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FutureMerton
London Borough of Merton
Civic Centre
London Road,
Morden SM4 5DX

55 Spring Gardens
Manchester M2 2BY

0370 777 6292
info@rapleys.com
rapleys.com

LONDON
BIRMINGHAM
BRISTOL
CAMBRIDGE
EDINBURGH
HUNTINGDON
MANCHESTER

Dear Sir/Madam,

Re: Representations to the London Borough of Merton's New Local Plan Stage 3 Publication consultation, on behalf of Lidl Great Britain Limited.

Introduction

Rapleys LLP has been instructed by our client, Lidl Great Britain Limited ('Lidl'), to prepare representations to the publication version of the new Local Plan for the London Borough of Merton, which is open for public consultation between 22 July 2021 and 6 September 2021.

Specifically, these representations provide commentary on the 'general flexibility' of the Draft Local Plan policies and our client's aspirations for ongoing future development within the Borough. In the light of the changes to the Use Class Order in England and the likely lasting impacts of the Covid-19 pandemic, it is considered that now more than ever, greater flexibility in planning policy is required to allow the planning system to be more agile and respond to the ever changing economic, social and environmental landscape.

This letter of representation will focus primarily on flexibility in terms of draft employment and retail policies; and general 'operational flexibility' for retail operations from a transport and car parking perspective, which are both deemed relevant to both investments to existing Lidl stores and new store provision within the Borough.

This letter opens with a brief overview of the Lidl business model and the changes to the Use Class Order, which were adopted in 2020. Subsequently, the letter assesses the draft employment and retail policies set out in the new Local Plan, offering commentary and recommendations. The first half of the letter is prepared by Rapleys LLP on behalf of Lidl.

Following the assessment of retail and employment policy, representations prepared by Mode Transport on behalf of Lidl, are set out. These representations set out Lidl's position regarding transport and parking policy across London following the adoption of the London Plan in March 2021. These representations take into account traffic studies performed at existing Lidl stores which are directly comparable to those which may be implemented in Merton in the future.

Lidl's Business Model

The first Lidl stores opened in Germany in 1973 and by the 1980s Lidl had become a household name. In the early 1990s Lidl began to expand throughout Europe and now has more than 11,000 stores in 28 countries. Lidl commenced trading in the UK in November 1994 and since that date has grown to become a substantial presence in the convenience retail market, with over 860 stores currently trading nationwide. As at August 2021 Kantar Worldpanel identifies that Lidl has a 6.1% share of the grocery market across Great Britain.

Lidl has invested heavily in the UK economy since they began trading in 1994 and intend to continue investment in the future, with plans to open between 50 and 60 new stores per year. In 2019 Lidl invested £1.5bn in the UK economy through the expansion of their operations and have allocated £15bn of investment to support British Food Suppliers over the next five years. Lidl's current operation offers 42,500 FTE jobs across the UK, all of which pay a living wage and offer considerable opportunity for career progression. Moreover, the expansion of Lidl's operations offers the opportunity to secure more direct and indirect employment across the whole of the UK.

The Lidl retail philosophy is centred on simplicity and maximum efficiency at every stage of the business, from supplier to customer, enabling the company to sell high quality own brand products at the lowest prices. It is this format that has resulted in Lidl being classified by retail research company Verdict as a 'deep' or 'hard' discounter.

The viability of each Lidl store is assessed on a store-by-store basis, meaning that a range of factors, including local planning policy, can render a Lidl store unfeasible. On this basis, Lidl has made the decision to take a more pro-active approach to planning and hope to aid local planning authorities in producing and applying planning policy in a manner that encourages positive investment.

Town and Country Planning Use Class Order

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No. 757) came into force on 1st September 2020 amending the Town and Country Planning (Use Classes) Order 1987, amending the system of use classes.

The key change from Lidl's perspective is that traditional employment uses (B1 [Office/ Light Industrial], B2 [General Industrial] and B8 [Storage and Distribution]) have been broken up, with traditional B1 uses now falling under the same Use Class as retail (Class E). There are no changes to B2 and B8 uses.

These changes will provide substantial flexibility and will allow businesses to adapt and diversify in line with ongoing changes in the economic climate and in the commercial markets. Further, it is considered that the changes to the Use Class Order to some degree recognise retail uses as employment generating uses.

Given that it is now lawful to change from one Class E use to another without planning permission – unless otherwise restricted by planning condition – it is imperative that Councils recognise this fundamental amendment to the planning framework and reflect these principles when implementing and preparing retail and employment planning policy.

In this respect, the National Planning Policy Framework (NPPF) confirms the Government is committed to securing growth in order to create jobs and prosperity and that the planning system should make effective use of land to support sustainable economic growth. The NPPF also advises that planning policies and decisions need to reflect changes in the demand for land and reallocate the land for a more deliverable use that can help to address identified and unmet need for development in that particular area. This approach ensures that some sites which are subject to long-term protection come forward for alternative uses if there is no reasonable prospect of a site being used for the use allocated within a development plan.

We duly set out below our comments on the draft policies within the publication version local plan.

1. Retail and Employment Policy

Strategic Policy EC13.1: Promoting economic growth and successful high streets

Strategic policy EC13.1 sets out the general principles and goals of the Chapter 13 of the Draft Local Plan, which concerns the Economy and Town Centres. The policy sets out how the Council aim to support economic recovery, business investment and job growth across Merton.

At Paragraph 2 the policy explains the Council's ambitions to encourage business investment and job growth across the borough, to create a diverse and resilient economy. The Council aim to achieve this by (*inter alia*); supporting development which increases the number and range of jobs available; fully considering the economic impact and potential of development; promoting resource efficiency, including land; supporting the hierarchy of town centres; and requiring local recruitment for major developments.

Meanwhile, Paragraph 3 sets out that the Council will seek to ensure a supply of viable and appropriate sites and premises for businesses, jobs and other enterprises in suitable locations. The policy sets out that this will be achieved by (*inter alia*); strengthening the "town centre first approach", directing town centre uses to the major and district town centres; supporting local town centres and neighbourhood shopping parades; protecting and managing the designated Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS); facilitating new employment by protecting and improving scattered employment sites; and supporting the redevelopment of purpose built retail units into other uses.

