

LOCATION: NOTCUTTS GARDEN CENTRE, 150-152 LONDON ROAD, BAGSHOT, GU19 5DG

PROPOSAL: Erection of a part single storey, part two storey building to provide 2 retail units (Class A1) with ancillary cafe and storage facilities as well as parking, landscaping, and access following the demolition of existing garden centre. (Amended info rec'd 05/11/2013) (Additional info rec'd 13/12/13).

TYPE: Full Planning Application

APPLICANT: Notcutts Woodbridge Ltd & Chelstone Management (Bagshot) Ltd

OFFICER: Duncan Carty

RECOMMENDATION: GRANT subject to conditions and S106 agreement

1.0 SUMMARY

- 1.1 The application site relates to the existing Notcutts garden centre, which is an out-of-centre Class A1 retail use and has been in existence for over 50 years. The garden centre is located on the edge of Bagshot, predominantly within the designated Countryside (beyond the Green Belt). The proposal is for full planning permission to demolish this existing garden centre store and erect a 6437 square metre (g.f.a) retail development to provide two retail units following the demolition of the existing garden centre of 3827 square metres together with 349 associated parking spaces (an increase of 121 spaces over existing levels).
- 1.2 Unit 1 would provide 3641 square metres (1898 square metres net retail sales area and 141 square metres café area) and Unit 2 would provide 2976 square metres (2104 square metres net retail sales area and 350 square metres café area). Notcutts are proposing to occupy Unit 2 and Waitrose are proposing to occupy Unit 1. Notcutts currently have a net sales area of 4802 square metres, of which 3350 square metres is internal sales area. For a full description of the proposal see section 5 of this report.
- 1.3 Sections 8 and 10 of this report explain that there is no policy reason to refuse the application on retail grounds as it complies with the sequential approach; there would be no significant adverse impact on existing, committed and planned investment in Camberley Town Centre and other designated centres (including Bagshot and Lightwater); and, no significant adverse impact on the vitality and viability of Camberley Town Centre and other designated centres. The proposal would not have an unacceptable effect on highway safety, or capacity. The proposal would also respect the character and quality of the area, and have no adverse impact on residential amenity, protected species, sustainable development/design, flooding/drainage and biodiversity.
- 1.4 The application is therefore recommended for approval, subject to conditions as detailed at the end of this report, and a S106 agreement which provides a total contribution of £125,600 for local infrastructure measures; £4,600 towards the auditing of a travel plan and a deed of variation agreement to allow the removal of the limitations on retail sales set out in the legal agreement attached to planning permission SU/07/0702 (with controls on retail sales from the site proposed to be set out in conditions instead, as set out below).

2.0 BACKGROUND PAPERS

- 2.1 Planning history [see section 4 below].

2.2 Consultation and neighbour notification responses [see sections 6 and 7 below].

3.0 SITE DESCRIPTION

- 3.1 This application site relates to a standalone garden centre occupied by Notcutts Garden Centres Ltd. The application site, lies at the edge of Bagshot predominantly within the defined Countryside (beyond the Green Belt). The application site extends to 1.74 hectares. It fronts onto London Road, with the vehicular access point onto Waterers Way (serving the Earlswood Park residential development) which meets A30 London Road at a traffic light junction. The application site is approximately 0.7 kilometre south west of Bagshot centre and 3.5 kilometres north east of Camberley Town Centre. Existing car parking can cater for 228 vehicles. The application site is adjoined by Earlswood Park residential development to the north east, SANGS (provided for the residential development) to the south and A30 London Road to the north west with predominantly residential properties opposite. The site falls within Flood Zone 1, an area of low flood risk, as defined by the Environment Agency.
- 3.2 This site is an established out-of-centre garden centre retail destination operating from the site for over 50 years, previously as Waterers Nurseries. It has gradually extended over the years (see planning history below) and the horticultural element of the site was demolished and replaced by the Earlswood Park residential development (built under planning permission SU/07/0702). The current garden centre on site includes a range of predominantly con-joined single storey buildings generally measuring up to about 7.5 metres in height. The existing store encompasses a broadly U-shaped footprint measuring a maximum of 60 metres wide by 65 metres deep and comprises 3827 square metres of floorspace with a net (internal) retail floorspace of 3350 square metres and an external sales area of 1452 square metres. The application site includes a graveled overflow car parking area to the north east of Waterers Way, which falls within the settlement of Bagshot.
- 3.3 The existing garden centre, by virtue of the legal agreement for the Earlswood Park residential development (built under planning permission SU/07/0702), is restricted to the following retail sales:
- goods and services related to gardens, gardening and wildlife;
 - horticultural products, trees, shrubs, house plants, flowers of all types and cut, silk and dried flowers;
 - garden equipment, machinery, tools, computers and accessories;
 - garden furniture;
 - barbeques and other outdoor garden play equipment;
 - sheds, garden buildings and outdoor play equipment;
 - fencing, trellis and landscaping materials, including aggregates, paints and stains;
 - outdoor aquatics and water garden equipment and their accessories;
 - garden clothing and footwear;
 - garden security equipment; and
 - restaurant and coffee shop.

Further sales (limited to cumulatively more than 32% of the retail sales area) can include:

- conservatory and garden room furniture;
- swimming pools and spas;

- pets, pet accessories, pet care and advice;
- indoor aquatics;
- health and beauty products;
- hobbies, crafts and toys;
- books, magazines, cards and other literature;
- festive produce decorations, trees and lights and gifts;
- china, glass and gifts;
- kitchenware;
- country sports equipment, including fishing, equestrian, camping and supplies;
- outdoor clothing and footwear;
- outdoor lights;
- specialist tools;
- beverages, cakes, biscuits and confectionary;
- farm produce;
- and any other goods as agreed in writing with the Local Planning Authority.

The legal agreement also prohibits the sale of the following:

- pharmaceutical products for human consumption;
- motor vehicles or their parts;
- computers;
- indoor electrical appliances;
- radios and televisions;
- musical instruments;
- carpets;
- dry cleaners;
- post office;
- general household products, other food products, clothing and shoes not identified (above) as can be sold from the store.

4.0 RELEVANT HISTORY

The application site, as indicated above, has an extensive planning history of which the following is most relevant:

4.1 BGR 3867 Erection of showroom. Approved in July 1962.

This permission introduced a retail element to this previously horticultural site.

4.2 SU/84/0879 Part conversion of horticultural buildings for retail use and erect new

greenhouses to link converted buildings with original main shop. Approved in January 1985.

- 4.3 SU/96/0943 Erection of 4 no. glazed canopies. Approved in January 1997.
- 4.4 SU/97/0543 Erection of a steel covered area. Approved in July 1997.
- 4.5 SU/04/0606 Erection of a single storey extension to existing shop building following the demolition of fire damaged structure. Approved in August 2004.
- 4.6 SU/07/0702 Erection of 182 dwellings comprising 115 dwellinghouses, 59 flats and 8 maisonettes together with the change of use of nursery land to public open space and landscaping, alterations to access and associated highway works, retention of garden centre buildings with amended parking layout and external sales area. Approved in August 2009 and implemented and locally known as the Earlswood development.

This permission attached a legal agreement which limited the retail sales from the existing Notcutts garden centre (see Paragraph 3.3 above).

- 4.7 SU/10/0629 Erection of canopy to provide additional retail sales area, reconfiguration of parking and access and ancillary works (including the demolition of existing boundary fencing and alterations to the appearance of existing buildings). Approved in December 2010 but not implemented.

This permission would result in 1015 square metres added to the existing garden centre in an open sales area (on part of the existing car park). The permission was granted on the basis of the loss of a building of 757 square metres which has subsequently been removed.

