

**1. How have the public consultations which took place and informed the Development Brief for this site, been taken into account in the current planning application: it appears the views of local residents have been ignored?**

In referring to the 'Development Brief for the Site' Tesco believe you are referring to the 2007 Business Partnership event and meetings that resulted in the Community Workshops Report for the Upper High Street and Depot Road car parks which Tesco have had regard to. It is noted that these sought an aspiration of smaller niche shops, a basket size retail food store, maybe a shopping mall and some residential development and community facilities. However this document also highlights in the conclusions and analysis that "some felt a larger retailer would also be a welcome 'anchor' to the Upper High Street."

It is also noted that the report highlights there was no single group or opinion that held sway, although there were a number of local residents that objected to a supermarket and a considerable group of workshop participants said a food store was an appropriate and possible option in the future.

Given this, Tesco would suggest that they have listened. Tesco appreciate that some people will not support a food store, however as can be seen with the current application there are petitions in favour and also against from local residents which clearly demonstrate again both strains of thought.

In addition to residents and the above policy Tesco must also pay regard to other documents, the sites planning history and a key fact of the Helical Bar planning application which is not widely reported that Planning Officers of the Council supported the size of store proposed previously. However Members of the Council decided to refuse the scheme due to the size of the food store, but following that the Council actually withdrew the retail reason for refusal as they could not substantiate this at the then proposed planning inquiry, that was subsequently withdrawn. It should be noted that the Tesco store will provide a store of just 60 sq m sales floor larger than the previous Helical Bar application.

**2. Were the public consultations on Plan E, shortly to be ratified by the council but not yet adopted as part of the LDF, taken into account?**

Yes. Tesco and their consultant team review and monitor emerging planning policy as it is drafted and issued by the Council.

In relation to Plan E Tesco has submitted comments on this consultation document which makes specific reference to the Tesco Planning Application site. The formulation of planning policy for the application site actually sets out a number of options for the site and 'The Vision' for this part of town highlights an aspiration to "attract shoppers to the entire range of retail and leisure opportunities there". The Council also aspires "to help draw shoppers along the length of the town centre to Upper High Street."

The Tesco application site (and Depot Road car park) is identified as a Strategic Opportunity Site and the Council in Plan E propose 4 options (A to D for this site as set out on pages 45-47 of the document). Option D proposes a large retail element, possibility of a multi-storey car park, residential development and community facilities. It is this option that Tesco support and consider that their proposals follow.

Specifically on retail matters, page 44 of Plan E states "currently approximately 80% of Epsom's trade is lost to larger shopping centres (e.g. Kingston, Sutton, Guildford)". Tesco therefore

consider a food store of the size proposed will help stop the high leakage of trade to other centres and encourage people to shop in Epsom, therefore spending more money in the immediate economy and as such will act as the catalyst that the Council is seeking to encourage trade throughout the town including Upper High Street where there is low footfall.

**3. Are the Tesco proposals geared toward taking trade from existing stores (Waitrose, Sainsbury, Asda, Coop) rather than providing the size of food store which the local public favour?**

The objectives of national Planning Policy Statement 6 (PPS6) include promoting and enhancing existing centres through development and encouraging a wide range of services in an accessible and good environment. By expanding the provision of food and non food shopping opportunities in Epsom the proposals will support the function and attraction of the town centre thus supporting an efficient, competitive and productive retail offer.

Furthermore, the Policy Statement advises that it is not the role of the planning system to restrict competition, preserve existing commercial interests or prevent innovation.

It is inevitable that the proposed food store will compete with existing stores - that is retailing; competition is healthy in terms of choice and price for the consumer. PPS6 makes it clear that recognised shopping centres require protection while freestanding stores do not warrant such protection. The submitted Retail Assessment has shown that the level of trade diversion from Waitrose and Co-Op (in the town centre) will be modest and does not threaten their trading viability. The Sainsbury and Asda stores referred to are out of town centre and therefore any trade diverted from them should be judged as competition rather than impact.

The store size has been determined in part by the planning history of the site (as highlighted under response number 1) and by Tesco to reflect the existing level of provision and having regard to the range of food and non food goods available in the area and the need for the store to be of a certain size to attract custom and compete effectively with larger out of centre stores. It is considered that a large proportion of the public do support a store of the size proposed as can be seen from extensive petitions supporting the application.