Lidl is generally supportive of Strategic Policy EC13.1 and agree with the overarching aim of the policy to support economic recovery, business investment and jobs across Merton. Lidl has no concerns over the strategy set out at Paragraph 2 and agree that planning policy and decisions should contribute towards the creation of employment opportunities, particularly for local residents as well as social, environmental and economic sustainability; and finally should seek to protect and enhance designated centres.

With regards to Paragraph 3, it is agreed that directing town centre uses towards the Borough's designated centres should be a priority. However, it is also considered that in certain circumstances suitable and available opportunities within the designated centres simply may not exist and that edge and out-of-centre locations may represent a sustainable alternative, which would not lead to significant adverse impact on neighbouring designated centres. This is discussed in greater detail when addressing Draft Policies TC13.5 and TC13.6 below.

Furthermore, Paragraph 3 of Policy EC13.1 affirms the Council's commitment to protect and manage the designated Strategic Industrial Locations (SIL's) and Locally Significant Industrial Sites (LSIS's) and other employment sites. Whilst Lidl acknowledge that these locations hold special importance and should be safeguarded for industrial uses where appropriate, it is considered that in certain cases these sites may become surplus to requirements or are now unsuitable for industrial uses. In these cases, it is considered that alternative uses should be thoroughly considered on these sites through both the decision taking and plan-making processes. This is discussed in greater detail below.

Additionally, given the changes to the Use Class order, which were adopted in September 2020, it is considered that the line between 'traditional' employment uses and other employment generating uses has been 'blurred'. As such, it is considered that, where appropriate, other employment generating uses, such as retail, should be considered on established or proposed employment sites. Further detailed discussion regarding this can be found below.

Draft Policy EC13.2: Business Locations in Merton

Draft Policy EC13.2 sets out the Council's approach to employment uses across the Borough. The policy firstly asserts that the council will support the retention and redevelopment of existing employment land and floorspace across the Borough for employment uses. As part of this, employment uses should ensure that they are well designed, considering a number of factors, and accessible via sustainable means.

The policy goes on to set out the Council's approach to the provision of office space. Within this section the conditions by which office floorspace can be redeveloped/reused for non-employment uses is put forward. The policy highlights that development proposals relating to employment sites will be supported where a full and proper marketing exercise is performed, this consists of at least 18 months of marketing for the appropriate employment use at a reasonable price.

The 'industrial land' section of the policy focuses on the management of SIL and LSIS sites, stating that these sites will be prioritised for industrial and distribution uses which are not compatible with homes, schools and other sensitive uses.

Lidl is supportive of the Council's ambitions to ensure that there is an ample amount and sufficient typologies of employment sites and floorspace to meet the identified demands of the Borough, particularly for those land uses with particular needs. However, it is considered that the Covid-19 pandemic, and the likely lasting impacts, has led to a major shift in the UK economy including working and travel patterns. Moreover, it is suggested that the changes to the Use Class Order, which were brought into effect in September 2020, were in part a response to the Covid-19 pandemic. In this context it is considered that a certain level of flexibility should be included in emerging planning policy to enable the planning system to be more adaptable and agile to changing market conditions.

With this in mind, it is considered that Policy EC13.2 should demonstrate greater flexibility in terms of land use allocations and consider alternative employment generating uses on land which may be unsuitable or undesirable for 'traditional' employment uses. It is considered that, as currently drafted, the policy may sterilise sites which may be suitable for alternative land uses and may have the potential to bring significant benefits to the Borough.

With regard to the section of Policy EC13.2 which concerns office development, it is considered that the changes to the Use Class Order blur the line between retail and 'traditional' employment B1 uses and ultimately embed a recognition of the similarities between office and retail land uses. Indeed, the overarching title of 'Class E - Commercial, Business and Service' emphasises this point. On this basis, it is considered that Policy EC13.2 should more clearly acknowledge these changes and demonstrate a more open approach to office land use designations, which takes into account the significant economic benefits which can be derived from alternative employment generating uses. Whilst there is scope for office floorspace and sites to be redeveloped/reused for non-employment uses through marketing, it is considered that as retail and office uses now share the same use class (E Class), development of office sites for retail purposes should not be required to undergo the same level of marketing evidence.

With regards to SIL and LSIS sites, it is considered that given the current uncertain economic, social and political climate, Local Planning Authorities should show more openness to the controlled release of underutilised land on a case-by-case basis. Allied to this, local plans should be able to demonstrate greater flexibility in being able to address both anticipated and unanticipated changes to the economy and reform of the planning system. As presently drafted, Policy EC13.2 does not offer any scope for alternative uses of SIL and LSIS sites regardless of the changing context of a site, its surroundings and wider economic changes. Whilst it is acknowledged that SIL and LSIS sites perform a crucial role in the economic function of the Borough and Greater London, it should be noted that changes to the patterns of employment land use may mean that in some cases sites may become surplus to requirements in a short order and not be able to provide beneficial economic use.

It is recognised that SIL and LSIS sites perform a specific function, and as such must be protected where it is clear that they are or can meet that function. However, it is considered that significant economic, social, environmental or spatial changes may occur over the plan period which may render a SIL or LSIS site unfeasible

or undesirable. Given this, it is proposed that a mechanism for the release of SIL or LSIS in specific circumstances is put in place to account for any future changes.

Given the above, Lidl consider that revisions to Policy EC13.2 are required to allow for greater flexibility across the Borough's employment sites and floorspace in order to meet social, economic and environmental change across the plan period. It is also considered that policy and decisions should reflect the positive economic impact that non-traditional employment uses, such as retail, can have on the local area and on the Borough as a whole.

Draft Policy EC13.3: Protection of Scattered Employment Sites

Draft Policy EC13.3 sets out that the Council will resist the loss of "scattered employment sites" to residential use unless; the site is located within a predominantly residential area where it impacts on amenity; the site is deemed to be unsuitable for employment uses; and the site is surplus to requirements and/or has been marketed for 18 months. The policy goes on to state that where these sites do not meet the outlined criteria, residential development may be permitted as part of a mixed-use development.

