

Planning Committee

10th November 2021



Application No.	20/00780/FUL
Site Address	Hitchcock And King Retail Warehouse, Stanwell Road, Ashford TW15 3DX
Applicant	Lidl Great Britain
Proposal	Sub-division of existing retail warehouse, and change of use to create two Class E 'commercial' units, with reconfiguration of the site car park, elevational changes, installation of plant equipment, and other ancillary works
Case Officer	Matthew Clapham
Ward	Ashford Town
Called-in	N/A

Application Dates	Valid: 13.07.2020	Expiry: 12.10.2020	Target: Extension of time agreed 12/11/2021
Executive Summary	<p>The application site is just over 1 hectare in size and is rectangular in shape. It comprises a vacant retail warehouse building and its surrounding car park. The site was most recently occupied by Hitchcock & King, a builders' merchant, that also provided a garden centre on site. The site is bordered to the west by Stanwell Road and by an area of protected public open space to the north, under the long-term leasehold ownership of Spelthorne Borough Council. The southern border of the site is demarcated by Ashford railway station and its railway line.</p> <p>This planning application proposes the change of use of the existing site to a part A1 retail unit (now Class E) operated by Lidl and an A1/D2 (now E,) Unit for an operator as yet unknown together with reconfigured car parking, alterations to the external appearance of the building, installation of plant equipment and additional works on the existing Hitchcock and King trade warehouse site.</p> <p>The principle of an A1 retail use (now E) on the site would be consistent with national and local planning policies.</p> <p>The parking level proposed is satisfactory for this type of development in this location and it is considered that notwithstanding the concerns raised by the County Highway Authority, any highway concerns may be overcome subject to additional improvements required by conditions.</p>		

	The proposed use would not have any adverse impacts upon the character and appearance of the area, nor the residential amenity of adjoining properties.
Recommended Decision	Approve the application subject to conditions as set out at Paragraph 8 of the Report.

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- SP1 (Location of Development)
- SP4 (Town Centres and Retail development)
- TC3 (Development in Ashford Centre)
- TC5 (Proposals for retail development)
- EN1 (Design of New Development)
- EN11 (Development and Noise)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)
- National Planning Policy Framework (2021)

2. Relevant Planning History

2.1 The site has the following planning history:

14/00804/FUL	Extension to existing commercial building	Granted 25.06.2014
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3. Description of Current Proposal

- 3.1 The application site is just over 1 ha. in size and is rectangular in shape. It comprises a vacant retail warehouse building and its surrounding car park. The site was most recently occupied by Hitchcock & King, a builders' merchant, that also provided a garden centre on site. Hitchcock & King continue to trade from a smaller warehouse building, which is located on the adjoining land, to the east of the application site and outside of the planning unit subject to this application.
- 3.2 The site is bordered to the west by Stanwell Road and by an area of protected public open space to the north, under the long term (999 year) ownership of Spelthorne Borough Council. The southern border of the site is demarcated by Ashford railway station and its railway line.
- 3.3 Vehicular access to the site is taken from Stanwell Road, via a ramped entrance, due to a change in levels across the site. The car park is currently laid out to provide 143 spaces, although much of the car park was previously

used as external storage space for goods as part of the previous builders' merchant use. The car park also provides vehicular access to the neighbouring site to the east where Hitchcock & King have re-located.

- 3.4 There are existing trees along the northern edge of the site, but as an existing developed commercial site, there is little soft landscaping on the site at present, which is predominantly concrete and hardstanding.
- 3.5 The site lies in close proximity to Ashford town centre, which lies directly to the south of the railway line and Ashford Railway Station. The town centre provides a range of small-scale shops and services, including a Sainsbury's Local store, a Tesco Express, and a range of independent shops, cafes and takeaways. The nearest large supermarket is the out-of-centre Tesco Extra store, which lies around 1km to the north of the site.
- 3.7 The area surrounding the site is in mixed-use, with the railway line and Ashford town centre to its south and with residential buildings to the located to the north and west, together with new residential developments to the south beyond the railway line.
- 3.8 It is proposed to reconfigure the existing retail warehouse building on the site to form two separate units. The largest of the two retail units will operate as a Lidl foodstore and will measure 2,152 sq.m (GIA). It will provide a sales area of 1,237 sq.m, which will include an instore bakery. The smaller retail / leisure unit will measure 800 sq.m (GIA) and its occupier is unknown at this stage. The existing retail warehouse provides some floorspace at first floor level, but this will be removed as part of the proposals to create single- storey units. The exterior would be refurbished including new enlarged glazing to reflect the retail use, new cladding and painted walls.