5.0 THE PROPOSAL

- 5.1 The proposal for full planning permission seeks to demolish the existing garden centre and erect 6437 square metre of retail development, an increase of 2610 sqm over existing levels (92% increase) with 349 associated parking spaces (an increase of 121 spaces over existing levels) 26 bicycle spaces and 3 motorcycle spaces. The proposal would offer a net internal sales area of 4002 square metres, an increase of 652 sqm over existing internal sales levels (19%) but an overall decrease of 800 sqm. (17%), including existing external retail sales area. This would be split into two retail units, Unit 1 providing 3641 square metres (1898 square metres net retail sales) and Unit 2 providing 2976 square metres (2104 square metres net retail sales). Both proposed stores would provide cafes of 141 and 350 square metres for Unit 1 and Unit 2, respectively. Unit 1 would provide the majority of its accommodation at ground floor level, with some limited storage accommodation at first floor level only. Unit 2 would provide a greater proportion of first floor accommodation including some retail sales area, a café and storage at that level. The following table summarises the proposed development:

	Net retail sales area	Net cafe sales area	Total floorspace (g.f.a.)
Unit 1	1898	141	3641
Unit 2	2104	350	2976
Total	4002	491	6617

- 5.2 The car parking would be provided to the front of the proposed store providing 349 spaces, 121 more than provided for the existing garden centre store. There are no proposed changes to the vehicular access, which is currently from Waterers Way which accesses directly onto the A30 London Road at a traffic light junction. The access to the proposed service yard would be retained in a similar position as existing but amended to improve vehicle access and capacity, to cater for both proposed stores. To provide a more level surface, the proposal would reduce the land levels to the south west flank, adjacent to the SANGS land, by up to 2 metres.
- 5.3 The proposed building would have a curved roof height of a maximum height of 11 metres falling to 5.8 and 8.4 metres at the north west and south east flank edges. The proposal will also incorporate a broadly L-shaped footprint measuring a maximum depth of 62.5 metres (reducing to 40.8 metres) and a maximum width of 95 metres (reducing to 41 metres). The front elevation comprises glazing which is further relieved by the introduction of contrasting materials (vertical grey cladding). The remaining elevations are more understated yet follow the proposed theme of the dark cladding. The proposal would provide a green roof, reflecting its countryside edge location.
- 5.4 Unit 1 is proposed to be occupied as a foodstore (Waitrose). A John Lewis "Click and Collect" facility would be provided at the store which would allow the collection of internet-ordered goods at the store, which would otherwise be collected from other John Lewis/Waitrose stores in the area. Unit 2 is proposed to be occupied as a garden store (Notcutts) which is a new concept of "pavilion" style store with all retail sales area provided under roof (with no external sales area).
- 5.5 The following key documents have been submitted by the applicant and relevant extracts will be relied upon in Section 9 of this report:
- Retail Impact Assessment;
 - Planning Statement;
 - Design and Access Statement; and,
 - Transport Assessment (and Travel Plans).

A Flood Risk Assessment, Noise Assessment, Community Consultation Report, Ecological Report, Tree Survey and Arboricultural Report, BREEAM Assessment, Air Quality Assessment and Utilities Statement have also been submitted.

6.0 CONSULTATION RESPONSES

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|-----|--|-------------------------------|
| 6.1 | Surrey County Council
Highway Authority | No objections. |
| 6.2 | Environment Agency | No objections. |
| 6.3 | Planning Policy
Manager | No objections. |
| 6.4 | Arboricultural Officer | No objections. |
| 6.5 | Senior Environmental
Health Officer | No objections. |
| 6.6 | Surrey Wildlife Trust | No objections. |
| 6.7 | Drainage Officer | No comments received to date. |
| 6.8 | Windlesham Parish
Council | No objections. |

- 6.9 Bracknell Regional Partnership No objections, subject to limitations on the sale of clothing or footwear.

7.0 REPRESENTATION

7.1 At the time of preparation of this report 56 letters of support and 12 representations of objection have been received.

7.2 The letters of support state the following:

- The proposal will provide an enhanced Notcutts along with the benefits of a Waitrose reducing travel to such a facility (and emissions)
- The proposal will provide an improvement to the visual appearance of the existing site
- The proposal will offer an improved selection of (quality) goods
- The proposal would provide employment opportunities
- The proposal will enhance the local village and profile of Bagshot
- The proposal will enhance house prices
- The proposal is acceptable subject to a review of/improvements to the traffic light phasing, relocation of bus stop, provision of trolley bags to enhance access by local residents by foot, litter bins, a satisfactory foul sewer provided, improvements to adjoining SANGS and improved landscaping (trees to limit or improve views) and out-of-hours use of overflow car parking by residents of adjoining housing estate and control of customer/staff parking in residential streets of adjoining housing estate.

7.3 The letters of objection from local residents raise the following concerns:

- Negative impact on highway safety, traffic congestion, limited cycle way provision on A30, access onto A30 from other nearby access roads and accident record (*see Paragraph 8.6*)
- Negative impact on viability and vitality of the Bagshot centre (*see Paragraph 8.3*)
- Lack of need (*see Paragraph 8.3*)
- Impact on sewers (*Officer comment: It is proposed that the details of foul water drainage system are agreed by condition*)
- Increased noise and disturbance including from overflow car park (*see Paragraph 8.5*)
- Loss of privacy from (overflow) car park use (*see Paragraph 8.5*)
- Construction noise – (*Officer comment- controls on hours of construction are proposed by condition to limit impact from construction noise*).
- Noise from delivery vehicles (especially at night) (*Officer comment: controls over hours of deliveries are proposed to limit this impact*)
- Air pollution (*see Paragraph 8.5*)
- Impact on Conservation Area (*Officer comment: The application site is some*

distance from the nearest Conservation Area).

In addition representations of objection have been received from local businesses including retailers (through their agents), including Budgens (Lightwater), Jacks Fish & Chip Shop (owner of the majority of the Half Moon Street site) and Co-op supermarket (both Bagshot). In brief these objections are listed and summarised below and full consideration is given in relevant paragraphs as also indicated below in italics.

- Impact of the proposal on the countryside (*see Paragraph 8.3*)
- Impact on the character of the semi-rural setting of the site (*see Paragraph 8.3*)
- Fails to comply with retail sequential and impact tests set out in the NPPF (*see Paragraph 8.3*)
- Misleading figures for size of garden centre, etc., to compare existing and proposed. (*Officer comment: This has been noted and this report reflects the correct figures*)
- The floorspace, height and mass of the proposal is much larger than the existing structure and the proposal is materially larger than existing and conflicts with Policy DM1. (*Officer comment: Policy DM1 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that replacement buildings for economic purposes in the countryside beyond the Green Belt will be supported where the building to be replaced is of a permanent construction and was last used for non-residential purposes and the replacement building would not be materially larger than the existing building with priority given to previously developed land. However, Paragraph 6.13 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that economic development could include allowing replacement buildings for "small-scale employment opportunities in traditional skills or crafts, green waste recycling activities, small scale offices, small scale light industrial, low impact storage as well as for community and public uses." It is considered that Policy DM1 of the Surrey Heath Core Strategy and Development Management Policies 2012 therefore does not apply to the current proposal. This approach is supported by the Planning Policy Manager*)
- The proposal would deliver a level of increase in retail turnover which would result in an unacceptable intensification of the use of the site in a countryside location (*see Paragraph 8.3*)
- The Retail Impact Assessment does not reflect the availability of the edge-of-centre Half Moon Street site which would meet Bagshot's retail needs and is retail development which is supported by Policy E8 (of the Local Plan) and is a more suitable and viable sequentially preferable site (*see Paragraph 8.3*)
- Impact on Bagshot centre, noting the separation distance (700 metres) which would not provide "linked trips" and extent of retail goods proposed to be sold at the site (*see Paragraph 8.3*)
- The methodology in the Retail Impact Assessment to calculate the trade draw is not considered to be robust in particular with an under valuing of the impact on trade turnover that would be expected at their store (*see Paragraph 8.3*)
- The proposed garden centre would not exhibit the characteristics of existing competing garden centres in the area, not providing any external sales area and would sell a range of comparison goods which would conflict with town centre (*see Paragraph 8.3*)
- No identification of the specific retail parks the proposal would compete with (*see Paragraph 8.3*)

- Does not support vitality, viability of local centres, including Bagshot. It will function as a free-standing “out of town” retail destination with no functional connection to Bagshot (see *Paragraph 8.3*)
- The retail assessment indicates that the trade draw is over exaggerated from stores outside of Bagshot and under estimated for stores in Bagshot. It would have a greater impact than suggested on the Co-op store in Bagshot and could affect its viability and would have a greater impact on the viability of the centre from a loss of combined trips and associated footfall.
- Impact on “top-up” sales on convenience stores in Bagshot (see *Paragraph 8.3*)
- Retail turnover is greater than existing turnover in Bagshot, threatening the viability of the centre (see *Paragraph 8.3*)
- The Council’s 2010 Retail Study does not support the amount of proposed floorspace (see *Paragraph 8.3*)
- No policy support for the proposal (see *Paragraph 8.0 onwards*)
- The retail assessment under-estimates the retail turnover for Budgens store (Lightwater) and anticipated trade draw that would be generated by the proposal (see *Paragraph 8.3*)

In addition, no objections have been raised to the proposal by representatives of The Mall Corporation subject to:

- Limitations on the floorspace/net sales areas for both proposed retail units
- Limitations on sales or concession units (no post office, optician, pharmacy or financial services)
- Maximum number of parking spaces
- No external retail sales (car park/service yard)

Due to the current proposal, they also indicate that Waitrose are not likely to locate in the Camberley centre (LRB site). It will also make the second unit very attractive to comparison goods retailers with Waitrose having a very attractive adjacency to other retailers.