Lidl are generally supportive of Policy EC13.3, however, they are concerned that the policy only offers scope for the use of the scattered employment sites for residential and employment uses. As previously mentioned, it is considered that the changes to the Use Class Order in part recognises the employment benefits derived from retail and other E Class uses. As such, it is considered that retail use should also be considered as a suitable alternative on scattered employment sites.

Given the above, it is considered that an additional section should be added to Policy EC13.3 to establish the means by which retail development on "scattered employment sites" would be deemed acceptable.

Draft Policy TC13.5: Merton's Town Centres and Neighbourhood Parades

Draft Policy TC13.5 sets out the Council's approach to designated centres and the land uses within them. Through the policy, the Council aim to maintain and enhance the attractiveness of the designated centres; the vitality and viability of the designated centres; and support new development which is commensurate with the scale and function of the centres.

To achieve the aforementioned aims, policy TC13.5 asserts that development proposals should contribute to creating coherent, active, lively, viable, attractive, comfortable and safe frontages and streets. Furthermore, the policy goes on to specify the types of development acceptable within each of the types of centre across the Borough. Within Wimbledon, Colliers Wood, Mitcham and Morden town centres a wide range of uses, including retail, leisure, entertainment, cultural, community and offices will be supported, with a range of unit sizes. The policy further states that within Arthur Road, Motspur Park, North Mitcham, Raynes Park and South Wimbledon Local Town Centres, units of up to 1,000 sqm will be supported; whilst in Wimbledon Village local centre units should not exceed 280 sqm. The policy asserts that neighbourhood parades will be reserved for smaller commercial units.

Whilst Lidl acknowledge that a clear hierarchy of centres is a necessity, it is considered that the specific floorspace restrictions placed on the of units within certain centres through Policy TC13.5 is too prescriptive and could block development which could be judged to be desirable and sustainable. Ultimately, this is an area which rests on the judgement of the planning authority through the decision making process and the local plan should provide flexibility for officers and Members to exercise this judgement. As already outlined, economic, social and environmental changes over the plan period may result in significant changes in the demand and supply of certain land uses. For this reason, it is considered that placing such specific restrictions on the scale

of proposals within certain centres may mean that these centres fall behind and become unable to adapt to these changes.

Given the above, it is suggested that the policy be amended to adopt a more flexible approach with regards to Local Town Centres, where each development is assessed on a case-by-case basis where the social, economic and environmental context of the site and surroundings is fully assessed at the time of the application.

Draft Policy TC13.6: Development of Town Centre Type Uses Outside Town Centres

Draft Policy TC13.6 asserts that development of main town centre uses, exceeding 280 sqm, in edge and out-of-centre locations will only be permitted where a sequential assessment and impact assessment demonstrates that the development proposed satisfies the Council's requirements. The policy then outlines that 'local convenience development' outside of town centres will only be permitted where; *'the proposal will be a replacement for an existing convenience shop; or, the proposal will meet local needs in an area identified as deficient in local convenience shopping (including convenience retail activity in petrol stations); and the overall floorspace of the local convenience shop (including petrol stations) would not exceed 280 sqm net retail floorspace.'* Finally, the policy states that planning conditions may be imposed on development outside of the designated centres in order to ensure the vitality and viability of neighbouring centres is maintained.

Generally, Lidl are in support of Policy TC13.6 and agree that where possible town centre uses, including retail, should be located within the Borough's designated centres. However, as currently drafted, it appears that Policy TC13.6 seeks to prevent all convenience development exceeding 280 sqm outside of the Borough's designated centres. It is considered that, should this be the case, the development of larger convenience retail units across the Borough may be sterilised by Policy TC13.6. This appears to contradict the approach set out in the NPPF which supports the principle of retail development on edge and out of centre sites where it passes both the retail sequential and impact tests. It follows that in certain designated centres there may not be any available or suitable sites. Placing such a floorspace restriction on out of centre sites would preclude many retail operators who provide a key services to local residents.

Paragraph 81 of the NPPF requires that planning policies and decisions help to create the conditions in which business can invest, expand and adapt. The NPPF goes on to state that *"significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*. Crucially, at Paragraph 82 the NPPF asserts that planning policy should *"be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances."* Given that the restrictive nature of Policy TC13.6 has the propensity to block positive investment in the Borough, it is considered that the policy is in clear contradiction of this section of the NPPF.

Moreover, it is considered that the inclusion of guidance at Chapter 7 of the NPPF clearly demonstrates that edge or out-of-centre retail and leisure development which exceed local or national thresholds should be determined in line with the sequential assessment and impact assessment process. As such, it is considered that the restrictions proposed through Policy TC13.6 would effectively remove this process for larger convenience retail development, which is considered to contradict the provisions of the NPPF.

Furthermore, it is considered that at a local level, the proposed restrictions set out in the policy could have an unintended adverse impact on the communities they are seeking to support. As previously mentioned, it is considered that a level of general flexibility is required in planning policy in order for policy to adapt to changing circumstances. As currently written, the inclusion of a blanket floorspace restriction on edge or out-of-centre retail development is unnecessarily rigid. Should demand for convenience retail rise throughout the plan period, as would be expected given the Council's goals to provide additional residential development across the

borough, it is considered that Policy TC13.6 would place a bar on necessary convenience retail development, as suitable sites within designated centres may not become available.

Given the above, it is considered that the limit on convenience floorspace in edge or out-of-centre locations should be removed and a more flexible judgement based approach should be adopted which reflects the national policy and practice guidance .

2. Transport Policy

Introduction

This representation is prepared for consideration by the London Borough of Merton (LBM) in relation to the transport policies outlined in the Stage 3 consultation of the LBM New Local Plan.

The representation is provided on behalf of Lidl Great Britain Limited as a discount food store operator in the Borough. Evidence is drawn from operational experience within the Borough to justify Policy comments and suggested inclusions. This is also based on Lidl's aspiration for growth within the Borough but noting the operator requirements in the food store market in order to do so.