4. Consultations

- 4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
Esso Pipelines	No objections.
County Highway Authority	Raised Objections (These are considered in section 7 below).
Environmental Health - Contamination	Requested conditions
Environmental Health - Noise	Requested conditions
Thames Water	No objections
Environmental Health - Light	Requested conditions
Network Rail	No objections
Highways England (now National Highways)	No objections
Tree Officer	No objections

5. Public Consultation

- 5.1 A total of 71 properties were originally notified of the application. Statutory site notices were displayed and the application was advertised in the local press.
- 5.2 To date, 11 letters have been received from third parties. Of these 2 were objections, 4 were totally in support and 4 raised no objection in principle but requested certain matters be addressed.¹ further letter requested confirmation of who the retailer was to be.
- 5.3 The letters of support expressed a wish for a new supermarket in this location, while the objections and items to be addressed related to the following issues:
- Traffic generation
 - Highway safety
 - Loss of light, privacy and noise
 - Disabled Access
 - Esso Pipeline
 - Covid
 - Request for additional planting

6. Planning Issues

- Principle of development
- Highways issues and parking
- Design and character and appearance
- Impact on adjoining properties

7. Planning Considerations

Principle

- 7.1 The National Planning Policy Framework (2021) (NPPF) supports the building of a strong, competitive economy and ensuring the vitality of town centres. Paragraph 86e) states that Local Authorities should:

'where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre'.

Paragraph 87 also states that:

Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Furthermore, paragraph 88 of the NPPF states that:

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

Planning Practice Guidance (PPG) note 'Town centres and retail' (September 2020) reaffirms that:

It may not be possible to accommodate all forecast needs for main town centre uses in a town centre: there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the identified need for these main town centre uses, having regard to the sequential and impact tests. This should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise

Policy TC3 seeks to protect the vitality and viability of the Ashford town centre. Policy TC5 states that the Council will:

'expect new retail development serving the Spelthorne area to be located in ..the centres of Ashford, if it is of a scale and character appropriate to those areas.

- 7.2 This proposal is located on a site in an existing commercial use, including part retail use, and is for the conversion of the unit, not new build. It is located on the very periphery of the town centre, with the boundary being on the other side of the Ashford Railway Station, Station Approach. There are a number of smaller existing retail uses within the shopping area, including both independent stores and national companies, including Tesco, Sainsburys and Co-Op. There is also a larger Tesco store at the Junction of the A30 adjoining Ashford Hospital.
- 7.3 The applicant has submitted a detailed Sequential Statement and Retail Impact Assessment to support the application. It concludes that no sites within Ashford District Centre were identified as being suitable, available and viable for Lidl (and / or an additional retailer or leisure operator), even allowing for flexibility with regards to the scale and format of the stores. The former Brooklands College site has a unit available which is 619sqm which is below the floor area required by the applicants for this store. Therefore *'The proposed development, which will be situated in a good edge-of-centre location, on an accessible site, is therefore considered to satisfy the requirements of the sequential test, as set out in the NPPF'*
- 7.4 It is considered that due to the proximity of the proposed retail unit and the existing town centre, it is considered it would not be detrimental to the vitality and viability of the shopping area and could in fact encourage additional visits to the town centre. The existing retail units are small and this larger 'budget' store provides an additional type of retail outlet and choice to residents located within Ashford and its environs.
- 7.5 The town centre, following new developments such as that at the former Brooklands College site has resulted in an increase in residents within the

town centre and is likely to have led to increasing demand for retail facilities. There are no large retail sites in the town centre that could facilitate such a size of a food store proposed by Lidl in this application.

- 7.6 As such, in line with the guidance contained in the NPPF and the PPG, it is considered that there is justification to allow a retail use on this already partial retail and overall commercial use on the edge of the town centre and the proposal could make a positive contribution to the vitality of the Ashford town centre.

Highway Safety, Parking and Accessibility

- 7.7 The application was accompanied by a Travel Plan, a Transport Assessment and subsequently an upgraded Road Safety Audit.

The County Highway Authority (CHA) have raised the following objections:

1) It has not been demonstrated that the proposed car parking provision, with respect to its quantum and layout, would safely accommodate the likely demand and enable vehicles to safely enter the site without delay. As a result, vehicles could park or queue on Stanwell Road, a busy distributor road with limited forward visibility, prejudicial to highway safety and contrary to the National Planning Policy Framework 2019 and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

2) The proposed development would lead to a significant change in vehicle movements to and from the site over the existing access where this access cannot safely accommodate these movements due to its geometry and achievable visibility splays. This would compromise the safety of all highway users, contrary to the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

3) Due to the site location and proposed site layout, the development would not be adequately served by convenient, attractive or safe opportunities for travel by modes other than the private car, contrary to the sustainable objectives of the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

4) It has not been demonstrated that the existing junction of Stanwell Road (C241), Stanwell Road (B378) and Church Road (B378) can accommodate the likely additional vehicle movements with respect to highway safety or capacity, or that a suitable mitigation scheme can be safely provided. This may lead to conditions prejudicial to highway safety and the free flow of traffic, contrary to National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 7.8 The applicant has submitted amended rebuttal reports to address these concerns and as a result, the Council has instructed an independent transport

advisor to look at the transport and highway implications and to provide officers with an objective view on the concerns raised by the CHA.