**4. How does Tesco feel their plans fit in with the local environment, particular that of Upper High Street: the building looks like it is to be 6 storey, lit 24 hours a day? It will create noise pollution and have a dramatic effect on the Upper High Street.**

Tesco have spent a significant amount of time meeting with the Council at the pre-application stage and have also appointed a team who they feel can address the issues that are often subjective but which are often associated with a town centre site, partially within one conservation area (Pikes Hill) and diagonally opposite another (Town Centre).

Given this Tesco appointed a high profile architecture practice (Sheppard Robson) to develop a scheme that the team considers best suits the site and provides the requirements of the applicant and takes into account the site and its wider context. Furthermore, Tesco have appointed other specialists to either provide a professional view of the scheme or provide reports that have been submitted as part of the application to the Council; this includes:

Christopher Katkowski QC of Landmark Chambers – Mr Katkowski (one of the Country's most pre-eminent planning QC's) gave a positive legal view of the proposal should the application be refused and taken to planning appeal. Tesco sought this view to give them comfort in their submission.

Peter Stewart former Design Director of CABE provided reports that supported the planning application and conservation area submissions in relation to the loss of the Rosebury Housing Association Property at 58 Upper High Street which is located in the Pikes Hill Conservation Area. An additional report is submitted with the planning application and conservation area application to consider the impact of the development on the two conservation areas and their wider settings. The first report confirms that number 58 upper High Street does not make a positive impact to the Conservation Area and the second report confirms the development will have a positive impact on Pikes Hill CA, and that the impact on the Town Centre CA is negligible.

Sharps Redmore Partnership advised Tesco on acoustic matters. With regard to noise pollution the application was accompanied by a noise assessment undertaken by independent noise consultants, Sharps Redmore. The conclusions of the noise assessment are that the development can proceed without causing harm to the amenity of surrounding residents or significant environmental impact. The development actually offers the opportunity to improve the noise environment in the area by introducing noise mitigation measures such as screened and enclosed car parking areas, an enclosed delivery yard and engineering noise control on mechanical services plant (compared to the previous high levels produced by Iceland). Mitigation measures have been recommended in the noise assessment and these have been incorporated into the development plans and Tesco's operational aspirations. The scheme should be put into context (favourably) with the existing uncontrolled, unmitigated, open car park and the previous Iceland and other commercial uses.

Scott Wilson advised Tesco on a range on environmental matters including lighting and a report was submitted with the application. The store is predominantly concealed behind proposed new flats to the Upper High Street frontage and the south and east elevations are mainly enclosed car parking (with small windows) and windows to ancillary offices. The west elevation will have a glazed atrium however this has been designed with Homewater House in mind. That being said the Council can control lighting from the development on any planning permission by way of planning condition. The hours of lighting depend on the hours the store is allowed to trade, Tesco applied for 24 hour trading and the Council can control this by planning condition. However it should be noted that Tesco has formally amended the planning application to allow the store to open 0700-2300 Monday to Saturday and 1100-1700 on Sundays, bank and public holidays. The Council supported the Helical Bar scheme be open at the same times.

The proposed building ranges in height, but is generally basement car park, store at ground and mezzanine level, and 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> level car park. On the Upper High Street elevation the building is ground floor shop and 3 floors of flats above.

**5. Why are the plans four or five times taller than the houses opposite and how will this affect sunlight and satellite TV signals to those properties?**

Taking measurements of scaled plans the houses opposite the site on Upper High Street are 7.2m in height from ground to the top of their pitched roof (or 4.6m to the bottom of the roof). The proposed building opposite the houses measures 15.8m when looking at the shop and flats over to the top of the roof of the flats. It is therefore suggested that the building is taller than the existing houses but not 4 to 5 times taller as suggested, but closer to twice as tall.

In any event it must be highlighted that this is a town centre site and a site where the Council and planning inspector has previously supported a development of similar heights. It should also be noted that the previous buildings on site ranged over 2-4 storeys.