(Officer comment: The applicant has confirmed that they see no reason why Waitrose may not locate in the LRB site, although they acknowledge that the retail accommodation will be dominated by comparison retail floorspace with limited availability for convenience floorspace. Hence, Waitrose within the LRB site would provide a much smaller unit and a different type of unit to the current proposal)

8.0 PLANNING CONSIDERATIONS

- 8.1 The application site is an out-of-centre retail location on the edge of Bagshot within the defined Countryside (Beyond the Green Belt) as defined by the Western Urban Area Character Supplementary Planning Document 2012. The application site also lies within an area defined as Flood Zone 1 area by the Environment Agency. As such, Policies CP1, CP2, CP8, CP9, CP10, CP11, CP12, DM7, DM9, DM10, DM11 and DM12 of the Surrey Heath Core Strategy (CS) and Development Management Policies 2012 are relevant in the determination of this planning application. The advice in the National Planning Policy Framework, Planning for Town Centres: Practice Guidance on Need, Impact and the

Sequential Approach (extant guidance to PPS4) and Developer Contributions Supplementary Planning Document 2011 are also relevant to the determination of this application. Reference has been made by objectors to Policy E8 of the Surrey Heath Local Plan 2000, but this has not been saved. Reference has also been made by objectors to Policy DM1 of the Surrey Heath Core Strategy (CS) and Development Management Policies 2012 which, as explained in Paragraph 7.3 is considered by officers to strictly apply to the proposed development. However, an assessment of the proposal against this Policy is set out in Paragraph 8.4.2 below.

8.2 The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development (of which there are three dimensions: economic, social and environmental). To deliver sustainable development the Government places significant weight on the need to support economic growth by building a strong and competitive economy. The NPPF also seeks to deliver sustainable development by ensuring the vitality of town centres, promoting sustainable transport and, amongst other things, requiring good design. In assessing the merits of the application it is important to consider the impacts of the redevelopment against these principles of sustainable development and the existing context. The existing context is that this garden centre has been a retail destination, supporting the local economy for over 50 years, with an established customer base generating trade, trips and jobs. So whilst this is a redevelopment proposal, in effect, it represents an overall reduction in the retail sales area for the existing store and the provision of a new food store. With this existing context in mind it is therefore considered that the main issues in determining this application are:

- The retail impact which includes whether the proposal complies with the sequential approach; the impact on existing, committed and planned investment; and, the impact on the vitality and viability of Bagshot centre, Camberley Town Centre and other designated centres nearby;
- The impact on the character of the area including its designated Countryside location, design, landscaping and trees;
- The impact on residential amenity including noise and air quality;
- The impact on parking and highway safety;
- The impact of the development upon protected species;
- The provision of sustainable development and design;
- The impact on flooding and drainage; and
- The impact on local infrastructure.

8.3 The Retail Impact

8.3.1 Policy context

The NPPF in ensuring the vitality of town centres provides advice on how to deal with planning applications involving proposed retail development outside of town centres. Paragraph 24 of the NPPF states that:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”

Paragraph 26 of the NPPF continues to state that:

“When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

Paragraph 27 advises that:

“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused”.

- 8.3.2 The Surrey Heath Retail Study 2007 (updated in 2010) forms an evidence base to the adopted Core Strategy (CS). This study included a catchment area over 10 zones to ensure that the extent of the catchment of the Borough can be accurately identified. Zone 1 extended as far as Woking with Zone 10 as far as Wokingham. The application site lies within Zone 2 (i.e. Bagshot, Windlesham and Lightwater area) and a map of this study area is attached as an annex to this report.

Paragraphs 3.10, 3.12 and 3.13 of this survey state:

“Increased mobility and affluence has....stimulated out-of-centre development. This has generally grown much more rapidly than town centre development and, over the last 20 years, the majority of new retail floorspace has been in edge-of-centre or out-of-centre locations....At the same time the growth of multiple retailers and increased competition between companies has meant that the retail structure is increasingly dominated by larger companies requiring larger shop units. Shopping centres and out-of-town centre development that has been able to accommodate this demand for larger sized units (typically of 500 - 2000 square metres or larger) has grown in importance, reinforcing the trend of higher order centres and out-of-centre retailing growing in relative importance i.e. polarisation in the retail hierarchy.

The growth in size of stores has reduced the number of shop units and, some would argue, consumer choice. This is particularly evident in the food sector, with a market decline in the number of smaller and more specialist food retailers (greengrocers, butchers, fishmongers, bakers, etc.), and a large increase of superstores. These trends may well weaken in the future due to possible market saturation of large foodstores and concerns over lack of competition due to the market dominance of a few key multiples.”

- 8.3.3 Policy CP1 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that *“Camberley Town Centre will be the focus for major new retail development particularly on the London Road frontage”* with Bagshot and Lightwater continuing in their *“roles as district and local centres, having a limited capacity to accommodate new development and this will be primarily achieved through the redevelopment of existing sites.”* This hierarchy of centres is reflected in Policy CP9 of the Surrey Heath Core Strategy and Development Management Policies 2012. The Surrey Heath Retail Study 2007 (as updated in 2010) assesses the health of local centres, including Camberley, Bagshot and Lightwater.

- 8.3.4 Camberley is the principal retail centre in the Surrey Heath Borough and described as being *"a primary comparison goods shopping destination, with a strong service offer provided by banks, building societies, pubs and restaurants. The figures for both the number of units and overall floorspace show a lower than average convenience goods offer. The town centre lacks a major food superstore or supermarket - the Sainsbury's store at Cambridge Walk in the Mall Shopping Centre has a sales area of only 13,444 sq. ft. and the Lidl store has approximately 7,000 sq.ft. The town has a high vacancy rate both in terms of units and floorspace, however, this is largely due to the new units provided by the Atrium development which are in the process of being let"*.
- 8.3.5 Bagshot is described in the Retail Study as being *"a well balanced town centre with a good proportion of comparison goods retailers for a small town...Encouragingly there are only four vacant units in Bagshot, well below the national average...The key anchor store for Bagshot is clearly the Somerfield [now Co-op] supermarket. This provides the only major food offer and is critical for bringing shoppers into the town frequently and regularly. Beyond this, there are few other uses which might encourage people to use the centre"* The full comparison goods offer in Bagshot, however, *"is dominated by low intensity uses which do not generate significant footfall...Many small town centres now rely on a mix of convenience goods retailing and services such as banks, building societies and cafes to generate the footfall which is so important to creating a vital and viable town centre. In this regard, Bagshot is lacking a bank or building society..and this is a considerable gap in its retail and service offer. The town is also lacking a significant cafe offer...Bagshot's deficiency in his regard is another serious weakness. the lack of footfall generators is leading to a slow deterioration in the town centre's role. Currently Bagshot is identified as a District Centre...Bagshot is lacking some of these uses considered critical to the function of a district centre In its favour, Bagshot does not have some of these uses including a supermarket, library and numerous restaurants within close proximity, creating a concentration of uses which allows for mutual support. Other uses such as estate agents and a pharmacy are also valuable, as is the Somerfield [now Co-op] car park...Nevertheless, if any more of the these critical uses were to close, Bagshot's status as a district centre would have to come into question."*
- 8.3.6 Lightwater is described in the Retail Study as comfortably fitting within the definition of a local centre. The Retail Study indicates that *"within the centre there is a supermarket [Budgens], two pharmacies, a newsagent, dry cleaners and several hot food takeaways. All serve to provide for the immediate shopping and servicing needs for the local area. Furthermore the centre is compact and easy to navigate on foot, creating a pleasant shopping environment...Overall the centre is performing very well. There is one vacancy at The Square but none in the rest of the centre. The key store is Budgens which performs as an anchor role bringing shoppers to the centre frequently and regularly. Without this store there is no doubt that the centre would struggle but the store appears to be trading well and Budgens is unlikely to vacate given that this type of store is a good fit for their business model. Nevertheless, the store should be given all the protection within the development plan that the Planning Acts allow."*
- 8.3.7 The role of Camberley town centre and expected delivery of 41,000 square metres of retail floorspace (in the plan period up to 2028) is confirmed in Policy CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012. It also confirms that an Action Area Plan will be prepared to address the delivery of the strategy.
- 8.3.8 Following public consultation the Council issued its Camberley Town Centre AAP Submission, August 2013. An Examination in Public (EiP) was undertaken on 19 and 20 December 2013 and the aim is to adopt the AAP in the Spring 2014. This Submission identifies seven opportunity areas and sites for development including the London Road Block. Policy TC14 of the AAP considers the London Road Block and states the following:

'...Development within this site will be expected to deliver the following:

- (i) High quality comparison retail facilities which make a significant contribution towards an enhanced retail town centre offer of up to 41,000 sq m (gross) up to*

2028;

- (ii) *A mix of size of retail units to suit a range of retail requirements to be anchored by a major comparison goods store; and*
- (iii) *Additional car parking to meet the needs of the retail scheme...'*

8.3.9 Compliance with the Sequential approach

Paragraphs 5.6 and 5.7 of the Practice Guide to PPS4 state the following:

"The sequential approach forms a key policy consideration, and can in itself be a clear reason for refusal. As such it is critical that applicants carry out a thorough assessment to explore alternative options, and that if more central opportunities are rejected, it is for sound reasons which are clearly explained and justified. As the onus rests on the applicant to demonstrate compliance with sequential approach failure to undertake such an assessment would constitute a reason for refusal, although as a matter of good practice applicants and the LPA should seek to agree the scope of such assessments and clearly identify any areas of difference.