Therefore, the four main highway considerations are:

- Parking provision,
- Access
- Sustainability
- Junction at Church Road / Stanwell Road

These will be considered in turn.

Parking Provision

- 7.9 In terms of the parking provision, Policy CC3 of the CS&P DPD seeks to ensure appropriate provision is made for off-street parking in development proposals.
- 7.10 The Council's Parking Standards SPD (2011) indicates that 154 parking spaces would normally be required to serve the new use. It is re-iterated that this proposal is not a new build, rather a refurbishment of the existing building and site. The parking proposed is 141 spaces, including 8 reserved for Blue Badge holders and 9 spaces for parents with small children. It is also noted that the County Highway Authority Vehicular and Cycle Parking Guidance (Jan. 2018) states that food retail over 100m² should have 1 space per 14m² with a potential reduction of 50% at edge of town centre, potentially reducing the requirement to 76.
- 7.11 Parking for 12 bicycles would be provided in connection with this use, with the parking standards requiring 11 spaces. The Travel Plan also shows that staff would be advised of sustainable modes of transport.
- 7.12 The Transport Assessment submitted by the applicant with the application considered the parking provision for the proposed Lidl foodstore and non-food unit and produced a parking accumulation assessment has been undertaken for both the Friday and Saturday periods. This indicated that a typical Weekday could have a peak demand of 86 spaces (61% occupancy), whilst on a Saturday a peak demand of 107 spaces is predicted (76% occupancy). It concluded that the proposed level of parking is considered suitable to meet the needs of the development proposal, with a peak occupancy of 76% during a Saturday demonstrating that the level of parking provision proposed meets the demands of the development and also provides an element of capacity within the car park for peak trading periods (such as Easter or Christmas periods).
- 7.13 The County Highway Authority raised concerns regarding the visibility and accessibility to some of the spaces to be provided, commenting that *'The proposed parking layout will make it difficult for drivers to determine whether spaces are available at the lower part of the site, as they will not be able to see upon entry due to the level differences. As a result, there may be competition for the parking spaces on the upper tier of the car park. This could result in queuing back to the highway, where there is only space to queue*

approximately 4 cars between the first parking space and the edge of carriageway.

- 7.14 The Highway consultant appointed by Spelthorne has suggested that based on TRICS data from other existing LIDL stores, *'it is anticipated that the demand for car parking associated with the proposed LIDL and the adjacent smaller store would be met on site. It is also anticipated that the demand for parking associated with the LIDL and adjacent smaller store would be met by the spaces in front of the stores for the majority of the time'*.

- 7.15 In addition, it was noted by the Transport Advisor that *'...there is a risk that visitors to the adjacent plot (Hitchcock & King) use the car park when visiting the site. However, it is anticipated that any overspill associated with the adjacent site would be relatively low and take place along the access road, closer to the eastern end, and as such not materially impact on the availability of parking under normal conditions. Furthermore, it is likely that demand associated with the adjacent site would primarily take place during the week'*.

In view of the number of spaces being provided, being close to the required amount as set out in the parking standards and with the number exceeding that set out in the County Highway Authority Vehicular and Cycle Parking Guidance (Jan. 2018), the number of spaces is considered acceptable in this location. Therefore, the concerns of the CHA regarding Quantum are considered to have been overcome. With regard to the location, neither of transport consultants have raised concerns regarding the use of the spaces at the bottom of the site. It is considered that most users will attempt to park as close as possible to the front of the site, particularly if they are doing a large shop and are unlikely to be put off by travelling to those spaces. No details have been stated to suggest that the width of the roadways and the design and size of the spaces are below standard to impact upon manoeuvrability. Therefore it is considered that the parking layout is also acceptable.

- 7.16 It is recognised that a significant number of trips to a large retail outlet will involve vehicles. However, it is noted that the site is located in what is considered to be a sustainable location, with public transport in close proximity and a number of new and existing residential uses within walking distance of the site location. Therefore, it is considered that the parking and bicycle provision is acceptable.

Access

- 7.17 The County Highway Authority raised concerns regarding the forward visibility when approaching the site from the south over the railway bridge and the visibility from the access / egress to the site.