The key points to be drawn from this Representation are as follows:

- Whilst the majority of trip purposes can be accommodated by active and sustainable travel modes, there are a small proportion of trip types where this can be difficult. The purchase of bulk goods such as a food shop is problematic for walking, cycling and public transport modes of travel. Policy planning should recognise this differentiation and allow flexibility for such uses going forward.
- For food store operations, the PTAL score of the site does not alter the need to offer car parking for the bulk shopping trip. This does not mean that visits by car are the predominant mode, evidence from Lidl's Cricklewood and Barking store operations are provided to demonstrate this.
- The generic one size fits all approach for car parking for non-residential uses represents a significant concern to an operator such as Lidl given existing demand (even in well-connected areas) and the need to transport bulk goods.
- Any future adopted car parking standards needs to recognise that, particularly with regard to the Use Class Order changes, specific development types may require special dispensation and that a generic one size fits all approach for car parking for non-residential uses is not appropriate.
- No consideration is given to the role of food store car parking in the wider assistance that it can and does provide for electric vehicle charging opportunities, whereby Lidl has invested heavily in rapid EV charging points in its stores.
- The London Plan (2021) is outdated on the issue of Use Class Order changes. Simply altering all A-classes to E-class in relation to parking has no consideration in terms of the potential impacts of parking on the various uses that can operate from the new Class E classification.

New Local Plan Draft Policies

The overall principal of the Local Plan is to direct growth to sustainable locations with public transport options and active travel choices. This would allow the Borough to grow and facilitate the desired change to reduce the

reliance on car travel and facilitate modal shift for those journeys that can reasonably be made by active travel modes or public transport.

The overarching principles identified in the Local Plan are fully supported by Lidl. Lidl seeks also to assist with reducing the need to travel by locating stores on the edge of residential areas and in locations that are accessible by foot and public transport. This allows for reduced travel distances and does facilitate for the ‘top-up shopper’ purchasing items that can be carried by the customer.

The Local Plan acknowledges that the Borough is well served by public transport for town centre location and in areas where there are frequent bus/rail connections. However, accessibility outside these locations exhibit limited accessibility as demonstrated in **Figure 2.1** which shows the PTAL rating across the Borough.

Lidl currently operates 7 food stores in the Borough;

- Aberconway Road, Morden (PTAL 6a);
- Western Road, Mitcham (PTAL 3);
- Streatham Road, Mitcham (PTAL 4);
- Rowan Road, Mitcham (PTAL 2);
- Tandem Centre, Colliers Wood (PTAL 4);
- London Road, Tooting (PTAL 4); and
- Plough Lane, Wimbledon (PTAL 3).

These are also highlighted on **Figure 2.1**.

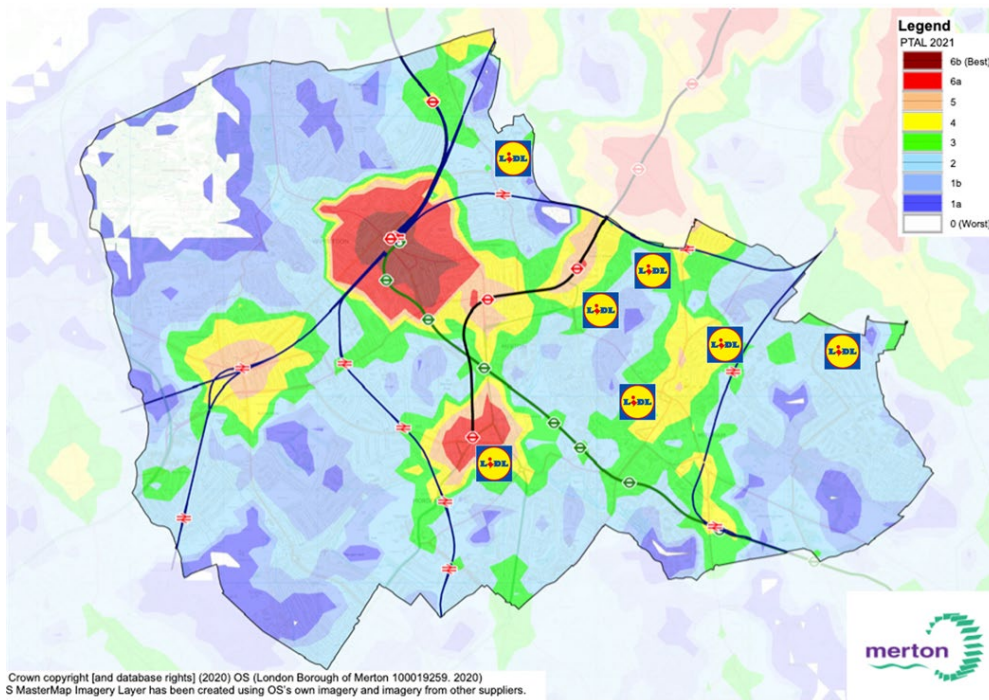


Figure 2.1: Borough PTAL Rating and Lidl Locations

Figure 2.1 indicates that the Lidl locations are in a mixture of high and moderate PTAL locations largely focused on the eastern area of the Borough.

The key growth in the Borough is focused on the Opportunity Area that includes Wimbledon, South Wimbledon and Colliers Wood, which was identified in the London Plan.

Draft Transport Policies

Overall, Lidl would support the policy intentions in Policy T16.1 (Sustainable Travel) and T16.3 (Managing the Transport Impacts of Development) with the focus being on the Transport Statement or Assessment demonstrating the overall impact of a development proposal and providing any mitigation if required.

Policy T16.4 (Parking and Low Emissions Vehicles) states the following:

“A. Developments should provide the minimum level of car parking necessary taking into consideration the site accessibility by public transport (PTAL), in accordance with London Plan parking standards. Developments in areas with good transport accessibility including town centres will be expected to be car free”

Whilst the London Plan overarching policies and focus on multi-modal travel is an acknowledged and the reasoning for this is supported. This is more applicable for journeys such as work or school rather than a blanket focus on all travel without regard to some key functions that occur. There is, and will continue to be, an operational demand for an element of bulk buying and as such a continued demand by customers on the use of the car to undertake such journeys.