If the LPA proposes to refuse an application involving town centre uses on the basis of the sequential approach, it should be on the basis that it considers there is, or maybe, a reasonable prospect of a sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet."

8.3.10 In line with the above the applicant has undertaken an assessment of alternative options within the immediate catchment area but concentrating on Camberley and Bagshot. Local centres including Lightwater have not been assessed because it was considered by the applicant in their retail assessment *"that given the extent of the floorspace proposed and the extent of the catchment that the proposal would serve, it would in our view be inappropriate to locate the proposed floorspace within one of these centres as it would not be in keeping with the role and function of a local centre....As there is an existing Waitrose store in Frimley district centre, it would be unrealistic to seek to provide the proposed floorspace in this location"*. This approach has been accepted. The sequential approach has been undertaken on the basis of the disaggregation of the proposed units to assess whether the units can be provided on sequentially preferable sites on an individual basis. The assessment was made on the basis of the Waitrose store on sequentially preferable sites as it is the smaller of the two units. The criteria for the assessment was that the site was of least 1 hectare in area, a store of at least 2500 square metres gross floor area, at least 200 car parking spaces, appropriate servicing and access arrangements and the sales area located on a single level on the ground floor.

8.3.11 Nine of the sites were identified (three in Bagshot and six in Camberley) and the applicant has discounted these alternative sites for the following key reasons:

1. The sites are not large enough to accommodate a retail proposal (within the criteria set out above and any specific site requirements for retaining existing uses)
2. The sites are not available because of their continuing uses, have not been marketed to allow a comprehensive redevelopment (where there are a number of owners) or would require a form of intensive redevelopment which would not be suitable for their respective locations
3. No current timescales for redevelopment of sites and are therefore not available
4. The loss of existing uses which would need to be relocated and would affect the viability of the proposal

These sites can therefore be discounted for not being available, suitable nor viable. There are, however, two sites which require further investigation; namely the Land at Half Moon Street at the edge of the Bagshot district centre and the London Road Block site in Camberley town centre.

- 8.3.12 The London Road block is located on the north side of the Camberley Town Centre and is considered key to the implementation of the spatial strategy of the Area Action Plan. It provides the best opportunity to significantly improve the retail offer of the town centre. It would be a comparison goods-led development. However, this proposal is not the subject of a current/approved planning application and it is not expected to be deliverable in the short term. Even if the London Road block was available, the land has never been envisaged for occupation by a major foodstore. This viewpoint is consistent with Policy TC14 of the Submission AAP which stresses the need for high quality comparison retail facilities on the London Road block with a mix of size of retail units to be anchored by a major comparison goods store (see paragraph 8.3.4 above). Waitrose have, however, confirmed that the current proposal would not prohibit any future possibility of their presence in the London Road block but it would be on a much smaller accommodation than currently proposed under the current application. Due to the timescale for the delivery of the London Road block proposal and the fact that, being a comparison goods-led proposal, would limit the size of the convenience goods offer at the site, this site is not considered to be available nor would it provide the level of development currently proposed by the applicant.
- 8.3.13 Land at Half Moon Street is located close to the edge of the Bagshot centre, and predominantly fronts onto London Road, with a more limited access available from Half Moon Street. Policy E8 of the Surrey Heath Local Plan 2000 encouraged the redevelopment of this site for commercial (including retail) development. This policy has not been brought forward into the Core Strategy and would be the subject of potential allocation in the future site allocation DPD. The applicant had considered the site to be unavailable. However, a recent public exhibition has been undertaken in November 2013 publicising a new retail proposal on this site for Tesco's (with a minimum walking distance of about 80 metres from the proposed retail store at this site [under the public exhibition proposal] to the High Street). This proposal is not yet the subject of a planning application. The principal owner of this site, Jack's Fish and Chip Shop, has raised an objection to the current proposal on the basis that this site is sequentially preferable to the application site. However, the Council's retail adviser has indicated:

"To date no application has been submitted to the Council and I am reluctant to speculate about whether the site at Half Moon Street can be considered available or suitable as a "sequentially preferable" site. Clearly the submission of an application would give credence to the argument that the site is potentially "available". However, the question of the site's "suitability" would ultimately depend on the form and contents of an application scheme and whether it is acceptable in all other respects...In the absence of any planning application it is impossible to form any meaningful view on the potentially suitability of this site.

Even if it were, it is my understanding (at least on the basis of the proposals shown at the public exhibition) that the scheme proposes a much smaller foodstore than that proposed under this application."

The proposal shown at the public exhibition was to provide a retail unit with about 800 square metres net retail sales area, significantly smaller than either of the units proposed under the current application.

8.3.14 A ruling of the Supreme Court, *Tesco Stores Ltd v Dundee City Council [2012]* indicated that what needs to be established in law is whether an alternative site is suitable for the development proposed, not whether the proposed development can be altered or reduced so that it can be made to fit into an alternative site. Paragraph 38 of this ruling states:

“The context indicates that the issue of suitability is directed to the developers proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is the least surprising, as developments of this kind are generated by the developers assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism... they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.”

A Judgement of the Administrative Court, *The Queen (on the application of Zurich Limited trading as Threadneedle Property Investments) and North Lincolnshire and Simons Developments Ltd [2012] EWHC 3708 (Admin)* further considered matters of flexibility and viability. Inspectors in recent appeal decisions including a Sainsbury’s proposal at Crawley (APP/Q3820/A/11/2158410), a mezzanine floorspace proposal at Century Retail Park, Stoke on Trent (APP/M3455/A/13/2195541), the redevelopment of a retail park at Barnsley (APP/P4415/A/13/2197947) and a Next retail development at Meadowhall, Sheffield (APP/J4423/A/13/2189893) have all applied these legal principles.

8.3.15 Based upon this case law and in the officers’ opinion the applicant has been clear on the need which the development is intended to meet. It has been adequately demonstrated that there are no other suitable options for the development proposed, which would be available within a reasonable timeframe, and that an altered or reduced size store including disaggregation would not fit its commercial business model. There are no available, suitable or viable alternatives and for the above reasoning the application passes the sequential test in compliance with paragraph 24 of the NPPF.

8.3.16 The impact on existing, committed and planned investment

Paragraph 7.19 of the PPS4 Practice Guidance explains that the key factors which will determine whether a proposal is likely to undermine committed or planned investment will include the effects on current and forecast turnovers, operator demand and investor confidence. PPS4 Practice Guide goes on state that the level of risk to planned investment and its significance, in planning terms will depend on, amongst other things:

- What stage they have reached e.g. are they contractually committed?
- The policy ‘weight’ attached to them e.g. are they a key provision of the development plan?
- Whether there is sufficient ‘need’ for both?
- Whether they are competing for the same market opportunity, or key retailers/occupiers?
- Whether there is evidence that retailers/investors/developers are concerned; and
- Whether the cumulative impact of both schemes would be a cause for concern.

8.3.17 The above factors are of most relevance to the impact upon Camberley Town Centre and in particular the redevelopment of the London Road Block. The redevelopment of the London Road site must be given significant weight as it is referred to in the adopted Core Strategy and is seen as a key site in delivering the required 41,000 sq metres of retail floorspace (of which the majority is comparison retail) in the plan period up to 2028. However, whilst this is the Council’s preferred approach for delivering floorspace in the town centre the Council’s AAP has not yet been adopted. In terms of commitment, Capital and Regional who are part owners of the London Road frontage have at this stage only

entered into dialogue and undertaken public consultation on the London Road site with the aim of submitting a planning application in 2014.

8.3.18 The applicant contends that although the application proposes a large retail proposal, it relates, in part, to a replacement for the existing garden centre with a garden store with a reduced net retail sales area (when the external retail sales area of the existing garden centre are taken into consideration). The retail assessment submitted by the applicant has been undertaken on this basis and they consider that it does not directly compete with the planned redevelopment of the London Road block. The applicant argues that this is in contrast to the London Road proposals, which it is anticipated will incorporate an anchor comparison tenant e.g. a department store bolstering high end fashion and other branded good retailers within the town centre, the proposal for a garden store would compete more directly with other out-of-centre retail outlets such as other local garden centres. Objections raised to the proposal have included concerns about this type of operation and that it would result in a mainstream comparison goods store operating from the site. However, with controls over the types of retail sales as set out in Condition 2 below, the impact of this part of the proposal on the redevelopment of the London Road Block is not expected to be any greater than existing on the basis of controls on retail sales at this unit to reflect the type of planned store.

8.3.19 The second unit relates to a large food store providing predominantly convenience goods with retail sales to be limited by condition (see Condition 3 below) which would not be in direct competition with the comparison goods-led redevelopment of the London Road Block. As confirmed above, Waitrose has also confirmed that they could envisage occupying a retail unit within the London Road block but this would be of a much smaller scale than the current proposal even if they were to occupy Unit 1 within the current proposal (if approved and built).