The Transport Assessment has considered TRICS data analysis for car movements and has provided a swept path analysis for HGV vehicles entering and leaving the site. The TRICS data includes a summary of likely movements for all three users of the site, including the relocated Hitchcock and King site and the two proposed uses. The TRICS data has been made on the assumption that the adjoining A1/D2 user will not be a food retailer as this will provide competition to the key user of the site.

- 7.18 Amongst other concerns, the CHA considered that the distance from the brow of the bridge to the likely queuing of traffic entering the site was insufficient to prevent accidents. Due to the access arrangements where it was observed that most freight vehicle deliveries accessed the site through the middle of the access rather than keeping to the right / left markings and that where the use is intensified so that cars were occupying the lane to leave the site, deliveries may be kept on the road awaiting enough clearance to enter the site causing a back-up of vehicles in the road which may result in rear end shunt collisions. Visibility is also compromised by an existing fence at the access point.
- 7.19 The applicant has stated that this fence could be removed, although the CHA has raised concerns that this may allow vehicles to roll down an embankment where an accident occurred.
- 7.20 Furthermore, the CHA considered that a large vehicle exiting the site and turning right would need to turn across the 'in' lane of the access, which could result in vehicle conflict. The matter is further complicated by the fact that there will be at least two and potentially three separate users of the site, with their own delivery and customer requirements. The existing Hitchcock and King business will continue on part of the site and using this access. The Hitchcock and King business site falls outside of the red edged application site and therefore out of the control of the applicant.
- 7.21 The Highway Consultants appointed by Spelthorne have considered these matters and made the following comments:

We have measured the distance from the brow of the bridge to the southern side of the existing access at 70m, and 90m to the middle of the access where the start of a queue would form; as such, provided queues did not extend beyond 25m to 30m from the centre of the access, i.e. 4 to 5 stationary cars, then there should be adequate forward visibility.

The proposals do not include any changes to the site access and as such presumably would not require any technical approval assuming consent was granted. The Site is currently in use and was formerly occupied by Focus DIY, and as such has been in retail use. The proposals would result in an intensification of use of the access, which could result in speeds along the road reducing due to a higher number of right turning movements, with drivers becoming more familiar with the site.

- 7.22 In addition, while noting that the proposed use would result in an intensification of the use of the site, the highway advisor for Spelthorne has commented

Drawing 1906025-02 in Appendix D of the Response to SCC Comments indicates visibility splays of 2.4m by 49.2m to the south / left and 2.4m by 51.4m to the north / right. Manual for streets suggests a visibility splay of 2.4m by 45m for 50kph (31mph) and 2.4m by 59m for 60kph (37.2mph), with the Design Manual for Roads and Bridges suggesting visibility splays of 70m and 90m respectively. Although we do not have any information on the existing

visibility splay to the south, the proposals represent an improvement to the south with no change to the north.

Accident data suggests that there have only been 2 Personnel (sic) Injury Accidents along Stanwell Road in the vicinity of the Site suggesting that there is not an existing problem.

We are of the opinion that visibility from the Site access is adequate based on the information provided, with improvements to the south with the removal of the fence, and no changes to the north; it should be possible to include restraints at say 2m off-set from the edge of the carriageway to the south to prevent vehicles from leaving the carriageway. It is recommended that the footway is provided on the western side of the carriageway to the north of the access and that it is dedicated as highway which will require an agreement with the land owner. The proposals do not include any changes to the Site access and as such do not require any technical approval.

While it is noted that the County have raised concerns regarding accessibility from delivery lorries, the comments include it is feasible that drivers will attempt to create informal left and right turns out of the site, pushing some vehicles even further north within the access with no factual evidence to demonstrate these points will occur.

In view of the existing situation and relationship with deliveries and customers to the site already in existence and while noting the increase in cars using the site from the proposed use, it is considered that the vehicle conflicts are unlikely to occur.

- 7.23 Therefore, subject to suitable conditions regarding the removal of the fence and a satisfactory replacement safety barrier, the proposed access arrangements are considered acceptable.

Sustainability

- 7.24 The CHA has raised concerns regarding cycle accessibility and also pavement widths relating to pedestrian accessibility. The Transport Assessment has concluded that due to the topography and low speed limit, the area is suitable for cycling. Similarly, sufficient footpaths and crossing points are provided to allow easy access for pedestrians.
- 7.25 The Spelthorne appointed Transport consultants have advised that the new pavement to the eastern side of the northern route to the site be provided, which the applicant has agreed to subject to legal matters based on ownership and permissions. The land in question is under a 999 year lease to Spelthorne Borough Council and Asset Management has not raised any objections to the principle of such an agreement. This may be secured by a 'Grampian' condition. Such a condition is one that precludes the implementation of development permitted by a planning permission until some step has been taken is valid. This can include a s278 agreement to be agreed to provide monies to carry out Highway Improvements.

