved details shall be implemented during the construction of the development.

- 5 No development shall commence until a scheme shall be submitted and approved in writing by the Local Planning Authority for a scheme of improved pedestrian safety at Five Ways Junction in consultation with the County Highway Authority, which shall include consideration of the following:

- a. Improvement of the existing pedestrian refuge island on Church Road South;
- b. Provision of a pedestrian refuge island on Upper High Street;
- c. Reducing the radius on the West side of Church Road North;
- d. Smiley Activation Message ('SAM') signs
- e. The provision of anti-skid surfacing;
- f. Advanced signage showing the junction configuration;
- g. Any allowances as may be required for removal of parking on Alexandra Road.

The Scheme hereby approved shall be implemented in full prior to the first occupation of the store.

- 6 No development shall commence until a strategy to deal with the potential risks associated with any contamination of the site to controlled water has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- i) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks to controlled water arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved details shall be implemented during the construction of the development. Any changes to these components require the written consent of the local planning authority.

- 7 No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

- 8 No development shall commence unless and until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 (+20% allowance for climate change) & 1 in 100 (+25% allowance for climate change) storm events during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off.
 - c) 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.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal to the groundwater level based on ground water monitoring from December to March, and confirmation of half-drain times.
 - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The approved details shall be implemented during the construction of the development and prior to the first opening for trading.

- 9 No development shall commence onsite until badger monitoring surveys are carried to determine site usage and ensure that no setts have been excavated.
- 10 No development shall commence until a Biodiversity Net Gain Plan has been submitted to and approved by the planning authority. This shall demonstrate how the measures set out in the March 2023 Biodiversity Net Gain Report submitted with the application have been met.
- 11 No development shall commence until details of the no dig specification surfacing to be installed within the Root Protection Areas of T4, T5 and T7 shall be submitted to and approved in writing by the Local Planning Authority. The no dig surfacing shall be carried out in accordance with the approved details prior to first opening for trading.

Pre-Operation Conditions

- 12 The development hereby approved shall not be first opened for trading unless and until 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 and during other times that no more than 1 delivery vehicle on site at a time
 - f) Turn off refrigeration units / reversing alarms (deliveries would be under supervision of a pedestrian marshal)
 - g) No external transfer of goods (i.e. all deliveries unloaded directly from vehicle to store)
 - h) All staff and drivers advised of management plan
 - i) Complaints and review mechanism
- 13 The development hereby approved shall not be first opened for trading unless and until the proposed vehicular access to Alexandra Road has been constructed as a bell-mouth and provided with dropped kerbs, tactile paving and double yellow lines on each side of the access, in general accordance with the approved plans, subject to possible alterations required as part of a Road Safety Audit and technically agreed by the County Highway Authority.
- 14 The development hereby approved shall not be first opened for trading unless and until existing accesses from the site to Alexandra Road have been permanently closed and any kerbs, verge, footway, fully reinstated.
- 15 The development hereby approved shall not be first opened for trading unless and until the proposed 2m footway along Church Street has been provided in general accordance with the approved plans, subject to possible alterations required as part of a Road Safety Audit and technically agreed by the County Highway Authority.
- 16 The development hereby approved shall not be first opened for trading unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the proposed vehicle access to Alexandra Road, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 17 The development hereby approved shall not be first opened for trading 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.
- 18 The development hereby approved shall not be first opened for trading unless and until space has been laid out within the site in accordance with the approved plans for cycles to be parked in a secure, covered and lit location. This shall also include provision for electric cycle charging and larger cycles. Thereafter, the facilities shall be retained and maintained for their designated purposes.
- 19 The development hereby approved shall not be first opened for trading until a Car Park Management Plan (CPMP) has been submitted to and approved in writing by the Local Planning Authority. The CPMP shall include:

- a) Details of monitoring and reporting of occupancy of parking spaces;
- b) Details of appropriate taxi pick up and drop off locations, together with appropriate signage;
- c) Details of parking controls and limits on the duration of stay;
- d) Procedures for reviewing the CPMP at appropriate intervals including a post-opening review, and gaining approval for any amendment from the Local Planning Authority;
- e) Provision for at least 6 of the available parking spaces to be provided with a rapid charge socket (current minimum requirement: 22kw Mode 4 (DC) Multi-standard charge point - 400 v AC 100 amp triple phase dedicated supply), 2 of the available 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) and all remaining spaces to be provided with power supply to provide additional charging sockets in the future, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The parking area shall be provided before the commencement of operation of the store and retained for that use and used only in accordance with the agreed CPMP in perpetuity.

- 20 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:

- (i) Relocation of the pedestrian refuge and uncontrolled crossing with tactile paving on Alexandra Road;
- (ii) Provision of a raised table, uncontrolled crossing and tactile paving at the Mill Road and Church Road (north) junctions;
- (iii) 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.

- 21 The development hereby approved shall not be first opened for trading unless and until a Travel Plan (staff and customers) is submitted and approved in writing by the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Aldi Stores Ltd Travel Plan' document dated March 2023. It shall include consideration of such measures that may be appropriate to promote travel to the store on foot by customers. The approved Travel Plan shall be implemented on the first opening for trading on the site and thereafter maintained and developed in consultation with the Local Planning Authority.