8.3.20 As previously indicated, the principal owner of the Half Moon Street site has indicated the site is available and is a more sequentially preferable site for retail development than the application site, and a public exhibition has recently been undertaken with the proposed occupier, Tesco's, with a planning application for this development expected but not received to date. The applicant has indicated that *"the proposed development at Half Moon Street is located in an edge-of-centre location...[which]...does not benefit from the policy protection of a "town centre" scheme for the purposes of the NPPF."* The Council's retail consultant concurs with this view indicating that ahead of any application submission for such a proposal, *"one can only speculate on*

(a) whether the proposal on the Half Moon Street site would represent investment that would be beneficial to the future health and vitality of the designated district centre as a whole, and

(b) the extent to which the proposals at [the application site] might constitute a tangible threat to any such investment.

Without even a planning application on this site, it is difficult to see how it could be argued that the [current] proposals represent a threat to "planned" investment and clearly demonstrate at this stage that it would lead to significant adverse impact sufficient to justify the refusal on these grounds."

8.3.21 The Council's Retail Consultant concludes that:

"Accordingly, and in the absence of clear evidence to the contrary, I believe that the proposed development would not significantly adverse impact on existing, committed and

planned public or private investment in either Camberley town centre or in the designated centre at Bagshot sufficient to justify the refusal of the [current] application on these grounds."

8.3.22 For the above reasons it is therefore concluded that the proposal would not adversely impact on existing, committed and planned investment in Camberley Town Centre, or other centres in the catchment area, in accordance with paragraph 26 of the NPPF.

8.3.23 The impact on the vitality and viability of Camberley Town Centre and other designated centres

Paragraph 26 of the NPPF explains an assessment of the effects on local consumer choice and trade in the town centre and wider area up to 5-10 years from the application ought to be made (see Paragraph 8.3.1 above) and Paragraph 7.22 of PPS4 Practice Guide states that:

Taken as a whole, consideration of the effects on the development plan, committed and planned investment and impacts on the town centre turnover provide a good indication of the overall effects of a proposal on the vitality and viability of town centres. It will also be appropriate to consider the implications of a proposal on retail diversity, particularly the range, type and quality of goods available. This will be especially relevant in historic market towns, or centres which have developed a distinct and unique character which contributes to their vitality and viability. This needs to be factored in when reaching an overall judgement on town centre impacts.

8.3.24 Paragraphs 1.35 - 1.39 of the Submission AAP recognises that Camberley Town Centre already provides a diverse mix of land uses with leisure facilities and the night time economy representing growth areas which are contributing to the existing vibrancy of the town. The centre has been resilient during tough economic times with low levels of vacant shops but it is acknowledged that Camberley lies close to competing centres including out of town locations. In terms of Class A1 retail diversity according to paragraph 1.22 of the Issues and Options AAP the following range, type and quality of goods are currently available:

"In 2011, the town centre offers 247 outlets. Comparison shops such as those selling clothing and electrical goods represent 50% of all the shops currently trading, whilst convenience shops such as supermarkets represented only 2% of units. The largest concentration of shops in the town centre remains the Main Square indoor shopping mall. It has 100 retailers and an average weekly footfall of 171,835 people. It comprises the majority of the main Primary Shopping Area where most of the high-street multiples can be found. The Atrium on Park Street is also part of the Primary Shopping Area. Secondary shopping areas can be found along the High Street and the London Road frontage which are home to a number of independent, smaller retailers."

8.3.25 As indicated above, the impact of the current proposal, with the safeguards of the limitations on retail sales (and other restrictions) set out in conditions set out below, would not have an adverse impact on the vitality and viability of the Camberley Town Centre. The impacts on the smaller local centres (in particular Bagshot and Lightwater) would also be extremely limited from comparison goods sales from the proposed garden store (Unit 2). These centres serve a very different function to the town centre with these centres being led by convenience goods sales and anchored by supermarkets Co-op, in Bagshot, and Budgens, in Lightwater. It is the impact on these centres from the convenience goods sales proposed for Unit 1 (for Waitrose) which requires further assessment.

8.3.26 The main convenience provision for Bagshot includes the Co-op foodstore (about 350 square metres net retail sales) and M & S Simply Food (about 110 square metres net retail sales, located as a part of a BP Garage) located on London Road, outside of the Bagshot

retail centre. That applicant has indicated in the retail assessment that *"both stores provide primarily a top-up role due to their size and range of goods sold for the immediate population. A household survey, forming a part of the retail assessment, indicates that these existing facilities do not attract significant custom beyond Bagshot and retain only 30% of convenience expenditure in the Bagshot area."* The main convenience provision for Lightwater is the Budgens store (about 550 square metres net retail sales area) located within the centre. Similarly the retail assessment, in terms of Lightwater local centre, indicates that this *"centre has a localised convenience role supporting the immediate surrounding population which is confirmed by the householders survey. Like Bagshot, the centre only retains only 30% of expenditure generated by the local population due to the strength and attraction of facilities in Camberley and Woking."* Conclusions drawn from the householders survey would indicate that residents spend 70% of their available convenience expenditure on main food trips and 30% on top-up purchases.

8.3.27 The proposed retail food store is expected to operate as a main food shopping facility, competing more directly with the larger food stores in the catchment area, which are predominantly located on out-of-centre locations. However, the applicant has provided a disaggregated assessment in respect of top-up sales, which indicates that the levels of impact on such sales to these stores would not be of the magnitude which would alter the top-up (as well as the main) shopping roles of either store (i.e. Co-op and Budgens).

8.3.28 In response, the Council's retail applicant has indicated that *"I believe that this latest assessment [i.e. the disaggregated assessment] provides a robust and considered assessment of the likely impact of the proposed Waitrose store on both existing convenience stores nearby and, perhaps more importantly, whether any effect on these stores might lead to significant adverse effects on the health and vitality of these centres."*

8.3.29 The amount of trade diversion from these affected stores has been disputed by the advisers for the Budgen stores in their objections. The applicant has estimated that this store in 2018 will have a turnover of £6.6m whereas the agent for Budgens has estimated that it would be £4.3m. The agent for Budgens then applies the trade withdrawal figure envisaged by the applicant in order to calculate an impact on the existing store of 14.2% (compared with 9.3% estimated by the applicant). The agent of Budgens then estimates the trade diversion figures on the store to be as high as 35%, and on the centre as 28% and substantiate the claims by the trading impact experienced at other Budgens stores following the opening of a Tesco store in Southam and a Sainsbury store in Cheddar. The Council's Retail Consultant indicates that *"I do not dispute that the stores mentioned [by the agent for Budgens] may well have experienced more significant effects on turnover that estimated by the applicant when proposals for a competing store were considered. However, I would advise the Council be very cautious about accepting either that the impact of other Waitrose store openings is more representative of the impact than that assessed by the applicant or would be comparable with the impact experienced by the Budgens stores at Southam and Cheddar. These, I believe, do not represent a reliable or applicable alternative estimates of the likely impact that the proposed Waitrose store at [the application site] might have on the existing Budgens store, or Lightwater centre as a whole. In this regard..., given the geographical location of the stores mentioned, the operators involved and potentially very different trading patterns, little weight should be given to the argument that these examples might represent some sort of surrogate measures of potential impact in this case."*

[The concerns of the agents working on behalf of Co-op and Budgens] about the future performance of their clients' stores is laudable. However, the relevant consideration in making any decision is not necessarily the precise scale (or percentage impact) of the proposed development on the turnover of individual stores but whether such an impact would lead to "significant adverse" impact on town [or local] centre vitality and viability. At no point is it suggested by either [agent] that levels of impact of this order might lead to the closure of the existing stores in either Lightwater or Bagshot.

The precise level of impact on these individual stores and, more importantly, the [centres] may be greater than that estimated by the applicant. However, the Council should also have regard to the fact that any impact, according to Paragraph 26 of the NPPF is "local

consumer choice and trade in the town centre and the wider area". There can be little doubt - certainly in the context of Bagshot - that the proposed development would enhance existing customer choice and increase trade in the wider area."

- 8.3.30 For the above reasons, the proposal would not significantly adversely affect the vitality and viability of Camberley Town Centre, Bagshot district centre, Lightwater local centre or other designated centres and so is in accordance with Paragraph 26 of the NPPF and Policies CP9 and CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8.4 The impact on the character of the area including its countryside location, design, landscaping and trees

- 8.4.1 The application site is located predominantly within a designated Countryside (beyond the Green Belt). Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that proposed development will be required to *"ensure that land is used efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural and historic environments"*. Paragraph 17 of the NPPF indicates that one of the guiding principles of planning is to *"recognise the intrinsic character and beauty of the countryside..."* The current proposal relates to the redevelopment of previously developed land, which is in relatively poor quality, incorporating a site which includes a series of buildings (and extensions to buildings) which have been added to in an ad hoc manner which do not readily relate to one another and are generally poor in quality, with high levels of hardstanding around the site (relating to car parking, servicing/storage and external sales areas).
- 8.4.2 It is acknowledged that the current proposal would increase the amount of built form (in terms of height, mass and floorspace) on the site. The proposal, would result in an approximately 68% increase in gross floorspace on this site, which would be a materially larger building than existing. As indicated in Paragraph 7.3 above, it is the view of officers that Policy DM1 of the Surrey Heath Core Strategy and Development Management Policies 2012, which indicates that materially larger buildings for economic purposes should be resisted in countryside locations, does not strictly apply to this proposal. However, the rationalisation of the built form (i.e. the resulting reduction in footprint and spread of development across the site), formalisation of the site layout (with parking to the front and servicing to the rear), the increase in employment that would be generated at the site (equivalent to 50 full-time equivalent jobs), increase in soft landscaping and the vast improvements in design are considered to be factors which weigh strongly in support of the proposal. The applicant has indicated in their *Design and Access Statement* that *"the height and undulating roof form is designed to reflect the contours of the surrounding hills and heathland as well as not breaking the line of the horizon when viewed from the wider context. The roof form defines the identity of the building as it will mostly be seen from higher ground...[A30 London Road] the new development will be seen from the adjacent SANGS. However at this point the car park will be screened by a new belt of landscape and the new building will be approximately 2 metres lower than the level of the SANGS and screened by the existing tree belt at its southern end...The use of a sweeping green roof will also provide a sensitive link with the wider countryside landscape."* The design of the green roof, to be planted with Sedum, would in particular, and in conjunction with the aforementioned reduction in site levels, assist in integrating the development proposal into the wider landscape setting of the more open countryside (including the adjoining SANGS) to the south east. The alterations to the landscaping close to this boundary, by reducing the height gap between SANGS and roof, will assist in this integration.
- 8.4.3 The application site is also in use for retail purposes and its re-use for such purposes in itself is also acceptable. In addition, the site is located on the edge of the settlement of Bagshot (with the overflow parking area located within the settlement boundary). Taken overall, it is considered that the proposal is acceptable in terms of its impact on local character, including its (predominantly) countryside location.

- 8.4.4 The Council's Arboricultural Officer advises that none of the vegetation/trees to be removed are of outstanding quality, merit or of high amenity value and losses could be offset through comprehensive planting, with particular attention given to the need for planting of specimen trees within the car park and landscaped areas to the front of the site. Turning to the mature trees and vegetative belt to the north east boundary of the application site, the tree protection measures proposed to retain the majority of this belt are deemed to be acceptable. The proposal seeks to move a large Dawn Redwood tree and a Western Red Cedar tree which is protected under a Tree Preservation Order into the SANGS land where it can be better seen and viewed by the public accessing the SANGS land. The Council's Arboricultural Officer advises that the recommended management and mitigation works, in respect of this tree, would need to be carried out by a specialist Arboricultural Contractor. A condition could be applied to agree the final details of landscaping, to include species, size and locations of all proposed replanting to ensure the proposal respects and enhances the established landscape character of this area. Accordingly on this basis no objection is raised to the impact of the proposal upon landscaping and trees.
- 8.4.5 Noting the above considerations in the context of the predominantly countryside location, the proposal is considered to be compliant with the guiding principles of Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework. It is concluded that the proposal is acceptable on character including countryside, landscaping, trees and design terms and no objections are therefore raised on these grounds.

8.5 The impact on residential amenity including lighting, noise and air quality

- 8.5.1 The current proposal would result in the provision of two retail units and increase the level of development on the site resulting in an intensification of the use of the site. In addition, the proposal would provide a larger building built closer to the nearest residential property, 2 Waterers Way. The building would be (at its closest point) 8.4 metres in height, but set 10.5 metres from the flank boundary with this property. In addition, the heavy vegetation screen, even with the level of proposed reduction, would limit any impact on this dwelling further. The proposed building would be set some distance from any other residential property and the impact on these properties would therefore be very limited. No objections are therefore raised to the proposed building on residential amenity grounds.
- 8.5.2 An assessment of the effects of increased road traffic and dust during both the construction and operational phases at nearest residential properties has been carried out and submitted with the application. The Senior Environmental Health Officer has considered the assessment and advises that this is in accordance with suitable UK and European legislation concluding that any effects on air quality would be significant during construction but negligible at the operational phase. The Senior Environmental Health Officer recommends a condition be applied to prevent dust nuisance to local residents during the construction phase and accordingly on this basis no objection is raised.
- 8.5.3 The application site is located where that is a relatively high level background noise emanating from the A30 London Road, and to a lesser degree from the current retail operation from the application site itself. The applicants have provided a noise assessment report in which account has been taken of the effect of noise due to increased road traffic, plant/equipment (and any other building services), delivery vehicles, car parks and trolley movements. The Senior Environmental Health Officer concludes that the report is valid, relevant and appropriate. It addresses all the issues of operational noise due to the redevelopment and the only significant impact relates to noise from service vehicles, with the service access located adjacent to housing. As such, a condition limiting the hours for service deliveries is recommended. Accordingly on this basis no objection is raised in regard to impact of noise nuisance from the proposal.
- 8.5.4 In addition, the Senior Environmental Health Officer has indicated that the impact of artificial lighting (that would emanate from the site) on residential amenity can be mitigated and therefore raises no objection subject to a condition that the specified lighting design be

implemented and retained.

8.5.5 In conclusion it is envisaged that the proposal would not conflict with Policy DM9 (Design Principles) of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the NPPF it is considered that the proposal is acceptable in residential amenity terms and no objections are therefore raised on these grounds

8.6 The impact on parking and highway safety/capacity

- 8.6.1 The current proposal would provide 349 parking spaces which would be shared between the two proposed retail units. The applicant has carried out a parking accumulation exercise for the existing garden centre on a Saturday, and at its peak time, 50 spaces were unoccupied. The County Highway Authority has considered that proposed level of car parking to be acceptable. 24 cycle parking spaces would be provided meeting Surrey County Council standards. No objections are therefore raised on parking capacity grounds.
- 8.6.2 The current proposal would add to traffic movements on London Road. The alterations to the road junction undertaken to accommodate the extra traffic generated by the Earlswood development largely necessitates little change to the local highway network. However, in connection with the highway capacity, the County Highway Authority advises that *"traffic modelling provided by the developer and audited by Surrey County Council demonstrate that the Notcutts and Yaverland Drive signals junctions operate within capacity in the both with and without development scenarios at peak times. The 2018 with development scenario also shows that the junction operating well within capacity. The only slight concern is the maximum queue length during the [evening] peak for the A30 southbound approach and the possibility of blocking at times due to the Yaverland Drive signal junction further upstream. However, the County Highway Authority will be synchronising the signal timings of the two junctions, minimising any blockings."* No objections are therefore raised on highway capacity grounds.
- 8.6.3 In respect of highway safety, the County Highway Authority has indicated that *"on built-up roads, approximately 70% of accidents occur at junctions. Accident records show that there were 8 accidents within 20 metres of the Notcutts junction over the last three years...Half of the accidents were rear end shunts suggesting that they were caused by sudden breaking or following too close. In summary, the accident history does not indicate that the junction is unsafe or once implemented suggest that the development will cause a highway safety issue. However, there is potential to provide speed reduction measures to warn drivers of queuing/reduced speeds in the approach to the road junction to reduce the risk of rear shunts. It is therefore recommended that the developer provides such improvements prior to the occupation of the development [if approved]."* As such, no objections are raised to the proposal on highway safety grounds.
- 8.6.4 The County Highway Authority has also indicated that *"savings in distance travelled are estimated from the number of shoppers diverted to the new store who would otherwise travel further to shop elsewhere. The exercise identifies that significant mileage savings are made when shoppers that usually in [other out-of-centre stores such as] The Meadows area for example divert to the new store. Although the exercise is not completely accurate, it is clear that the total miles travelled will be less as shoppers divert from other supermarkets to the new store"*. This would provide some improvements in sustainability.
- 8.6.5 In conclusion, it is envisaged that the proposal would not have an adverse impact on parking, highway safety and capacity grounds, complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the NPPF.

8.7 The impact of the development upon protected species

- 8.7.1 The applicant has submitted an Extended Phase 1 Habitat Study Report and Bat Emergence/Return Survey Report. The report include details of the survey work undertaken for the site, along with the results and proposed mitigation measures to account for the presence and impact of protected species. One of the buildings "Building 1" on the site (a smaller building located towards the front of the site) has been defined as having a "moderate" potential to support roosting bats. The bat emergence/return survey indicated that no bats were recorded emerging or entering Building 1. One common Pipestrelle bat was recorded commuting along the adjacent highway. In addition, no reptiles were recorded on the site. All refugia (which may be used by hedgehogs or common toads) will be checked prior to construction (demolition/ground works).
- 8.7.2 The Surrey Wildlife Trust has considered the application and raise no objection to the submitted reports subject to compliance with the recommended actions in section 5.0 of the Extended Phase 1 Habitat Survey Report and Section 4.0 of the Bat Emergence/Return Survey Report and a cautious approach undertaken to vegetation removal, soil stripping and excavation works (required as a part of the proposed levelling works) in relation to reptiles (which would inhabit the nearby heathland including the adjoining SANGS land) in order to mitigate any effect to legally protected species resulting from the proposed development works. This requirement can be controlled by planning condition.
- 8.7.3 Paragraph 109 of the NPPF requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 also states that opportunities to incorporate biodiversity in and around developments should be encouraged. The Surrey Wildlife Trust advises that, the development may offer some opportunities to restore or enhance biodiversity and also help offset any localised harm to biodiversity caused by the development process. Surrey Wildlife Trust have therefore made some recommendations which include the provision of bird and bat boxes either as part of the new building or on suitable trees on site, use of native species when planting new trees and shrubs, preferably of local provenance and where cultivated species are preferred consideration of those that provide nectar-rich flowers and/or berries as these can also be of considerable value to wildlife. Such requirements would form part of any final landscaping scheme which could be controlled through planning condition.
- 8.7.4 In respect of the above information it is concluded that the applicant has adequately identified the impact of the development on protected species and subject to planning conditions suitable mitigation measures to account for that impact exist. It is therefore considered that the proposal has sufficient regard to Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice within the NPPF and no objection is therefore raised on these grounds.

8.8 The impact on flooding and drainage

- 8.8.1 The application site falls within Flood Zone 1 as defined by the Environment Agency. The applicants have submitted a Flood Risk Assessment which concludes that the proposed development will benefit from a sustainable drainage system which will manage surface water runoff. The applicant has confirmed the use of separate surface and foul water drainage systems and previous pavement disposal of surface water from parking bays. It is considered that with the increase in soft landscaping, reduction in impervious surfaces and reduction in runoff, the current proposal seeks to reduce surface water runoff. The Environment Agency has considered the Flood Risk Assessment and raise no objections to the proposal subject to the agreement of details which would ensure that the surface water runoff does not increase the flood risk. Accordingly they raise no objection to the proposal. The Environment Agency continue to advise that proposed development will only meet the requirements of the National Planning Policy Framework if the measures, as detailed in the Flood Risk Assessment and Flood Risk Assessment Addendum submitted with this application, are implemented and secured by way of a condition on any planning permission granted. Therefore if the committee is resolved to grant planning permission a condition to ensure that the development is carried out in accordance with the approved

Flood Risk Assessment Addendum and Flood Risk Assessment is recommended to be imposed.

8.8.2 It is therefore considered that the proposal complies with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice within the NPPF.

8.9 The Impact of the development on infrastructure provision

8.9.1 Policy CP12 of the Surrey Heath Core Strategy and Development Management Policies 2012 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development proposals by way of either a financial or in-kind contributions. Policy CP12 seeks to ensure development makes a proportional contribution to the Borough's infrastructure needs and mitigates any pressure it places on infrastructure.

8.9.2 The applicants have agreed to enter into the following S106 package of contributions amounting to £125,600 of contributions, in respect of transport, libraries, and indoor sports. The County Highway Authority has agreed that there is a requirement for local transport improvements in the area, and that the transport contribution could be put towards cycle infrastructure improvements on the A30 London Road, bus stop improvements on the A30 London Road or pedestrian/environmental improvements within Bagshot centre.

8.9.3 It is considered that the applicant's contribution of £125,600 for transport, libraries and indoor sports to be collected through a bespoke S106 agreement fairly and reasonably relates to the likely scale of the impact of the proposal upon the vitality and viability of the town centre. On this basis, no objections are raised on these grounds.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT No.2) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Paragraphs 186-187 of the NPPF. This has included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

10.0 CONCLUSION

10.1 In conclusion, the proposal represents sustainable development. Consistent with the NPPF the proposal would support and strengthen the local economy (providing 50 additional (full-time equivalent), increasing competition and by bringing trade into the Borough. The retail assessment has been shown to be robust and there is no evidence to suggest that the proposal would have a significant adverse impact on existing, committed and planned investment in Camberley Town Centre or elsewhere in the Borough; and, the proposal would ensure the vitality and viability of the town centre, district and local centres. The proposal promotes sustainable transport and the design is of high quality which would integrate and enhance the established character of the area. There would be no adverse impact on residential amenity, protected species or flooding. The proposal accords with the adopted development plan and there are no policy grounds, or other material

considerations, to justify refusal. Accordingly the application is recommended for approval subject to conditions and a legal agreement.

11.0 RECOMMENDATION

Recommendation 1:

Defer and Delegate, and subject to the completion of a S106 agreement by 10 March 2014, the Executive Head - Regulatory be authorised to grant planning permission subject to the following conditions:

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

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. Unit 1 shall be used for the sale of convenience goods within the definition of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), with the exception of the café area as described on the approved plans (Drawing Nos. 257-A-X-P-00 Rev. P and Drawing Nos. 257-A-X-P-01 Rev. M) which shall be used solely for such purposes within the definition of Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). In this respect, a minimum of 85% of the net retail sales area as described on the approved plans (Drawing Nos. 257-A-X-P-00 Rev. P and Drawing Nos. 257-A-X-P-01 Rev. M) shall be used for the sale of convenience goods. For the avoidance of doubt, convenience goods are those defined in Appendix A of the DCLG's "Planning for Town Centres: Practice Guidance on Need, Impact and the Sequential Approach" (2008).

Reason: To retain control in order to prevent unrestricted retail use having regard to the impacts on existing, committed and planned investment in the catchment area; and, in the interests of the vitality and viability of Camberley Town Centre, Bagshot and other designated centres, to comply with Policies CP9 and CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Paragraphs 24 and 26 of the NPPF.

3. Unit 2 (the garden store) with a total net retail sales area floorspace of 2,104 sq metres shall only be used under Class A1 of the Town and Country Planning (Use Classes) Order 1995 as amended (or any order revoking or re-enacting that Order) for the sale of goods, as listed below, unless otherwise agreed in writing with the Local Planning Authority:
 - i) A minimum of 1,262 sqm (60% of the total net retail sales area floorspace) shall be used for the sale of goods and services related to: gardens, gardening and wildlife, horticultural products, trees, plants, shrubs, house plants, flowers of all types and cut, silk and dried flowers, garden equipment, machinery, tools, garden furniture, barbeques and outdoor living and their accessories, sheds, garden buildings and outdoor play equipment, fencing, trellis and landscaping materials,

including aggregates, paints and stains, outdoor and indoor aquatics and water garden equipment and their accessories, pet care, pet advice, pet accessories and products; and, ancillary café/restaurant with a maximum floorspace of 350 sq.m.,

- i) In addition to the floorspace in (i) above, up to a maximum of 842 sqm (40% of the total net retail sales area floorspace) may be used in any combination for the sale of the following ancillary goods:
 - a. No more than 25% of floorspace (223 sqm) to be used for the purposes of the sale of furniture and household goods;
 - a. No more than 25% of floorspace (223 sqm) to be used for the purposes of the sale of DIY and home improvement goods;
 - a. No more than 25% of floorspace (223 sqm) to be used for the purposes of the sale of china, glass, kitchen appliances and cookware;
 - a. No more than 10% of floorspace (89.2 sqm) to be used for the purposes of the sale of bath and body (health and beauty) goods;
 - a. No more than 25% of floorpace (223 sqm) to be used for the purposes of the sale of outdoor adventure equipment, country sports equipment, sportswear and bicycles;
 - a. No more than 25% of floorspace (223 sqm) to be used for the purposes of the sale of giftwear, hobbies, crafts, and toys;
 - a. No more than 10% of floorspace (89.2 sqm) to be used for the sale of groceries, beverages, and related ancillary items;
 - a. No more than 25% of floorspace (223 sqm) to be used for the sale of clothes and footwear and related ancillary items;
 - a. No more than 10% of floorspace (89.2 sqm) to be used for the sale of books, cards, stationary, DVD and media items; and
 - a. No more than 5% of floorspace (44.6 sqm) to be used for the sale of pharmaceutical goods.

Reason: To retain control in order to prevent unrestricted retail use having regard to the impacts on existing, committed and planned investment in the catchment area; and, in the interests of the vitality and viability of Camberley Town Centre, Bagshot and other designated centres, to comply with Policies CP9 and CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Paragraphs 24 and 26 of the NPPF.

4. Notwithstanding the provisions set out in the Town and Country Planning General Permitted Development Order 1995 (as amended), no extension or increase in floorspace (including the provision of any further mezzanine accommodation) shall be added to the development hereby permitted. There shall also be no external

storage or sales within the application site.

Reason: To retain control in order to prevent unrestricted retail use having regard to the impacts on existing, committed and planned investment in the catchment area; and, in the interests of the vitality and viability of Camberley Town Centre, Bagshot and other designated centres, to comply with Policies CP9 and CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Paragraphs 24 and 26 of the NPPF.

5. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed brick, cladding, grass roof, guttering and fenestration. In addition a management strategy regarding the provision and maintenance of the grass roof shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the strategy and using only the agreed materials.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. No development shall take place on site until details of the proposed finished ground floor slab levels of all building(s) and the finished ground levels of the site including roads, private drives, etc. in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) shall be submitted to and approved by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.

Reason: In the interests of the visual and residential amenities enjoyed by neighbouring occupiers and the occupiers of the buildings hereby approved in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. The parking spaces and servicing arrangements (including the rear service yard) shown on the approved plan shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose, except where shown on approved drawing Nos. 257-A-X-SP-00 Rev. F and 257-A-X-P-00 Rev. P, other than the parking of vehicles or servicing of the site, respectively.

Reason: To ensure the provision of on-site parking accommodation and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. The proposed development shall be built in accordance with the following approved plans: 257-A-X-SP-00 Rev. M, 257-A-X-P-00 Rev. P, 257-A-X-P-01 Rev. M, 257-A-X-E-01 Rev. M, 257-A-X-P-RF Rev. B and 257-A-X-E-02 Rev. L unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning and as advised in CLG Guidance on “Greater Flexibility for Planning Permissions” (2009).

9. No development shall take place until full details of surface water drainage systems and foul water drainage system are submitted and approved in writing by the LPA. The surface water drainage system details to include attenuation of 1:100 year event at 30% climate change. Once approved the details shall be carried out prior to first occupation in accordance with the approved scheme.

Reason: To ensure a satisfactory development and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. Apart from the café concession floor space and for the sale of pet food and aquatic related items, the retail premises as approved shall not be subdivided and used by separate retail operators or amalgamated into one retail unit without the prior written approval of the Local Planning Authority.

Reason: To retain control in order to prevent unrestricted retail use having regard to the impacts on existing, committed and planned investment in the catchment area; and, in the interests of the vitality and viability of Camberley Town Centre, Bagshot and other designated centres, to comply with Policies CP9 and CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Paragraphs 24 and 26 of the NPPF.

11. Before occupation of the development hereby approved details of the filtration and ventilation systems serving the bakery and restaurants at the proposed store(s) are submitted to and agreed with the Local Planning Authority prior to installation. Once approved only the approved details shall be implemented unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of residential amenity and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

12. No development shall take place until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding
- (f) hours of construction

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: The condition above is required in order that the development should not prejudice residential amenity or highway safety nor cause inconvenience to other highway users and to accord with Policies DM9, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

13. Prior to occupation of the development hereby approved, details of the external lighting design shall be submitted to and approved by the Local Planning Authority.

The approved details shall be implemented and no other design be permitted without the details being first submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interest of residential amenity and local character and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

14. No new development shall be occupied until the applicant has obtained the written approval of the Local Planning Authority for a revised Travel Plan in accordance with the Travel Plan Good Practice Guide 2012. This shall be implemented in accordance with the details as approved and thereafter retained and developed to the satisfaction of the Local Planning Authority.

Reason: In order to that the development does not prejudice highway safety nor cause inconvenience to other highway users and to encourage sustainable travel and to meet the requirements of Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

15. The development hereby approved shall be implemented in accordance with the recommendations set out in Extended Phase I Habitat and preliminary Bat Survey Report (September 2011) by Keystone Environmental Ltd. (where amended by the recommendations set out in the recommendations and requirements set out in Bat Emergence Report (July 2012) by Keystone Environmental Ltd. Details of a methodology for mitigation against the impact of the demolition, groundworks and construction on reptiles shall be submitted to and approved prior to the implementation of the development (including any demolition, groundworks and construction). The development shall be implemented in accordance with the approved details.

Reason: In the interest of nature conservation and to accord with Policy CP14 of the of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and advice in the National Planning Policy Framework.

16. The development hereby approved shall be implemented in accordance with the mitigation measures set out in the Air Quality Assessment (December 2011) by Ove Arup & Partners Ltd.

Reason: In the interest of residential amenity and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

17. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The scheme shall include indication of all hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and the details of the measures to be taken to protect existing features during the construction of the development.

Reason: To preserve and enhance the visual amenities of the locality in accordance

with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

18. In this condition 'retained tree' means an existing tree or hedge which is to be retained in accordance with the approved plan; and clauses a) and b) below shall have effect until the expiration of 5 years from the first occupation of the development.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without further planning permission being granted by the Local Planning Authority. Any topping or lopping shall be in accordance with BS 3998: 2010 "Tree Works – Recommendations" and in accordance with any supplied arboricultural method statement.
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in a similar location and that tree shall be of such size and species, and shall be planted at such time, as approved by the Local Planning Authority.
- (c) Following the completion of any arboricultural works but before any equipment, materials or machinery are brought onto the site in connection with the development protective fencing and ground protection such as GeoTextile membrane or scaffold boards in accordance with British Standard 5837: 2012 "Trees in Relation to Design, Demolition and Construction" shall be installed around all the retained trees in accordance with details that first shall be submitted to and agreed in writing with the Local Planning Authority. Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in the fenced protective areas nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular accesses be made within the protected areas without planning permission.
- (d) Prior to both the commencement of works on site and before the installation of the tree protection, in accordance with c) above, the Council's Arboricultural Officer shall be notified to arrange a pre-commencement meeting a minimum of five working days in advance to agree the location and extent of any works to retain trees and a site inspection programme (including the frequency of visits and reporting to the Council).

Reason: This permission was only granted on the basis that the 'retained trees' would remain on site to mitigate the impact of the development and to preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

19. All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of the development or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning

Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

20. No development including demolition shall take place until a detailed arboricultural method statement has been submitted and approved in writing by the Local Planning Authority. The statement will be in accordance with British Standard 5837:2012 "Trees in Relation to Design, Demolition and Construction" and shall contain details of pruning or removal of trees, specification and location of tree and ground protection (for both pedestrian and vehicular use), all demolition processes, details of construction processes for hard surfaces. The statement should also contain details of arboricultural supervision and frequency of inspection along with a reporting process to the Tree Officer. All works to be carried out in strict accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

21. Notwithstanding Conditions 17 - 20 inclusive above, the moving of two trees (a Dawn Redwood tree and a Western Red Cedar tree) protected under Tree Preservation Order No 04/07 shall be undertaken prior to the commencement of the development, including any demolition or construction works, hereby approved in accordance with the *Pre-Development Tree Survey and Constraints Advice* by Tree Maintenance Ltd. dated October 2012, works approved under TPO application TP/13/00140, to be carried out in accordance with the approved methodology unless the prior written approval has been obtained from the Local Planning Authority.

Reason: In order to preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

22. A speed reduction scheme for the A30 London Road, in closer proximity to the application site, has been submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the development hereby permitted.

Reason: In the interest of highway safety and to comply with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

23. Prior to the first occupation of the development hereby approved on site details of refuse storage are to be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved plans and thereafter retained.

Reason: To ensure visual and residential amenities are not prejudiced and to accord with Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

24. Prior to the first occupation of the development hereby approved on site details of secure cycle storage area(s) and access thereto are to be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved plans and thereafter retained.

Reason: To ensure visual and residential amenities are not prejudiced and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

25. Before the first and each subsequent occupation of the premises, the subject of the application, a Travel Plans shall be submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the details to be submitted and thereafter retained and/or developed to the satisfaction of the Local Planning Authority.

Reason: The condition above is required to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

26. The retail units hereby permitted shall only be open to the public between the hours of 08:00 and 23:00 hours from Mondays to Saturdays and the hours of 10:00 and 18:00 hours on Sundays and on Public Holidays unless the prior written approval has been obtained from the Local Planning Authority. For the avoidance of doubt, Public Holidays include all Bank Holidays, New Year's Day, Good Friday, Easter Sunday, Easter Monday, Christmas Day and Boxing Day.

Reason: In the interests of residential amenity and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

Informative(s)

1. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5

Recommendation 2:

In the event that a satisfactory legal agreement is not completed by 10 March 2014 then the application shall be refused for the following reason:

1. In the absence of a completed legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) the proposed development would have an adverse impact on highway safety failing to comply with Policies CP9, CP10, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.
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MINUTE LIST OF COMMITTEE
10 February 2014

APP. NO	WARD	LOCATION & PROPOSAL	TYPE	DECISION
2013/0435	BAG	NOTCUTTS GARDEN CENTRE, 150-152 LONDON ROAD, BAGSHOT, GU19 5DG	<u>FFU</u>	AK
DC		Erection of a part single storey, part two storey building to provide 2 retail units (Class A1) with ancillary cafe and storage facilities as well as parking, landscaping, and access following the demolition of existing garden centre. (Amended info rec'd 05/11/2013) (Additional info rec'd 13/12/13).		
ACTION				
DEFER & DELEGATE SUBJECT TO ADDITIONAL CONDITION				