- 7.26 With regard to accessibility from the south, the transport consultant has stated that *'it is unlikely that there is justification to increase the capacity (of the pavement) south of the Site'*.
- 7.27 In addition, the advisor concludes that *'the Site is located circa 350m via the park and steps or 600m via the road from the mainline railway station and 130m to the closest bus stops, with residential properties within close proximity. As such, the Site is within acceptable walking or cycling distance of nearby residential and public transport opportunities'*.
- 7.28 As a food store, it is considered that the majority of users will arrive by car, however for those who wish to cycle or walk, it is considered that satisfactory non-vehicular modes of transport are available. The applicant has agreed to provide a crossing across Stanwell Road, outside of the store access to allow a crossing point for those users of the footpath who do not wish to use the existing crossing to the north close to the Church Street junction. This was originally going to be a signalised crossing, then a pedestrian crossing and finally a central refuge area was to be provided to allow pedestrians to cross half way until a suitable gap in the traffic to safely cross was available. The details of this have not been finally agreed with the CHA and a suitable condition is recommended to secure this.
- 7.29 Therefore, it is considered that the site is accessible and is located within a sustainable location and meets the requirements of policy CC2.

Junction at Church Road / Stanwell Road

- 7.30 With regard to the junction with Stanwell Road and Church Street, the CHA has raised an objection based on the potential impacts upon the site access in the event that the signalisation of the junction at Church Road to the north be implemented. It is understood that the current arrangement, with two separate pedestrian crossings and a right turn lane will be replaced with an all-inclusive traffic light junction with pedestrian crossings. This may lead to cars waiting at red lights to queue back towards the site access and potentially block the access. This signalisation junction is supported by the Spelthorne Joint Committee (SJC). However, it is understood that this is not a fully funded and approved proposal and therefore does not carry significant weight in assessing this proposal at this stage.
- 7.31 The CHA have also stated that there are issues regarding the safety of this junction were Lidl to operate, siting the movement of a bus stop and access from a private access (Brooklands College). However, these are not currently under consideration as the junction proposals are not at the stage of delivery.
- 7.32 The Transport Assessment states that cyclists form the highest percentage of incidents after cars across this study area and that the collision record is not considered abnormal over a five-year period. Whilst a number of incidents involved vulnerable road users, it is not considered that the incidents occurred as a result of an unsafe highway network, but due to driver error.
- 7.33 Furthermore it states:

'There is no suggestion that the proposed development would result in an increase in either the number or severity of accidents on the local highway network. Those accidents that occurred, particularly at the Stanwell Road and B378 Church Road/Stanwell Road junction, are typical of those accidents that tend to occur on this type of road network. It does however highlight a cluster of incidents at the Stanwell Road junction with Church Road. The proposals will incorporate the re-design of the Stanwell Road/B378 junction as requested by SCC, which will improve pedestrian and cycle links. This will assist in reducing the number of incidents that involve vulnerable road users. Additionally, the proposals include highway improvements along Stanwell Road to create pedestrian/cycle links between the site and the Stanwell Road/B378 junction, as well as across Stanwell Road adjacent to the site'. The applicant has agreed to help fund these proposals.

- 7.34 The Transport consultant has stated that while the signalisation of the junction is not considered necessary, the results of the Road Safety Audit have not demonstrated that the improvements will mitigate any impacts from the proposed Lidl development. However, the signalised junction is not currently in operation and therefore a future project is not a material consideration. It is considered that the proposal should be assessed on the current situation where no significant safety issues have been associated with this proposal.
- 7.35 Two EV charging points are proposed, with a further 20 passive points planned for when demand requires these to be operational. The transport consultant has suggested that the two points are remote, being located on the northern edge of the car park rather than closer to the store itself. The applicant is aware of these concerns however has suggested that the electricity supply is the reason why the points are located there. In view of the current desire for electric cars it is considered that the 20 passive charging points are put into use immediately which may be secured by condition.

Design, Character and Appearance

- 7.36 Policy EN1(a) of the CS&P DPD states that the Council will require a high standard of design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land.
- 7.37 The proposal seeks to convert the existing building into the Lidl retail store. The applicant intends to make the following alterations to the external appearance of the building: The alterations include:
- *Additional glazing to frontage*
 - *Existing rendered walls painted white*
 - *Plinth walls finished in corporate grey*
 - *Advertisements (approved under a separate permission) will be added*
- External alterations will be made to the front of the building, which currently has an industrial appearance, to make it more modern with large areas of*

glazing alongside detailed materials and features. The base of the existing external wall cladding on the north, west and east elevations will be raised to maximise glazed areas to the customer entrances and Lidl sales area, to create an active shop frontage along Stanwell Road. The existing facing brickwork is rendered and will be painted white, with a low-level plinth painted grey'.