With regards to sunlight and TV / satellite reception the application was supported by daylight and sunlight assessment. This states that the windows to the opposite properties (numbers 59-67 and 69-93 Upper High Street) will continue to receive adequate sunlight and will meet the BRE criteria when using Annual Probable Sunlight Hours Test. It is also considered that there will be no impact on TV / satellite reception.

**6. How does Tesco feel that up to 12,000 car movements per day will affect the immediate area, particularly an average of 1 Tesco delivery vehicle each hour, 24 hours a day? In addition, how many other delivery vehicles are expected and how many will be operating 24 hours a day?**

The traffic impact of the Tesco proposal has been thoroughly assessed and discussed at length with Surrey County Council by Highway Consultants Waterman Boreham. A detailed Transport Assessment has been submitted with the application addressing the specific future operation of junctions near the scheme. A key consideration is that the site is currently a car park which attracts traffic and that the new food store traffic will already be using the roads of Epsom for their food shopping, albeit not necessarily using Upper High Street. For example, it is expected that some 31% of the traffic generated by Tesco will come from the east of the site but, for example, as many people will already be on the road, the number of new trips on Alexandra Road will be just 3% more – well within the existing road capacity and hardly noticeable. On a similar basis, the amount of extra traffic using the nearby residential roads is negligible – under 1%.

As the above figure implies, the majority of the traffic coming to the store will be coming from the west i.e. through the Quadrant junction. Part of the application proposes significant improvements for the Quadrant junction to improve ease of movement for pedestrians and motorists alike. Outside the peak hours the Upper High Street is relatively quiet for an urban road which has an estimated total capacity of some 1,410 vehicle movements per hour. Even with our robust assumptions of the new traffic attracted to the Tesco store, flows will be no more than 900 vehicles per hour

It is not envisaged that Tesco deliveries will be 24 hours due to the nearby residential properties it would be normal to restrict servicing to hours agreed with the Council by way of planning condition. The application submission suggests there will be on average 11 Tesco deliveries per day and smaller vehicles delivering other goods will account for up to 8 additional deliveries.

**7. Will Tesco Appeal against a refusal of planning permission? Will they re-submit the plans in a revised format until they eventually get permission?**

Until the planning application and conservation area applications are considered by the Council it cannot be assumed that the application will be refused. Tesco has, as already mentioned in response to question 4 taken a legal view from a top planning QC, not in the preparation for an appeal, but to provide Tesco with comfort that the application proposals are robust and accord with planning policies and address issues raised on previous applications. This is standard procedure for Tesco when they are looking at making significant financial investment into a town / site.

Tesco and their consultant team strongly believe that the proposals currently with the Council work for the site, Upper High Street and Epsom. Therefore there is no requirement to make any major changes to the proposals. Should the Council through the consultation process require clarification on matters then it may be that additional information is submitted to provide further detail.

**8. Why have Tesco submitted proposals representing a 36% increase in traffic on the previous proposals from Helical Bar which were refused?**

Waterman Borehams are unclear where this information / assumption stem from and state that this increase is not the case. Waterman Boreham highlight they are predicting very similar levels of traffic to the previous scheme that was agreed with Surrey County Council as being acceptable, based on there being the same food store floor space. Surrey County Council has asked us to provide some additional sensitivity testing to ensure that the junctions would operate satisfactorily in the vicinity of the site even if traffic attracted to the site was greater than previously agreed.

**9. With the previous proposals from Helical Bar, the loading area was further down Upper High Street in the predominantly non-residential area, so why do the current proposals show the loading area now opposite residential properties?**

There are a number of reasons for this change.

Firstly this stems from the background information available on the Council web site relating to the Community Workshop Report, as highlighted under response to question 1, and specifically to minutes of a meeting on the Council web site under the Depot Road / Upper High Street Car Park, with Planning Officers and Helical Bar. In this the Council suggests moving the "pedestrian-unfriendly service access away from the important UHS footpath route to the site from the Quadrant."

Secondly, from a Tesco operational requirement, Tesco try where possible to ensure that the majority of customers coming to a store by foot do not have to cross their own delivery or car park routes. This therefore ties in with the Council aspiration above.

Thirdly, it is worth noting that the previous Helical Bar scheme for which Sharps Redmore (who are now advising Tesco - also undertook the noise assessment). On that scheme the service yard and it's access was close to the adjacent retirement flats at Homewater House due to this it was felt necessary in the design to fully enclose both the service access and yard (effectively in a large sealed concrete box), with ventilation via a mechanical system. The current Tesco scheme offers a significant improvement both in terms of design and mitigation (and a more sustainable solution which does not require unnecessary mechanical ventilation).

**10. Is Tesco likely to seek further expansion and a bigger store on this same site in due course?**

No. By the very design of the store and the scope of the site it would be extremely difficult to extend this site in the future. The site boundaries to the north, east, south and west are all set either by existing roads or residential development and the sub-station which cannot be relocated.

The design of this proposal also limits expansion, with residential units to the front and car parking above and below. Although there is an internal mezzanine this only works in a food store as a mezzanine and not as a complete floor. In any event the Council can limit the size of the food store by planning condition and even if Tesco could or wanted to extend this would have to be subject of a new planning application and determined upon its merits.

**11. Given the projected increase in traffic, how will Tesco be addressing the issue of safety of school children who use the roads nearby?**

Waterman Boreham have looked at highway safety in detail as part of the Transport Assessment submitted with the application (paragraph 2.13-2.31). There were no particular patterns of accidents identified by us in the vicinity of the site and none have been referred to us by Surrey County Council.

However, we are providing significant enhancement to pedestrian facilities both for crossing of Upper High Street and at the Quadrant. Subsequent to the submission of the application we have also been asked by SCC to look at whether there are opportunities to improve the "5 Way" junction, east of the site. Accordingly a proposal for improvement of the pedestrian crossing facilities at this junction has been forwarded to Surrey CC for discussion. If agreed this would be offered as part of a planning agreement

Given the above we do not consider safety of school children would be affected negatively by the Tesco proposals and would anticipate that the development would actually result in improvements to the pedestrian facilities for all – assuming these are used correctly.

**12. The statistics about vehicular movements seem to indicate that the car park will be full most of the time, so where are people visiting other businesses or the cinema going to park?**

Please refer to the response below (Q13).

**13. What is the policy on parking for the general public, non Tesco users and particularly people who want to use the car park in the evenings? How would the new car parking arrangements benefit other shops in Upper High Street and the town as a whole?**

The car park is intended to remain a short stay town centre car park; priced accordingly and in agreement with the Council. A parking protocol would be agreed with the Council in due course to ensure the pricing is in accordance with other town centre parking. The car park would be secure and actively managed by Tesco, proving an improved environment compared with the existing facility. It is acknowledged that it would be attractive for visitors to the cinema and hence surveys of the existing car park have been undertaken including through Friday and Saturday evenings to record the peak demand from cinema. The evening demand is clear and peaks some time after the peak demand for a Tesco store. The cumulative effect of predicted demand is within the capacity of the proposed additional spaces provided by the development. It is actually a very desirable complimentary use of the parking spaces, avoiding the need for parking to be provided for on separate land uses that remains empty when not required.

**14. How do Tesco feel the proximity of their development impacts on the adjacent conservation area, i.e. Pikes Hill?**

As highlighted previously Peter Stewart has provided two reports for the submission which detail matters relating to the Conservation Areas at Pikes Hill and the recently extended Town Centre CA. These reports should be read in full however the conclusion of the section on the Pikes Hill conservation area (paragraph 6.9) states

'The above assessment of the impacts of the Development on the Pikes Hill CA, considered in the round, leads to the conclusion that the impact of the Development on the CA is positive. The Development would both preserve and enhance the character of the CA and its setting.'

**15. Is the intention of the highway and footway changes to The Quadrant junction to create a safer route for delivery lorries to enter Upper High Street? Won't they make it more dangerous for pedestrians?**

No, the Quadrant improvements are being promoted to enhance pedestrian facilities and to improve the linkage between Upper High Street and the rest of the town centre for shoppers. They will provide controlled crossings on all arms of the junction (which is not the case at present) and reduce the number of crossings required between certain footways.