The approved Travel Plan shall also include a monitoring plan for the proposed Electric Vehicle Charging Points, in general accordance with TN081 EV Charging and Monitoring Management Plan dated 15th January 2024.

- 22 The development hereby approved shall not be first opened for trading unless and until a verification report demonstrating the completion of works set out in the approved remediation strategy prepared under condition 6 and the effectiveness of the remediation is submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance

with the approved verification plan to demonstrate that the site remediation criteria have been met.

- 23 The development hereby approved shall not be first opened for trading unless and until a verification report carried out by a qualified drainage engineer has been submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme prepared under condition 8 (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 have been rectified.
- 24 The development hereby approved shall not be first opened for trading unless and until the following is undertaken in accordance with current best practice guidance:
- a. A desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the local planning authority; and
 - b. If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.
- 25 The development hereby approved shall not be first opened for trading unless and until the approved remediation scheme prepared under Condition 24 has been carried out in accordance with its terms. Two weeks' notice of the start of remedial works shall be provided to the Local Planning Authority and the Contaminated Land Officer. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority prior to the commencement of trading.
- 26 The development hereby approved shall not be opened for trading until a landscape management plan covering a period of no less than 10 years, including long term design objectives, management responsibilities, maintenance and inspection schedules for all landscape areas and boundary treatments has been submitted to and approved in writing by the local planning authority. Any trees or plants which, within a period of ten years after planting, are removed, die or in the opinion of the Local Planning Authority become seriously damaged or diseased, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.
- 27 All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development, whichever is the sooner.
- 28 The development hereby approved shall not be first opened for trading unless and until the proposed 1.8 metre high close boarded acoustic fence shown on plan 0837-4-112 E has been installed to the eastern and southern boundaries of the site. Once installed, the fence shall be retained and maintained for the lifetime of the development.

During development conditions

- 29 Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than

between the hours of 07:30 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

- 30 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out in accordance with the approved details, where required, prior to the first trading.
- 31 If, during development, contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation, a scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the first trading.
- 32 No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first trading.
- 33 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with any such approved details prior to the first trading.
- 34 Any excavation within the root protection area of trees to be retained on site shall be undertaken by hand as indicated within the Arboricultural impact appraisal and method statement, prepared by Barrell Tree Consultancy, reference 23005-AIS and dated 16 March 2023.
- 35 The development hereby approved shall be carried out in strict accordance with the Tree Protection Plan, prepared by Barrell Tree Consultancy, reference 23005-1.
- 36 The development hereby approved shall be carried out in strict accordance with the conclusions and recommendations of the Preliminary Ecology Appraisal, prepared by The Ecology Solutions and dated March 2023 prior to the trading.
- 37 The construction phase of the development hereby approved shall carried out in strict accordance with the Construction Environmental and Logistics Management Plan (CELMP), prepared by Camford Construction Management Limited, Issue 01 and dated March 2023.
- 38 Prior to installation of any lighting on the site, full lighting details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include measures to ensure the external lighting facing onto and within the car park and delivery bay would not result in unacceptable loss of amenity by way of glare and/or light spill to neighbouring properties. The lighting shall be carried out in accordance with the approved details prior to first trading and retained thereafter as approved.

Operational conditions

- 39 No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve compliance with this condition, are submitted to and approved in writing by the Local Planning Authority.

The rating level of the sound emitted from the site shall not exceed 40 dBA between 0700 and 2300 hours and 35 dBA at all other times. The sound levels shall be determined by measurement or calculation at the premises closest to the proposed plant enclosure on Wyeth's Road and shall follow the methodology contained within BS 4142:2014.

Thereafter, the operation of the development shall be in accordance with the approved details, including any mitigation, for the life of the development.

Within 4 months of the first use of the development hereby permitted, details confirming compliance with the above requirements over a period of 7 consecutive days, shall be submitted to the local planning authority for approval. Where additional measures are required to ensure compliance with the above measures, these details are to be provided as part of the submission.

- 40 The development shall be carried out in strict accordance with the sustainable design measures contained in the Renewable and Low Carbon Energy Statement and a Sustainability Statement, both prepared by Sol Environment, reference SOL_23_S017_AL-SH and dated March 2023 prior to the first trading and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.
- 41 The retail use hereby permitted shall not be open to the public other than between the hours of 08.00-22.00 hours Mondays to Saturdays and for any six hours between 10.00-17.00 hours on Sundays.
- 42 Unless expressly modified by Condition 8 of this permission, no store deliveries shall be taken at or dispatched from the site except between the hours of:
- (i) 06.00 - 08:00 Monday to Friday
 - (ii) 09:00 – 16:30 Monday to Friday
 - (iii) 18:00 – 22:00 Monday to Friday
 - (iv) 06:00 – 22:00 Saturday
 - (v) 09.00-17.00 on Sundays and Bank Holidays.
- 43 Unless expressly modified by Condition 38 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.

End of Schedule of Conditions