- 7.38 The existing building is functional and has the appearance of a warehouse in an industrial estate. The revised appearance of the building is considered to result in a significant improvement upon the character and appearance of the building and the area. It is considered to provide a more modern and striking building for those accessing Ashford town centre from the north and the main arterial routes from the A30 and Heathrow Airport. It is therefore considered acceptable and complies with Policy EN1.

Impact upon the amenity of adjoining properties

- 7.39 Policy EN1 (b) requires that new development '*achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook.*'
- 7.40 The site is located on the periphery of the town centre and is an existing operational commercial site with retail and warehouse uses. It is in close proximity to the railway station, other roads, and the A30 Trunk Road and Heathrow Airport are relatively close by. To the south, flats are 26.5m away beyond the railway line and station and to the west, the rear garden boundaries are 15.5m from the site boundary and access.
- 7.41 The Council's Environmental Health team has been consulted and has raised no objections, requesting conditions relating to noise and lighting.
- 7.42 Additional plant units will be installed for both air conditioning and refrigeration purposes. With the existing background noise and the distances to the nearest adjoining residential it is not considered that there would be any significant adverse impacts upon the amenity of adjoining properties in terms of noise, which will be further mitigated by the noise conditions. Comments have been made regarding potential noise from the intensification of the use of the footpaths. However as those paths closest to the nearest residential properties already exist, it is not considered that any significant increased noise and disturbance from the proposed use would arise.
- 7.43 In terms of lighting, the site is already in use and is surrounded largely by existing roads and a railway station all subject to existing street lighting and railway lighting within the public domain. The site is located at the low point of the site with properties in Station Crescent to the west and below an embankment. With the imposition of suitable conditions, it is not considered that any harmful impacts from light pollution would arise.
- 7.44 As the building is existing no overbearing, loss of light or outlook is considered to arise. Notwithstanding the additional glazing proposed, no loss of privacy is

considered to arise due to the relationship of the building to adjoining residential properties.

- 7.45 The proposal is therefore considered acceptable in amenity terms and would comply with policy EN1 (b)

Renewable Energy

- 7.46 Policy CC1 of the CS&P DPD requires renewable energy with certain new builds but not with the conversion of existing buildings as in this case. It does, however, state that the Council will encourage the installation of renewable energy equipment to supply existing buildings.
- 7.47 The applicant's submission included a Sustainability Statement where Lidl stores are described as meeting required standards. Various measures to be employed at this store are outlined in the statement, such as heating controls, recycling measures and delivery collection and arrival management.
- 7.48 The provision of some renewable measures is limited due to the fact that the building is being refurbished. This in itself does raise some environmental benefits by not having to dispose of building materials etc. Therefore, it is considered that the proposal will accord with the Council's renewable energy and climate change policy requirements. A condition has been attached requiring a 10% renewable energy provision on site.

Other matters

- 7.49 The proposal is utilising an existing commercial site, which already provides economic benefits and employment opportunities. The applicant states that up to 50 full and part time jobs will be provided at the site with the economic benefits of this.
- 7.50 In terms of waste and recycling, as a commercial premises, waste collection will be a matter for the applicant. As with most retail uses, often plastics, cardboard etc are removed as part of the delivery and collection process and no significant concerns are considered to arise from this process.
- 7.51 Planting and landscaping improvements are limited due to the existing developed nature of the site, although the applicant has submitted a landscaping plan suggesting some additional planting along the northern boundary, the western boundary to Stanwell Road and part of the southern boundary adjoining the railway line. The Council's tree officer has not raised any concerns to the removal of two trees at the access to aid highway visibility. A nesting bird and roost survey has also been submitted although on the already developed site itself, no significant ecological or biodiversity concerns are considered to arise.
- 7.52 Suitable Ground Contamination conditions have been recommended and the comments from Thames Water, who have not objected, have been forwarded to the applicant.

It is not considered that any COVID related issues would impact upon the determination of this proposal.

The Esso pipeline operators were consulted and raised no objections.