**16. What will happen to the current car park during the construction phase and where will people park during this time?**

The existing surface car park is split into 2 parts and only the Upper High Street section will be removed during construction. It is possible that it may be practical to open some or all of the car park during later stages of the construction period so as to minimise the removal of town centre parking. Surveys of the current usage of the 2 surface car parks indicate that they are not operating close to capacity at present, though it is acknowledged that at times, such as the run into Christmas, the car parks will be well used. There are however other under utilised car parks near the town centre, such as at Hook Street, that would be able to pick up any displaced spaces during construction.

**17. Will the store be open 24 hours a day? Will sales of alcohol be allowed during this period? How will Tesco deal with any increase in anti-social behaviour?**

Tesco have applied for the store to be open 24 hours i.e. from 0600 Monday through to 2200 on Saturday inclusive and then 1100 to 1700 on Sundays and public and bank holidays. However as highlighted under response to question 4 Tesco have now formally applied to vary this to allow trading from 0700 – 2300 Monday to Saturday and 1100 to 1700 on Sundays, public and bank holidays (this is the same as the Helical Bar proposal which the Council supported).

The sale of alcohol is strictly controlled and is subject to a license to that shop to sell alcohol at certain times. If a license is not granted by the local authority for 24 hour sales then a restriction will be in place.

Tesco, as well as all retailers are strictly monitored on who buys alcohol and can face significant legal implications if this is sold to minors or out of agreed hours. Tesco takes such sales to minors or out of hours seriously and all staff are trained to request identification if it is not clear, no matter the age of the customer and tills can be programmed to not allow a sale at certain times (if required). Tesco do not consider there store would result in antisocial behavior.

**18. Will Tesco be vigilant about the potential for vermin associated with a food store?**

Yes. Tesco take such matters very seriously at any store. Such issues are not only bad for trade and publicity but also hold legal implications.

**19. Has Tesco considered a Park and Ride arrangement?**

The stores proposed location in the town centre will mean that it would be expected that the store would need less parking than a similar sized out of town food store. However it is known that for many shoppers the food store would need its own parking to provide the facilities required. It is also important for the town centre that a store located in a desirable location can offer facilities that would otherwise only be found out of town.

Park and ride services can be useful for town centres but do not lend themselves to food store shopping. In discussions with Epsom and Ewell District Council and Surrey County Council over the strategies appropriate for Epsom to tackle wider transport issues it has been said that park and ride is not considered to be appropriate

**20. What will Tesco be doing to promote trade in the rest of Upper High Street?**

Tesco has spoken extensively with traders in Upper High Street and it is worth noting that a petition by the vast majority of these shop keepers has been submitted to the Council in support of the Tesco proposals. Many existing retailers are more than ever feeling the difficult economic times and see positive benefits to an anchor store at this end of the Upper High Street that will increase the footfall past their existing shops and therefore the number of new and linked trips which are likely to occur.

The Council has clear aspirations to rejuvenate the Upper High Street and increase pedestrian footfall to this area, and Tesco consider that this can only really happen with an anchor store that attracts people to this end of the town. Allowing only small stores at this end of Upper High Street will not generate the quantum of development needed to make this a viable and successful area. Furthermore Tesco is proposing to improve the Quadrant and open up the junction again encouraging shoppers to move more fully up and down the High Street and Upper High Street.

Tesco has not set out a specific strategy for this site as yet with regards working with existing traders but does do this at many of its sites. It could be that there is a display in the main lobby area advising of the other retailers in Upper High Street, what they sell, and where they are for example. Or it could be that Tesco is able to offer and support retailers by giving advice on certain matters.

**21. Why is Tesco going ahead with the planning application when it doesn't know if the council will sell the car park?**

Tesco is following guidance from the Council. When Tesco first got involved with this site they were advised not to open any discussions with the Council until a planning consent was in place. This is exactly the same strategy that Helical Bar was advised to follow.

However, more recently the Council changed its advice and suggested that Tesco should open a dialogue with the Councils Assets and Estates Department. This discussion is now at a very early stage.

This strategy sets out the risk that Tesco is willing to take, but should be seen as benefit that Tesco can see in this site and Epsom and that Tesco is willing to invest significant costs even before they own the entire site to try and bring forward a store to Epsom Town Centre which they consider will be beneficial for the town, not only for food shopping, but linked trips to other shops, overall investment and significant job creation at a time when few others would or could invest.