Therefore, there will be an ongoing demand for some uses, such as food retail, to provide car parking at retail units. The benefit of providing this at a local level is that the distance travelled to the food store is minimised and this has onward benefits in terms of vehicle emissions but also wider congestion considerations on the highway network.

The implications for not considering operational parking provision in local development proposals is that there is likely to be a sustained or even increasing distance (as new development comes forward) that customers travel to available food stores where parking is possible to facilitate the bulky trip. It may also be the case that there is a rise in online shopping further, which exhibits the same outcome in terms of emissions and traffic on the highway network.

Lidl acknowledges and accepts that a part of their customer base is performing a ‘top-up’ shop of goods, which can, and often are, undertaken by walking, cycling or public transport. However, a typical weekly shop is both bulky and heavy to transport. It would be unreasonable to assume that going forward this will not materially change.

London Plan (2021) Car Parking Standards

Lidl understands and accepts the importance of the mode shift away from the dominance of the car across London. Nevertheless, some trip types do require further consideration in terms of requiring a level of car parking in order to operate, particularly a food shopping trip.

Taking the London Plan (2021) parking standards into consideration, the applicable retail standards would be as follows:

- PTAL 5-6 locations – car-free;

- Outer London Opportunity Areas – Up to 1 space per 75sqm of GIA; and
- Rest of Outer London – Up to 1 space per 50sqm GIA.

EIP Inspector’s Comments

We note the findings of the Inspector’s on the London Plan EiP, who specifically noted the following in terms of retail car parking:

“The maximum standards for retail development do not distinguish between different types of shop, and they will clearly require a different approach to parking provision for some uses including supermarkets and out of centre retail parks.”

This is a key statement that has not been addressed in the adopted London Plan.

Furthermore, the Inspector continues on to state:

“The main weekly food shop of households makes up over 50% of all transactions in some supermarkets. Evidence indicates that demand at peak times at some stores is for around one parking space per 10-20 square metres even in areas with very good public transport accessibility. The requirement for car free retail development in the CAZ and all areas of PTAL 5- 6, and a maximum of one space per 75 square metres in inner London and outer London Opportunity Areas, and one space per 50 square metres elsewhere, will therefore be restrictive.”

Implications on Food Retail

This is a restrictive standard, but one that is most restrictive on the food retail uses compared to standards that other retail types are currently provided with in the previous version of the London Plan. This is particularly pronounced at both ends of the PTAL accessibility spectrum as illustrated in [Table 2.1](#).

Location	Previous London Plan Non-Food Retail Uses	Previous London Plan Food Retail (up to 2,500 sqm)	London Plan 2021 Standard
PTAL 5-6 area	1 space per 40-60 sqm	1 space per 30-45 sqm	Car-free
PTAL 2-4 area	1 space per 30-50 sqm	1 space per 20-30 sqm	n/a
Inner London / Outer London Opportunity Area	n/a	n/a	1 space per 75 sqm
PTAL 1 / Rest of Outer London	1 space per 30 sqm	1 space per 18 sqm	1 space per 50 sqm

Table 2.1: Comparison of Retail Uses Parking Standards

The non-food retail uses already have an element of restraint in the parking standards and therefore the transition to a more stringent standard is a more straightforward progression, since new developments across the city have been provided based on these standards.

The transition for a food retail use from a standard of 1 space per 18 square metres to 1 space per 50 square metres is a significant change. This takes no account of the requirement for operational flexibility to provide car parking to serve the bulk shopping trip, which may not be possible to be undertaken via foot, cycle or public transport.

In the same regard, Lidl has sites across London in PTAL 5 and 6 locations that benefit from being close to transport hubs and have a high number of active and sustainable trips yet also provide car parking that is also well utilised for all of the reasons outlined above.

We note the Inspector concluded with the following comment:

“However, the car parks at existing stores are no doubt one of the main reasons people choose to drive to those destinations. Policies SD7 and SD8 set out a town centre first approach, and limiting the number and impact of cars will enhance the quality of the environment and ultimately attract more people thereby supporting the vitality and viability of town centres.”

Whilst this is a common perception in terms of car driver trips overall, the experience across London for sites with high and low PTAL ratings indicates that this preconception is not necessarily correct. Rather, in accessible locations, parking allows for the bulk trip purchase, but there is also a high prevalence of active and sustainable trips allowing for localised top-up shopping or smaller shopping trips to be undertaken.

To demonstrate this point with operational data, Lidl foodstore at Edgware Road, Cricklewood store (PTAL 3) and the Ripple Road, Barking (PTAL 6b) had multi-modal surveys undertaken in 2016 and the results of the modal split of travel by weekday (a Friday) and weekend are presented in Table 2.2.

Mode of Travel	Edgware Road, Cricklewood (PTAL 3)				Ripple Road, Barking (PTAL 6a)			
	Surveyed Friday		Surveyed Saturday		Surveyed Friday		Surveyed Saturday	
	No. of Customers	Modal Split %	No. of Customers	Modal Split %	No. of Customers	Modal Split %	No. of Customers	Modal Split %
Walk	692	23.3%	775	20.4%	1,666	45.1%	2,000	47.7%
Cycle	24	0.8%	35	0.9%	19	0.5%	20	0.5%
Bus	709	22.8%	828	21.8%	642	17.4%	579	13.8%
Train	4	0.1%	2	0.1%	33	0.9%	15	0.4%
Underground	6	0.2%	7	0.2%	152	4.1%	99	2.4%
Taxi	7	0.2%	8	0.2%	8	0.2%	21	0.5%
Motorcycle	25	0.8%	22	0.6%	4	0.1%	4	0.1%
Car Driver	1,131	36.4%	1,316	34.7%	784	21.2%	851	20.3%
Car Passenger	512	16.5%	799	21.1%	389	10.5%	608	14.5%
TOTAL	3,110	100.0%	3,792	100.0%	3,697	100.0%	4,197	100.0%

Table 2.2: Weekday and Weekend Multi-Modal Survey of Customers.

Table 2.2 indicates that whilst car trips did occur to the food store across both days for both locations, forming 35-36% of the modal split of travel for the PTAL 3 store and 20-21% for the PTAL 6a store. Public transport, walking and cycling accounted for 43-47% of the mode share of the PTAL 3 store and 65-68% for the PTAL 6a store.

Table 2.2 demonstrates that despite the availability for customers to travel sustainably to the food store, a proportion continue to travel by car, most likely to fulfil the requirement to undertake a weekly food shop.

Table 2.2 also indicates that it is possible for the Mayor to achieve the aspiration that 75% of all trips are undertaken by walk, cycle and public transport, but this does not have to be achieved through stringent parking policy alone for food retailing.

An Evidence Based Review of London Plan (2021) Parking Standards

To put the standards into context, 7 operational Lidl food stores are summarised based on where they range within the current and future standards in Table 2.3. The stores that have shared car parks at Aberconway Road, Morden, Tandem Centre, Colliers Wood and Plough Lane, Wimbledon are not included in this review.

Lidl Store Location	PTAL of Site	Parking Provision Provided at Site	Old London Plan Maximum Parking Provision	London Plan (2021) Maximum Parking Provision
Western Road, Mitcham	3	55	74	30
Streatham Road, Mitcham	4	90	94	38
Rowan Road, Mitcham	2	79	86	34
London Road, Tooting	4	69	94	37

Table 2.3: Parking Standards Review for Lidl Sites within the Borough.

Clearly Table 2.3 indicates that the level of restraint on the food stores is significant with the new London Plan standard essentially offering only half of the parking that the existing food stores in these locations currently provide.

Lidl Operational Examples in the Borough

An evidence-based overview of the existing parking demand has been prepared for the London Road, Tooting and Western Road, Mitcham Lidl stores. These reflect different types of location where Tooting is located in an area with good accessibility (based on the PTAL score) and Western Road, Mitcham located in the local centre of a suburban area.

Data has been obtained from each store's Automatic Number Plate Recognition (ANPR) system for the September 2019 period (Pre-Covid and a neutral month for illustration). The data has been averaged for the month to provide a summary of typical parking accumulation and total maximum demand experienced. This has been plotted against both previous London Plan (2016) standards and the policy position with the adopted London Plan (2021) standards.

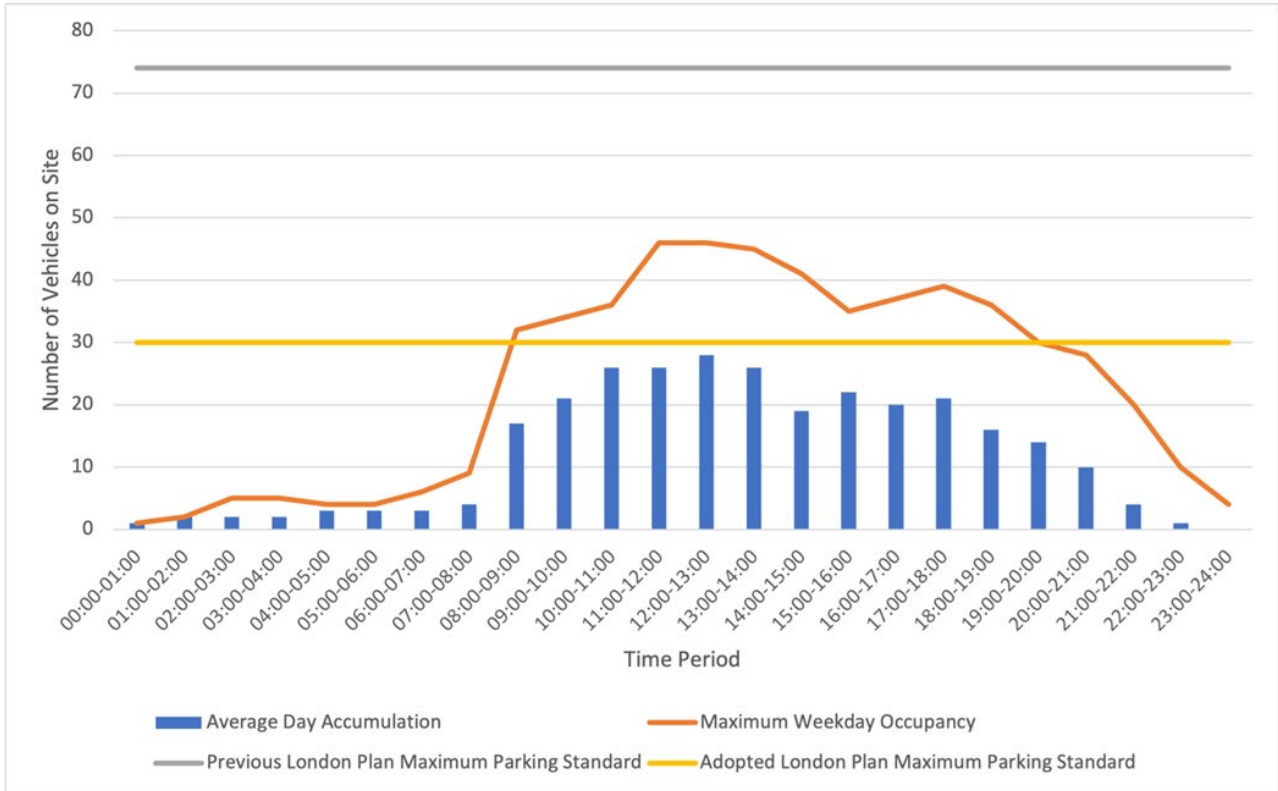


Figure 2.2: Mitcham Weekday Parking Accumulation Profile

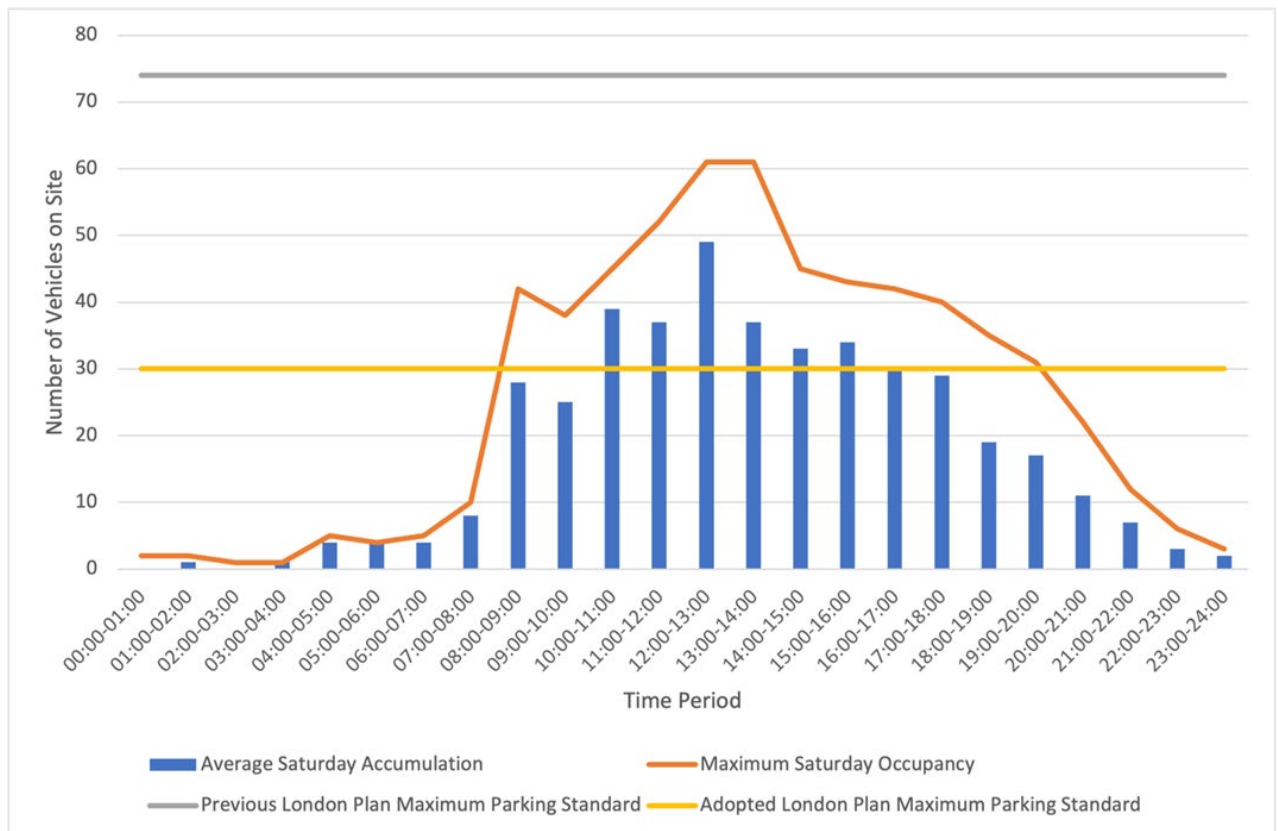


Figure 2.3: Mitcham Saturday Parking Accumulation Profile

The Western Road, Mitcham store currently provides 55 parking spaces. Both Figures 2.2 and 2.3 indicating that parking accumulation as an average can be accommodated within the existing parking provision.

The figures identify that the previous London Plan maximum range standards applicable for the area provide a good level at which retail parking can operationally function even during the periods of peak demand.

The London Plan (2021) parking policy would, however, result in operational issues as the demand would be exceeded over the majority of the store’s core opening hours on a Saturday.



Figure 2.4: Tooting Weekday Parking Accumulation Profile

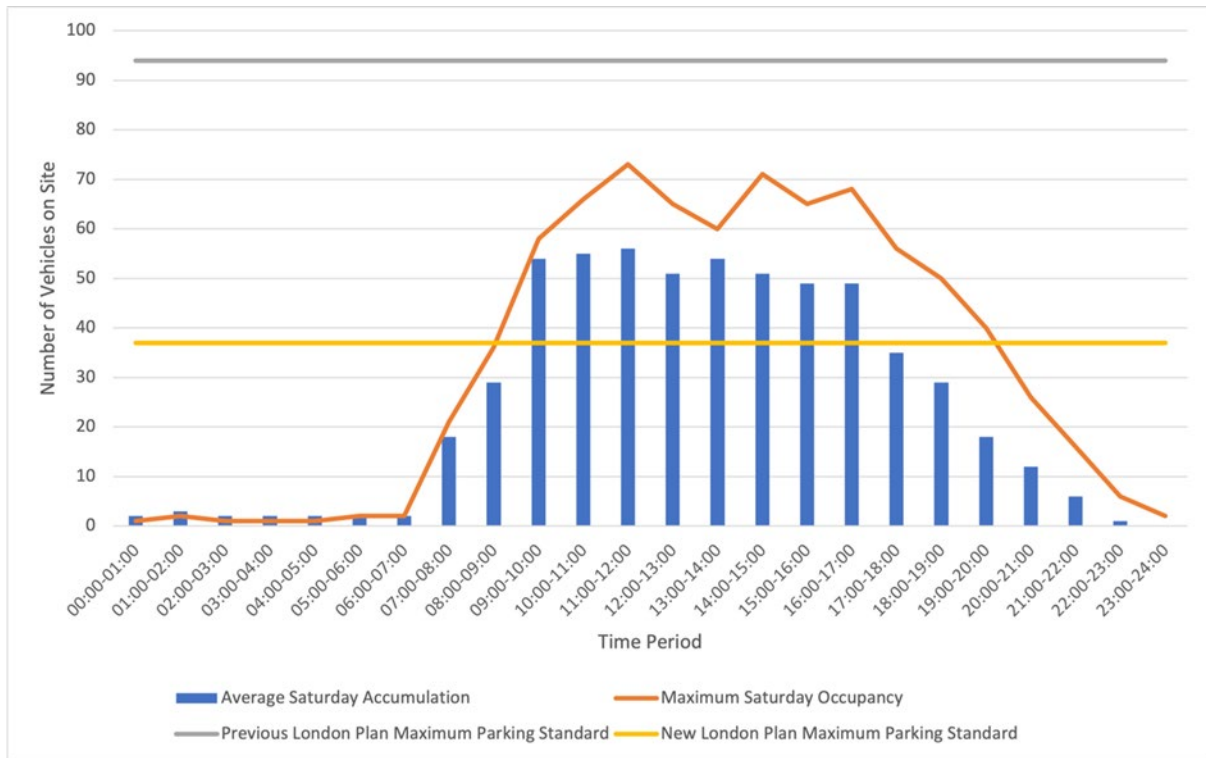


Figure 2.5: Tooting Saturday Parking Accumulation Profile

London Road, Tooting currently provides 69 parking spaces, which is sufficient to accommodate the typical parking accumulation profiles as shown in Figures 2.4 and 2.5.

The figures identify that the London Plan applicable standard is below the demand experienced across almost all operational hours on a Saturday and would be at or close to capacity across the weekday operations.

The London Plan (2021) parking policy provision, which states that a site with similar accessibility would be provided with significantly less parking and could result in significant operational issues as the demand would clearly be exceeded for every hour the store is open on average across a Saturday and operate at or close to capacity on a weekday.

Using Lidl as an example, the London Plan (2021) standards would impede operational activity for a food store and any new food stores that are proposed are likely to lead to demand for parking. It is possible that this could result in road safety implications on surrounding highway networks, as vehicles park inappropriately to access local retail offers. It is also likely that food stores that benefit from higher levels of parking then become a destination in order to facilitate the bulky shopping trip, which has implications on meeting the objectives of the Local Plan as distance travelled increases and this contributes towards the congestion and air quality problems.

Parking Policy Wording Alteration

London Plan Wording

Policy T6 of the London Plan (2021) allows flexibility for Boroughs to adopt residential parking policies within their own Local Plans. The specific policy states:

“ K - Boroughs that have adopted or wish to adopt more restrictive general or operational parking policies are supported, including borough-wide or other area-based car-free policies. Outer London boroughs wishing to adopt minimum residential parking standards through a Development Plan Document (within the maximum standards set out in Policy T6.1 Residential parking) must only do so for parts of London that are PTAL 0-1. Inner London boroughs should not adopt minimum standards. Minimum standards are not appropriate for non-residential use classes in any part of London.” (emphasis added)

Recommended Policy Wording

On the basis of the evidence presented above, we request that the any future changes to the parking policy position set out in the Local Plan is adapted to specifically relate to non-residential uses allowing the following flexibility for food retail operators going forward and in acknowledgement that the Use Class Order changes will require a flexible approach to parking provision across sites. Suggested wording such as the following could be used:

‘The parking requirement for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non- residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must take into account the objectives of the London Plan and Local Plan policies to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development. This will be supported by further development of local public transport networks and sustainable modes of travel such as wider footpaths, good cycling infrastructure and well-designed public realm walking and cycling routes’.

Any future car parking policies within the Local Plan needs to allow for operational flexibility, particularly where opportunities for walking, cycling and public transport are limited.

Summary and Conclusions

In conclusion, Rapleys LLP and Mode Transport have been instructed by Lidl Great Britain Limited (Lidl) to prepare representations to the Stage 3 consultation for the new Local Plan for the London Borough of Merton.

With regards to Retail and Employment Policy Lidl is seeking to ensure that policies within the emerging Local Plan provide sufficient flexibility and do not prejudice against development which may be beneficial to the Borough. In order to ensure that flexibility in retail and employment policy is incorporated into Merton’s emerging Local Plan, and reduce barriers for positive investment across the Borough, the following recommendations are put forward:

- Policy EC13.2 is revised to provide additional scope for ‘non-traditional’ employment uses, such as retail, on employment sites, including SIL and LSIS sites, where it can be demonstrated that the site is no longer suitable or desirable and the proposed use represents a sustainable alternative;
- The requirements for the release of employment land, set out in Policy EC13.2, are amended to acknowledge the changes to the use class order, and recognise the similarities and economic benefits of other E Class uses;
- The scope by which retail and other E Class on ‘scattered employment sites’ would be deemed acceptable in principle is added to Policy EC13.3;

- The maximum floorspace figure of 1,000 sqm imposed on selected designated centres through Policy TC13.5 is removed allowing for each development proposal to be assessed on a case-by-case basis on the merits of the proposal; and,
- The maximum floorspace figure of 280 sqm for edge and out-of-centre convenience retail applications put forward through Policy TC13.6 is removed. This amendment should be made to avoid unnecessary barriers to investment in the borough and ensure that all edge and out-of-centre development is assessed as equal through sequential and impact assessment process, in line with national guidance.

With regards to transport policy, the London Plan (2021) parking standards, which are adopted by LBM as outlined in the Local Plan, allows flexibility for residential uses yet lack of recognition that some non-residential land uses are not able to meet the targets to focus on walk, cycle and public transport trips.

Recognition that food retail uses will generate some demand for parking due to the bulk- purchasing of items needs to be considered when policy making. The justification of parking should form part of the operational assessment for the level of car parking that can be provided on a site by site basis within the Transport Assessment submission.

New retail developments offer an opportunity for regeneration and economic growth and job opportunities in what is otherwise a challenging environment for the wider retail sector and the longevity of local retail opportunities. In order to be able to invest and develop in locations a bespoke solution that considers the operational requirements for a food store whilst achieving the overall objectives of the London Plan could be devised. This would allow developments to progress viably for all parties.

Without consideration of the evidence provided the draft Local Plan will have profound implications on the future of Lidl food stores across the Borough as well as customer travel distances and congestion levels across the highway network. On this basis, we encourage consideration of the suggested policy wording updates, which also take account of the changing Land Use Class Order classifications.

It would be appreciated if written confirmation of receipt of these representations could be provided.

In addition, we would like to be kept informed about any further progress or consultation which takes place regarding the progress of the emerging local plan for the Epping Forest District Council.

Yours sincerely,


Rapleys LLP (Sep 6, 2021 17:29 GMT+1)

Rapleys LLP