Equalities Act 2010

- 7.53 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.54 The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.
- 7.55 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.
- 7.56 The planning statement indicated that aim of the proposal was to ensure that appropriate standards for accessibility would be met at the outset, to meet reasonable expectations for mainstream inclusive design, and to ensure that the aims of the Disability Discrimination Act 1995 (as amended 2005) would be met.
- 7.57 It further states that the design approach takes into account a wide range of environmental needs and is not limited to specific types of disability. In adopting this broad approach, the scheme aims to promote the provision of an environment that is safe, convenient and enjoyable for use by everyone living or visiting the scheme.
- 7.58 The development would incorporate 8 disabled parking spaces. Furthermore, as a retail supermarket it would provide flat level access with automatic doors and disabled trollies etc. and 9 parent / child spaces.
- 7.59 It is considered that the proposal has been designed to accord with the Equality Act 2010.

Human Rights Act 1998

- 7.60 This planning application has been considered against the provisions of the Human Rights Act 1998.

- 7.61 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.62 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.63 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.64 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- In consideration of S155 of the Housing and Planning Act 2016, the proposal is not a CIL chargeable development and will therefore not generate a CIL Payment.
- 7.65 The proposal will also generate Business Rate payments which are not material considerations in the determination of this proposal

8. Recommendation

To GRANT planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: (all 4415) -102 P15; 102 P05; 103 P03; 104 P05;

105 P09; 106 P09; 300 P07; 306 P02; 400 P01; 402 P08; 500 P01 and 501 P01 received 13.07.2020

Reason: For the avoidance of doubt and to ensure the development is completed as approved.

3. The development shall not be first occupied until a pavement has been constructed along the eastern side of Stanwell Road between the site access and the junction to the north at Church Street. Details of the proposed pavement shall be submitted to and approved in writing by the Local Planning authority within three months of the date of this approval and the pavement thereafter maintained in conjunction with an agreement with the County Highways Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure highway and pedestrian safety for all users of the site and the surrounding area.

4. No development shall take place until:-
 - (i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.
 - (iii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

Reason: To protect the amenities of future occupiers and the environment from the effects of potentially harmful substances.

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected By Contamination: Guidance to Help Developers Meet Planning Requirements" providing guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of future occupiers and the environment from the effects of potentially harmful substances.

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected By Contamination: Guidance to Help Developers Meet Planning Requirements" providing guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

6. Within two months of the date of this approval, details of the materials to be used for the external surfaces of the buildings and other external surfaces of the development are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.

Reason: To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

7. The rated noise level from the plant hereby approved shall be at least 10 dB(A) below the background noise level at the nearest noise sensitive property as assessed using the guidance contained within BS 4142 (2014).

Reason: To safeguard the amenity of nearby residential properties.

8. Within two months of the date of this approval, details of an acoustic enclosure around the plant location, to ensure the rated noise levels from the plant are at least 10dB below background noise level at the nearest noise sensitive property as assessed using the guidance contained within BS 4142 (2014). Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise

9. The self-illuminated lighting fixtures on any facade of the development that face towards residential accommodation shall not exceed a surface brightness of 350 candelas/m² from 21.00hrs – 07.00hrs.

Reason: In the interests of amenity and protection of nearby residents from potential light nuisance.

10. Prior to the occupation of the development hereby approved the facilities for the secure parking of bicycles within the development site shall be provided in accordance with the approved plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

11. No primary cooking (i.e. the cooking of raw or fresh food) shall take place within the development site without first obtaining the written approval from the Local Planning Authority

Reason: The plans do not include the provision of any extractor equipment and this would need to take place in order to ensure the development would be in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

12. Prior to the occupation of the development 14 of available parking spaces shall be fitted with a fast charge socket (7kw Mode 3 with Type 2 connector), and a further 14 of available spaces are provided with power supply (through feeder pillar or equivalent) to provide additional fast charge sockets.

Reason: The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

13. The refuse and recycling facilities hereby approved shall be provided prior to the occupation of the development hereby approved and retained thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

14. Prior to occupation of the building, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is built to the approved designs.

15. Prior to the occupation of the development, the Travel Plan shall be updated for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". Thereafter the approved Travel Plan shall be implemented upon first occupation of the site and for each and every subsequent occupation of the

development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 “Promoting sustainable transport” of the National Planning Policy Framework 2021, and policies CC2 and CC3 of Spelthorne Borough Council’s Core Strategy and Policies Development Plan Document February 2009.

16. Details of a scheme of both soft and hard landscaping works, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The approved details and scheme of tree and shrub planting shall be carried out prior to first occupation of the building. The planting so provided shall be maintained as approved for a minimum period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: In the interest of amenity and Policies SP6, EN1 and EN8 of Spelthorne Borough Council’s Core Strategy and Policies Development Plan Document February 2009 and the National Planning Policy Framework 2021.

17. Prior to the occupation of the building hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out and thereafter maintained in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features in accordance with Policies SP6, EN1 and EN8 of Spelthorne Borough Council’s Core Strategy and Policies Development Plan Document February 2009 and the National Planning Policy Framework 2021.

18. The development hereby permitted shall not be occupied until the highway access arrangements to Stanwell Road has been provided to the satisfaction of the Local Planning Authority, in accordance with drawing no. 4415-0102 P15 and consultation with the County Highway Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safety of pedestrians accessing local facilities in the vicinity of the site.

19. The parking spaces shown on the approved site plan (landscape plan) shall be constructed and completed prior to the occupation of the building hereby approved, and thereafter maintained as approved and reserved for the benefit of the development.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways and to ensure that the facilities provided are reserved for the benefit of the development for which they are specifically required, in accordance with policy CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

20. Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s)/use is/are occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

Within two months of the date of this approval, a report shall be submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained.

Reason: To ensure that the development is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

INFORMATIVES TO APPLICANT

1. Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance for the Reduction of Obtrusive Light (January 2012)
2. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

3. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
4. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater
5. Condition [13] details the minimum requirements for electric vehicle charging sockets for this development.
6. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at www.securedbydesign.com.
7. With reference to condition 12, the applicant is requested to consider providing all the proposed parking spaces within the site with a power supply (through feeder pillar or equivalent) to provide additional fast charge provision.
8. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking.
 - a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - c) Deliveries should only be received within the hours detailed in (a) above;
 - d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - e) There should be no burning on site;
 - f) Only minimal security lighting should be used outside the hours stated above; and
 - g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these

requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme (www.ccscheme.org.uk/index.php/site-registration).

It should be noted that under the Environmental Protection Act 1990 Councils can serve an abatement notice on people responsible for statutory nuisances. This may require whoever's responsible to stop the activity or limit it to certain times to avoid causing a nuisance and can include specific actions to reduce the problem.

9. Historically land across Spelthorne has been subjected to extensive mineral extraction, with subsequent infilling of the resultant voids. Excavations during some development works have encountered fill materials where records have not previously identified a history of extraction / infilling.

To confirm ground conditions at the application site minimum requirements of the survey are as follows:

- The excavation of 2 -3 trial holes to a depth of 1.00mbgl. This can be done by hand or with a small digger.
- At least one location beneath the footprint of the proposed new internal areas and another two holes within the proposed external areas and other associated landscaped areas.
- An inspection to be made of the ground conditions and confirm the absence or otherwise of any made ground / fill materials at this property, their thickness and extent.
- Photographs shall be taken of each exploratory position including all associated soil arisings (soils excavated and placed to the side of the hole as works progress).
- Where different soil horizons are encountered (i.e. topsoil to 0.40mbgl overlying a layer of sandy gravel to 0.60mbgl with stiff clay to the base of the excavation (c.1.00mbgl)) appropriate written logs will be required to detail the depths, thickness and description of the materials encountered.
- A scale plan (such as the site layout plan) indicating the location of the exploratory positions in relation to the proposed property and a photograph taken across the site detailing the soils and arisings.
- The information, logs and photographs can be submitted to us in a simple letter report.
- If made ground materials are encountered during the excavations soil sampling and assessment of contamination risks will be required to be undertaken by a suitably qualified person.
- It is important that no wells are drilled within the existing building as this would risk potentially creating a new pathway for ground gas if present, and would risk damaging the integrity of any protective membranes present within the existing building.

Made ground refers to non natural / notable fill materials – fragments of brick, concrete, metal, plastic, timber, glass, ashy materials. Evidence of contamination is identified by either visual (staining of soil or sheens on groundwater (if encountered)) or olfactory means (organic, tarry, hydrocarbon /

petrochemical odours). In the event that materials of this nature are discovered during the survey, you are advised to contact us for further guidance.

10. This development is situated within 250 metres of a current or historic landfill site or gravel pit. A gas impermeable membrane should be incorporated within the structure along with a ventilated sub floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or alternatively, adequate seals will need to be provided if the membrane is to be breached. The details of the gas impermeable membrane and with particular attention to the joins with any existing structure and seals around any services, plus details of the sub-floor ventilation should be submitted to the Local Planning Authority for approval prior to the works being carried out.

be submitted to the Local Planning Authority to demonstrate that the gas impermeable membrane has been installed in accordance with the approved plans. Condition [X] shall not be discharged until such documentation has been received and approved. The applicant is advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences.

Should the application require the installation of a new boiler it is recommended that the equipment meets the standards set out in the Institute of Air Quality Management Guidance on Land-Use Planning & Development Control: Planning For Air Quality.

<https://iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

11. The updated Travel Plan should include the provision of showers for staff, details of how it will cover users of the vacant A1/D2 unit and all site users including customers and is monitored and developed as necessary.

Appendices: