

LOCATION:	Land At Bagshot Retail Park, 150-152 London Road, Bagshot, Surrey, GU19 5DF,
PROPOSAL:	Amalgamation of existing (Class E) retail units (Units 2B & 2C) for use as a foodstore (Class E) along with internal works (including a reduction in mezzanine floorspace), changes to the building elevations (including a revised shop front), site layout (including revised servicing and car parking arrangements), revised opening and servicing hours, external plant area, trolley bay and associated works
TYPE:	Full Planning Application
APPLICANT:	c/o Agent
OFFICER:	Mr Duncan Carty

This application is being reported to this Committee because it is a major development.

RECOMMENDATION: GRANT, subject to a legal agreement and conditions

1.0 SUMMARY

- 1.1 The current proposal relates to the amalgamation of two non-food retail units into one food store (Lidl) within an existing retail park along with the provision of extended servicing hours, alterations to the shopfront and side/rear elevation, replacement plant, a new trolley shelter to the front and alterations to the car park arrangements across the shared car park. The proposal would see the loss of the Cotswold Outdoor and Pets at Home retailers from this retail park.
- 1.2 The site lies in the Countryside beyond the Green Belt and outside of any local (or other) retail centre. The proposal would result in the loss of comparison goods outlets and replace them with a convenience goods operator. The proposal has been thoroughly assessed by the Council's Retail Advisor, RPS, and as a consequence of the initial retail assessment further information has been required which the developer has provided. As a result of this assessment, the proposal would not have an adverse effect on the vitality and viability of local centres, nor local character or residential amenity.
- 1.3 The proposal would result in a minor reduction in car park capacity but would include improvements to the traffic lights on A30 London Road (at the Waterers Way and Yaverland Drive junctions), and with this provision, it is considered to be acceptable by the County Highway Authority. It is therefore considered that, subject to the securing of a £50,000 contribution towards traffic light improvements to local road junctions, the proposal is considered to be acceptable.

2.0 SITE DESCRIPTION

- 2.1 This application site relates to part of the Bagshot Retail Park (150-152 London Road). The existing Retail Park includes Subway (which has a sui generis use), Cotswold Outdoor, Pets at Home and Waitrose (which all have a Class E use), which in total has a floorspace of 5,612 square metres. The proposal relates to the Cotswold Outdoor and Pets at Home

units, which have 1,413 and 1,019 square metres gross internal floor area, respectively. Other works are included relating to the car parking and service yards areas of the wider retail park.

- 2.2 The Bagshot Retail Park is on the south east side of A30 London Road with its vehicular access onto Waterers Way, the main access road of the Earlswood development, accessing onto a traffic light junction with A30 London Road. The SANG of the Earlswood development is located to the rear and north west flank of the Retail Park. A number of residential properties, the Foresters Public House, M & D Supermarket (Wine Shop) and Costa Coffee lie on the opposite side of London Road. The site is in an out-of-town retail location. The site lies in the defined Countryside Beyond the Green Belt and was the site of the former Notcutts Garden Centre.

3.0 RELEVANT HISTORY

The application site has an extensive planning history for which the most relevant history is as follows:

- 3.1 SU/13/0435 – Erection of a part single storey, part two storey building to provide two retail units (Class A1) with ancillary café and storage facilities as well as parking, landscaping, and access following the demolition of existing garden centre.

Approved in February 2014.

This development provided the Waitrose store and was envisaged to provide a replacement for the Notcutts garden centre, previously located on the site, which was amended by the planning history below. The proposal was restricted by restrictions on sales to both retail units (Conditions 2 and 3); no increase in floorspace/mezzanine accommodation (Condition 4); no subdivision of units (Condition 10); and limitations on opening and servicing hours (Condition 26). This development also secured a contribution towards improvements to the pedestrian environment to the Bagshot village centre.

- 3.2 SU/15/0859 - Variation of Conditions 3 and 10 of planning permission SU/13/0435 to allow the provision of 4 retail units (including a café).

Refused in September 2015 and subsequent appeal dismissed in March 2016.

- 3.3 SU/16/1041 - Subdivision of existing retail unit to provide 3 retail units to be used for the following: one unit for the sale of bulky goods and goods relating to outdoor pursuits and with ancillary travel clinic (Class A1); one unit for the sale of bulky goods with ancillary pet care, treatment and grooming facilities and installation of mezzanine floor (Class A1); and one used as a café/restaurant (Class A3).

Approved in February 2017.

- 3.4 SU/17/0589 - Change of use of restaurant/café to retail (Class A1) and/or café/restaurant (Class A3) use, installation of mezzanine floor and associated works.

Approved in September 2017. A subsequent non material amendment permission SU/17/0589/1, granted in November 2017, deleted the mezzanine floor part of this proposal.

4.0 THE PROPOSAL

- 4.1 The current proposal relates to the amalgamation of two retail units (Cotswold Outdoor and Pets at Home) and provision of a Lidl supermarket (Class E) with associated internal alterations. The proposal would also provide extended opening hours on public holidays (except Sundays), along with the provision of extended servicing hours, alterations to the

shopfront and side/rear elevation, replacement plant, a new trolley shelter to the front and alterations to the car park arrangements across the shared car park.

- 4.2 The proposal would include internal alterations which would provide a chiller, freezer, in-shop bakery, sales area and warehouse with back of house facilities at first floor including staff room, office/meeting room, manager's office and toilets, on a reduced mezzanine first floor level. The proposal, through these internal alterations, would reduce the gross floorspace of the unit from 2,432 to 1,770 square metres. The whole building would provide 4,950 square metres in total, reduced from 5,612 square metres. The proposal would provide 1,073 square metres retail sales floorspace (no increase in existing floorspace).
- 4.3 The approved opening hours, as also restricted for Waitrose, are 07:00 until 22:00 hours, except on Sundays from 10:00 to 18:00 hours on Sundays and Public Holidays from 08:00 to 20:00 hours and the approved servicing hours are from 07:00 and 21:30 hours, which apply to all units on this development. The proposal would provide extended opening hours for this unit on Public Holidays to 08:00 to 20:00 hours for the proposed Lidl store (but this would not include the Waitrose store). In addition, the proposal would amend the servicing hours for the proposed Lidl store (but not the Waitrose store) in that the proposed servicing would be extended to 07:00 and 23:00 hours.
- 4.4 The proposal would amend the front elevations of the unit to remove one of the entrances with the main entrance provided to the right hand (west) side of the unit; replaced by glazing; obscure glazing to replace part of the glazed frontage; a door access to the side elevation (and access) and a new double door in the rear elevation (with other door accesses removed). An external plant area in the rear service yard would be provided, replacing existing plant with ventilation openings in the rear elevation (at first floor level). The proposed elevations indicate the provision of signage which would be the subject of a separate application under the Advertisement Regulations.
- 4.5 The proposal will include the provision of a covered trolley park to the front of the unit. The proposal would reconfigure the existing parking arrangements for the shared car park, with an overall reduction in car park capacity from 338 to 332 spaces. The new trolley park and other works would result in an overall loss of 6 spaces, including losses occurring from the provision of 5 parent and child and 2 further disabled parking spaces, in place of existing car park spaces. Further parking spaces are to be provided within the existing and overflow car park with the provision of a retaining wall to the front of the expanded overflow car park and the loss of landscaping including three trees.
- 4.6 The current application has been supported by the following documents:
- Planning and Retail Statement;
 - Transport Assessment;
 - Noise Assessment;
 - Design and Access Statement; and
 - Supporting letter from applicant.

Further retail information has subsequently been provided on request and following advice from the Council's Retail Advisor (RPS) with the relevant consultees consulted. Reference will be made to these documents in section 7 of this report, where applicable.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objection has been raised on highway safety, capacity and parking grounds. A series of conditions have been requested along with a contribution towards improvements to local traffic light junctions.

Their comments are provided at Annex A.

- 5.2 The Council's Retail Advisor No objections subject to conditions.
(RPS)
- 5.3 Senior Environmental Health Officer No objections subject to the imposition of conditions to deal with noise from extended servicing hours.

6.0 REPRESENTATION

6.1 There were 61 letters of notification letters originally sent to neighbouring properties on 8 June 2020 and there were press notices provided in local papers on 17 and 19 June 2020. At the time of preparation of the report, 56 objections, including an objection from the Bagshot Society, have been received. An objection has been received from Waitrose & Partners which includes a transport assessment review by an appointed consultant. The County Highway Authority has taken into account this consultant's review in their comments (above and at Annex A). The objectors have raised objections for the following reasons:

6.2 Impact on retail [See section 7.3]

- Proposal is not needed/unnecessary
- Sufficient food retail outlets are already provided
- Bagshot already has a sufficient number of supermarkets
- There is already a Lidl in Camberley
- Diverting business away from local shops/village
- Increase traffic for longer hours
- Existing shops (Cotswold Outdoor and Pets at Home) offer variety and improve community
- Proposal would take away from community and reduce businesses from three to one
- Pets at Home essential to Bagshot providing access to pet care (from on-site vets), is highly valued and would be a significant loss [*Officer comment: The loss of this business in this location would not be a reason to refuse this application*]
- Retail competition for/impact on Waitrose
- John Lewis would be a better neighbour for Waitrose [*Officer comment: The planning system does not control operators*]
- Cotswold Outdoor store encourages exercise at home (during Covid pandemic) [*Officer comment: This would not be a reason to refuse this application*]
- Development was only designed for one food retail outlet with the remaining accommodation provided as complementary non-food retail unit(s)
- Proposal would allow unrestricted retail use against policy [*Officer comment: Conditions to limit retail sales are to be proposed*]
- Reduction of non-food retail outlets in the village
- No evidence that current occupiers (Pets at Home and Cotswold Outdoor) are about to vacate their premises [*Officer comment: This would not be a reason to refuse this application*]
- Nail in the coffin for local shops and provides yet another anodyne American-style shopping mall
- Lidl should look at a village centre location first
- Would become a food shopping centre rather than a mixed retail park
- Not a surprise that the existing units are struggling (due to Covid pandemic)
- Increased economic/retail activity not needed

6.3 Impact on highway safety [See section 7.4]

- A supermarket will generate more traffic than existing retail uses
- Loss of parking
- No provision for extra/insufficient parking
- Generation of a considerable amount of extra traffic

- Increased road congestion
- Extra traffic would lead to more danger to children
- Access disruption to local residents
- Only just sufficient car parking at the moment (especially at weekends and other peak times Xmas/Easter)
- Overflow of cars into local roads (local housing estate)
- Impact on Disposal Zone status of village
- Inadequate access
- Traffic on A30 (London Road) is far too busy already
- Gridlocked A30 (London Road) and proposal will cause immeasurable chaos
- The road system does not have the capacity to cope with any extra traffic
- Existing traffic lights at the A30 junction is the worst in the locality for congestion often creating large tail-backs. Proposal will make matters worse
- No provision for charging electric vehicles [*Officer comment: The proposal includes some provision for charging electric vehicles*]
- Needs for disabled/parent and child spaces further impacting on parking provision
- Transport assessment (TA) has no credibility – areas shown to be within walking distance are limited by barriers such as rail lines and M3 motorway
- TA is a theoretical assessment and does not recognise the real world, particularly the traffic problems with local junctions
- Road layout has inadequate and insufficient storage space
- TA considers that more trips would be generated but lower parking provision required
- Proposed parking provision not justified
- Knock-on effect on other (traffic lighted) road junctions (e.g. Yaverland Drive)
- Difficult to see how reconfigured car park will lead to improved accessibility (as claimed by TA)
- Parking shortfall against SCC parking guidelines
- Overflow car park is used more by staff than customers
- Traffic coming in from other parts of Surrey Heath
- Car park survey required/inadequate surveys provided
- Short traffic light sequence at Waterers Way junction (with A30)
- Proposal will bring forward the shopfront reducing car parking provision [*Officer comment: There is no proposal to bring forward the shopfront*]
- Car park would not be adequate to cope with the style of shopping, quick turnover, and high volume e.g. frequent flash deals, leading to road blockages, aggressive driving, etc. Waitrose is more suitable because they sell at a lower volume
- Increased risk of accidents at local road junctions on A30/existing junctions and traffic movements dangerous
- Reduction in linked trips
- Lidl shops elsewhere operate with insufficient parking and cause traffic congestion [*Officer comment: No details of the traffic impact from other Lidl stores provided*]
- Congestion for users (dog walkers) of nearby SANG [*Officer comment: It is not clear how this would result in such an impact*]
- Difficulty in existing local roads (onto A30 London Road) will increase
- Traffic situation in Bagshot is already awful, periodically diabolical, because of the failure of SCC Highways to design and implement a sensible junction design
- Cumulative impact with nearby developments (Costa Coffee, Chapel Lane and Waterers Way)
- Inadequate public transport provisions
- Contribution too small to fix traffic light problems
- Waterers Way should be adopted first [*Officer comment: This is not a part of the proposal*]
- Further details of traffic signal improvement scheme required
- Distance to nearest Pets at Home (Farnborough)

6.4 Impact on residential amenity [See section 7.5]

- Light pollution
- Noise and disturbance from increased lorry traffic
- Dust and fumes
- Disturbance from waiting lorries (before yard opening times) and disturbance late in the evening (after closing times)
- Loss of privacy (views in gardens from lorries)
- Close to adjoining properties [*Officer comment: The proposal would not change the physical relationship with adjoining properties with no extensions to the unit/s proposed*]
- Loss of trees will increase noise and air pollution
- Disturbance from construction work

6.5 Other matters

- Impact on character of village from another large retail unit [*See paragraph 7.6*]
- Out of keeping and over development [*See paragraph 7.6*]
- Removal of trees, provided for aesthetic reasons and environmental benefits, in car park [*See paragraph 7.6*]
- Needs for disabled/parent and child spaces further impacting on trees [*See paragraph 7.6*]
- Loss of trees has not been justified and their replacement not proposed [*See paragraph 7.6*]
- Alterations to shop frontage do not improve the building appearance
- Not in keeping with Bagshot village High Street [*Officer comment: The Bagshot High Street lies 600 metres to the north east of the application site*]
- Development is too high [*Officer comment: There are no proposal to change the height of the development*]
- Not enough information provided with the application [*Officer comment: There is no explanation where there is a lack of information*]
- Impact on house prices [*Officer comment: This is not a material planning consideration*]
- Nature of brand will affect house prices [*Officer comment: This is not a material planning consideration*]
- Conflict with local plan [*Officer comment: There is no explanation where there is such conflict*]
- Stain on existing communal facilities [*Officer comment: There is no explanation how the proposal would result in such an impact*]
- Affect local geology [*Officer comment: There is no explanation how the proposal would result in such an impact*]
- Sucking the life out of the village
- General dislike of proposal [*Officer comment: No further explanation, in relation to this comment, has been received*]
- Jobs benefit (40) not sufficient against disruptive effect of proposal
- Profit for supermarket chain will be only benefit [*Officer comment: This would not be a reason to refuse this application*]
- Bike racks and charging stations play lip-service to the environmental impact
- New lights would be short term gain for long term nightmare (once done it cannot be undone)
- Very costly to revert property back to two units in the future [*Officer comment: This would not be a reason to refuse this application*]
- Impact on village life
- Staff in Pets at Home are unaware of proposal [*Officer comment: This is not a material planning consideration*]

6.6 At the time of preparation of the report, six representations in support have been received raising the following matters:

- In support of change of use
- Commercial decision for existing retailers to move out
- SCC Highways should sort out queues and poor traffic signalling on the Yaverland Drive traffic lights to stop queueing on A30 (London Road)
- No traffic problems west of site (towards Camberley) or to east of village (towards Sunningdale) at any time Traffic lights should be replaced with a roundabout
- Will use shop if it opens here
- Good value store required
- More consumer choice and benefit local community reducing journeys and pollution
- Could improve cycle and pedestrian access
- Due to changing shopping habits, part of the unit will remain empty if not occupied by Lidl
- Providing local jobs

7.0 PLANNING CONSIDERATION

7.1 The proposal is to be assessed against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); as well as Policies CP1, CP2, CP9, CP10, CP11, CP12, DM9, DM11 and DM12 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP). In addition, advice in the Planning Practice Guidance (PPG) is also material.

7.2 The main issues in the consideration of this application are:

- Impact on retail centres;
- Highway and parking impacts;
- Impact on residential amenity;
- Impact on local character and trees;
- Impact on local infrastructure; and
- Other matters.

7.3 Impact on retail centres

7.3.1 Policy CP1 of the CSDMP provides the spatial strategy for the Borough and confirms that Camberley Town Centre will be the focus for major retail development (reinforced by Policy CP10). Policy DM12 of the CSDMP encourages development which supports the viability, vitality and retail function of District and Local Centres. Policy CP9 of the CSDMP, relating to the hierarchy and role of centres, defines Bagshot as a district centre and Lightwater as a local centre.

7.3.2 Paragraph 87 of the NPPF indicates that a sequential test should be applied for main town centre uses (such as retail) which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres then in edge-of-centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

7.3.3 Paragraph 90 of the NPPF indicates that a retail impact assessment is required for retail development outside town centres, which are not in accordance with an up-to-date plan, where the proposal is over a threshold of 2,500 square metres gross floorspace. Paragraph 91 of the NPPF indicates that where a proposal fails to satisfy the sequential test or is likely to have a significant adverse impact on town centre vitality and viability or existing, committed and planned investment in a centre (or centres), it should be refused permission.

The need for a retail assessment

- 7.3.4 The NPPF, as indicated in Paragraph 7.3.3 above, would only require a retail assessment to be provided for development of 2,500 square metres of retail floorspace. The current proposal relates to the use of 1,770 square metres which is 730 square metres under this threshold. However, it was considered prudent to request such an assessment, noting it's out of town location and the potential impact the proposal would have on local centres. The proposal needs to be assessed against the provided assessment; and further information subsequently provided by the applicant and the assessment by the Council's Retail Advisor, RPS. The applicant has been willing to work with the Local Planning Authority by providing further detailed retail information in what has been an extensive process. In the officer's opinion, this has provided greater certainty and comfort that the retail impacts have been tested robustly, being beyond the requirements set out in the NPPF.

The sequential test

- 7.3.5 The sequential test requires an assessment of whether there is available a more central location that could be provided to accommodate the retail unit. Paragraph 87 of the NPPF confirms that for main town centre uses, such as retail, should be located in town centres, then edge-of-centre locations. It is only when suitable sites are not available (or expected to become available within a reasonable period) should out of centre locations be considered. There should be a flexible approach taken to site selection from the applicant but a reasonable approach in their assessment needs to be undertaken by the Council.
- 7.3.6 An assessment of available sites has been undertaken and sites within and around Camberley town centre and local centres, Bagshot and Lightwater, were considered. However, the only central site which could be available is the former BHS site in Camberley Town Centre. It is understood that an alternative occupier is currently envisaged for this unit and is now not available. As such, the sequential test concluded that there were no town centre or edge of centre locations available and therefore out of town locations could be explored.

Retail impact on local centres

- 7.3.7 The provision of a convenience good store would have its greatest impact on the local centres, Bagshot and Lightwater, where the local Co-op supermarkets are at the heart of these smaller local (retail) centres. Planning policy is not expected to consider competition between retailers but the impact on the vitality and viability of local centres, as a whole, is to be taken into consideration. There are no planned investments which would be affected and it is therefore it is the impact on these local centres, including these local shops, which needs to be assessed.
- 7.3.8 The retail assessment considers that the proposal would result in a 2% and 2.5% diversion of trade from Bagshot and Lightwater, respectively. The Co-op supermarkets are principally used as a "top-up" facility by shoppers and the proposal would provide a larger supermarket where it is more likely used for bigger, weekly food shopping, reducing the retail impact it would have on these local shops. Although the Council's Retail Advisor considers the projected trade diversion to be conservative estimates, it is clear that even with a much larger trade diversion, the proposal would not result in an adverse impact on the vitality and viability of these centres.

Retail impact on Camberley Town Centre (and beyond)

- 7.3.9 Currently, Sainsburys and Lidl trade, as larger convenience stores, from Camberley Town Centre. However, the retail assessment indicates that Camberley and Bagshot would have different catchments and the impact on Camberley Town Centre would be more limited. In effect, the applicant has indicated that the proposal would not serve the catchment of the Lidl store in the Camberley Town Centre.

- 7.3.10 The proposal would result in the loss of two comparison goods units, Cotswold Outdoor and Pets at Home, which are in more direct competition with retailers within the town centre. Whilst, overall it has previously been considered that this impact could not adversely affect the vitality and viability of this centre, it would still be considered to be a minor benefit that these operators are removed from this out of town location. It is not considered that, in planning policy terms, there is a case to require the retention of the Pets at Home store, for example, although the local benefits, e.g. the in-store vets, are noted.
- 7.3.11 The trade diversion from Camberley would be extremely small and larger trade diversions would be expected from other out of centre locations, e.g. Sainsburys at Watchmoor Park and further afield. There may also be an impact on the Waitrose unit on this retail park, given that these are both convenience stores. However, the impact of the proposal on these out-of-town locations would not affect the vitality and viability of any local centre and as such no objections would be raised to such potential impacts.
- 7.3.12 It is considered that the proposal would not result in a significant adverse impact on local centres and that the sequential retail test has been passed. As such, there are no objections on these grounds, with the proposal complying with Policies CP1, CP9 and DM12 of the CSDMP and the NPPF.

7.4 Highway and parking impacts

- 7.4.1 Policy DM11 of the CSDMP indicates that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented. Policy CP11 of the CSDMP indicates that new development that will generate a high number of trips will be directed towards previously developed land in sustainable locations or will be required to demonstrate that it can be made sustainable to reduce the need to travel and promote travel by sustainable modes of transport. All new development should be appropriately location in relation to public transport and the highway network and comply with car parking standards.
- 7.4.2 Paragraph 110 of the NPPF indicates that proposal should ensure that appropriate opportunities to promote sustainable transport modes can be (or have been) taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF indicates that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the highway network would be severe.

Impact on local highway network

- 7.4.3 Paragraph 57 of the NPPF indicates that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development, and the County Highway Authority has identified that there is a localised traffic issue on A30 London Road to which the proposal could lead to worsening highway conditions.
- 7.4.4 The proposal would lead to a different pattern in traffic generation and movements due to the new type of retail proposal provided under this application, as identified in the traffic assessment (TA). The TA indicates that for the weekday morning (8-9am.) and evening peak (5-6pm.), the trip movements generated in and out of the site would be 51 and 115 trips (an increase in 22 and 19 trips, respectively). The Saturday peak (12-1pm.), when there is less road traffic, the trip movements generated would be 243 trips (an increase in 94 trips), which can be accommodated on the local highway network. This has been tested through a modelling audit by the County Highway Authority.

- 7.4.5 The proposal would access onto the traffic light junction of A30 London Road and Waterers Way, which is close to the traffic light junction with Yaverlands Drive. The combination of these traffic lights, which are not in sync, has caused local highway network issues for traffic on A30 London Road, as a major thoroughfare through the Borough. The County Highway Authority has raised no objections subject to improvements to the traffic light programming of £50,000 to improve traffic movements to and from the site and the flow of traffic on A30. It is considered that a new pattern of trip generation would be provided by this proposal which could exacerbate this localised issue, due to the issue of the syncing between these traffic lights.
- 7.4.6 The County Highway Authority has advised that the existing traffic lights at Waterers Way and Yaverland Drive require upgrading with the Yaverland Road junction traffic lights using obsolete equipment and both sets of traffic lights requiring refurbishment because they are not compatible with the newer monitoring systems used elsewhere in the Borough. It is considered that this upgrade is required to bring the junctions up to current standards and meet the obligation tests set out in Paragraph 57 of the NPPF, being necessary and relevant to the development, and fairly and reasonably related in scale and kind. The financial contribution would secure the required upgrade which would bring these junctions up to standard and this will assist in the free flow of traffic on A30 London Road.

Impact on parking demand

- 7.4.7 By way of context, in 2014 when the original retail park was approved, that proposal related to a supermarket (Waitrose) and garden centre (Notcutts) and the circumstances around that assessment were very different. The assessment below has been on the basis of the current proposal and how this would impact on the parking arrangements for the whole of the retail park and the local highway network.
- 7.4.8 As acknowledged in the Transport Assessment and by the County Highway Authority, the proposal would result in a change to the retail provision at the retail park and that less linked trips would be possible (with Waitrose and Lidl being both food retailers reducing the need for shared trips), and that the number of traffic movements would be greater for a convenience goods stores than comparison goods stores. County, in response to the original Transport Assessment had challenged its content, and requested further information and justification concerning the expected trip rates and how this impacted on the parking demand for the proposal along with the other stores in the retail park. Further information regarding the baseline parking demand, relating to the existing users, had also been requested. Waitrose's appointed highway consultant also challenged the assumptions made and County had regard to this.
- 7.4.9 On the basis of the receipt of further information and justification from the applicant, the County Highway Authority is now satisfied with the total number of parking spaces for two food stores. Their final comments are provided at Annex A of this report. Whilst the reconfiguration of the car park would provide an overall reduction in parking spaces for the retail park by 6 spaces, the proposal would result in a reduction of floorspace of 662 square metres (to 4,950 square metres) across the whole of the retail park (the existing building provides accommodation totalling 5,612 square metres overall). County's Parking Guidance is for a 'maximum' provision of 1 parking space per 14 square metres of gross floorspace for a food retail store of this size, which equates to a total of 354 parking spaces for the overall retail park. Furthermore, if the parking provision went above this standard, it would be unacceptable. However, this proposal would provide 332 spaces for the overall retail park which is within the policy guidance and as such would be acceptable.
- 7.4.10 In addition, the proposal is located in a fairly sustainable location on a major bus route within the Borough and on a principal road (A30 London Road). The provision of further parent and child spaces and disabled spaces would improve accessibility and the provision of 13 no. electric charging points, as requested by the County Highway Authority by condition, resulting in improved sustainability for the proposed development.

Servicing requirements

- 7.4.11 The proposal would provide a supermarket which would have a different pattern of servicing from the existing retail uses, where deliveries would be expected to be more frequent. To ensure that the servicing for the proposal does not conflict with the servicing for Waitrose, which share the same access, a servicing plan is to be required by condition.
- 7.4.12 The proposal is considered to be acceptable on these grounds, subject to the securing of a contribution towards traffic light improvements, complying with Policy CP11 and DM11 of the CSDMP and the NPPF.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP indicates that development should respect the amenities of the occupiers of neighbouring property and uses.
- 7.5.2 The proposal would seek minor changes to the opening hours (for most of the public holidays only) and servicing hours, as indicated in Paragraph 4.3, which extend the delivery hours from 9:30pm to 11pm for the proposed Lidl store (but not the Waitrose store). These changes along with any changes to the pattern of traffic movements from this proposal, would not have any significant impact on residential amenity. In addition, the proposed plant provided to the rear of the building which would be set 28 metres from the nearest residential properties (in Waterers Way and Gomer Road).
- 7.5.3 Noting the comments of the Environmental Health team, any loss of amenity to these residential properties are not envisaged, on the basis that the increase in servicing only applies to the application property (and not Waitrose), which is the case. The other proposed changes would have very little impact on residential amenity.
- 7.5.4 No adverse impact on residential amenity is envisaged with the proposal complying with Policy DM9 of the CSDMP.

7.6 Impact on local character and trees

- 7.6.1 Policy DM9 of the CSDMP indicates that development should respect and enhance the local character of the environment, and should protect trees and other vegetation worthy of retention and provide high quality hard and soft landscaping where appropriate.
- 7.6.2 The current proposal would result in the loss of some landscaping including three smaller trees. The existing landscaping could be enhance to address the loss of trees within the car park which is to be secured by condition. However, given the presence of other landscaping in the area, the proposed loss would not be detrimental to the visual amenity of the area.
- 7.6.3 The proposal would provide minor changes to the appearance of the existing building, as set out in Paragraph 4.4, and other minor works, as set out in Paragraph 4.5, and these works would be acceptable in character terms.
- 7.6.4 No objections are raised in character terms with the proposal complying with Policy DM9 of the CSDMP and the NPPF.

7.7 Impact on local infrastructure

- 7.7.1 Paragraph 57 of the NPPF sets out the tests for seeking planning obligations for developments (as set out in Paragraph 7.4.2 above). Policy CP12 of the CSDMP indicates that where funding gaps for infrastructure projects have been identified, the Borough Council will require a developer to make a contribution towards the shortfall in funding by way of a financial or in-kind contribution.

7.7.2 The proposal would require funding for a benefit to the local highway network as indicated in Section 7.4 above. It is considered that this benefit meets the test in Paragraph 57 of the NPPF. It is considered that no objections are raised on these grounds, as such the proposal complies with Policy CP12 of the CSDMP and the NPPF.

7.8 Other matters

7.8.1 The application is a major development and a flood risk assessment has been provided in this regard. The site lies in an area of low flood risk and does not involve additional floorspace to the existing building. As such, it is not considered that the proposal would have any significant risk to flooding.

7.8.2 The original building was constructed using 2011 BREEAM credits to improve sustainability; including the use of more sustainable construction materials; cold air retrieval technology to reduce energy demands; and, water and waste mechanisms to reduce the demand on the environment. This proposal relates to existing accommodation and, noting the above, it is not considered that further energy efficiencies from this proposal would be required.

7.8.3 The originally approved development, and subsequent amendments, included a series of planning conditions. The application site has been drawn such that the other retail units are not within the application site. As such, the conditions that applied to the units, that are the subject of this application have to be reviewed and revisited. The proposed list of conditions have been provided on this basis.

8.0 POSITIVE/PROACTIVE WORKING AND PUBLIC SECTOR EQUALITY DUTY

8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This 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 suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.

d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation, in particular relation to the retail impact.

8.2 Under the Equalities Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this Duty.

9.0 CONCLUSION

9.1 The proposal is considered to be acceptable in terms of its impact on retail impact, residential amenity, local character and infrastructure. Subject to the provision of a £50,000 contribution towards traffic light improvements to nearby road junctions, no objections are raised to the proposal on highway safety grounds. The application is considered to be acceptable.

10.0 RECOMMENDATION

GRANT subject to a legal agreement to secure a £50,000 contribution towards improvements to traffic lighting and 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. The proposed development shall be built in accordance with the following approved plans: 16471-102 Rev C, 16471-105 Rev C, 16471-106 Rev C, 16471-108 Rev C and 16471-111 Rev B, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

3. The parking spaces and service yard shown on the approved plan 16471-102 Rev C shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than their respective approved uses.

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.

4. The retail unit hereby approved shall only be used as a retail supermarket, and for no other purpose within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), with a maximum net retail sales floor area of 1,019 square metres and level of 80% of convenience goods (equating to 815 square metres) and 20% level of comparison goods (equating to 204 square metres).

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 the NPPF.

5. The retail unit hereby permitted shall only be open to the public between the hours of 07:00 and 23:00 hours from Mondays to Saturdays and Public Holidays (except New Years' Day, Easter Sunday and Christmas Day) and the hours of 10:00 and 18:00 hours on Sundays unless the prior written approval has been obtained from the Local Planning Authority. The retail unit shall not be open on New Years' Day, Easter Sunday and Christmas Day. However, 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.

The latest HGV delivery shall have been completed by 23.00 hours and thereafter no delivery shall take place before 07.00 hours on the following day or otherwise as agreed in writing with the Local Planning Authority.

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.

6. A servicing plan shall be submitted to and approved by the Local Planning Authority and implemented prior to the occupation of the development.

Reason: In the interests of highway safety and residential amenity and to comply with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

7. 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 unit or subdivision of the unit hereby permitted, there shall also be no external storage or sales within the application site 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 the NPPF.

8. 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.

9. The development hereby approved shall not be occupied prior to the provision of 13 parking spaces with a fast charge socket (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of site sustainability and to comply with Policies CP2, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. The development hereby approved shall not be occupied until a Travel Plan has been submitted to and approved by the Local Planning Authority in accordance with the aims and objectives of the National Planning Policy Framework, Surrey County Council's Travel Plans Good Practice Guide." The approved Travel Plan shall be implemented and thereafter maintained and developed to the satisfaction of the Local Planning Authority.

Reason: In the interests of site sustainability and to reduce the need for the motor car and to comply with Policies CP2, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. No development shall commence until a Construction Transport Management Plan, 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 behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) vehicle routing
 - (h) measures to prevent the deposit of materials on the highway
 - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (j) on-site turning for construction vehicles

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

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to protect the amenities of residents in accordance with Policies DM9, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and thereby reduce the reliance on the private car and meet the prime objective of the National Planning Policy Framework.

12. 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: In the interests of site sustainability and to reduce the need for the motor car and to comply with Policies CP2, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage to the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Sections 131, 148 and 149 of the Highways Act 1980 (as amended)).
2. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrast ructure.html> for guidance and further information on charging modes and connector types.

In the event that a satisfactory legal agreement has not been completed by 28 October 2021, or any other period as agreed by the Head of Planning, the Head of Planning be authorised to REFUSE for the following reasons:

1. In the absence of a completed legal agreement under Section 106 of the Town and Country Planning Act, the proposal fails to provide an adequate provision to improve

the traffic light arrangements close to the application site which, with any intensification of traffic movements to and from the site resulting from the proposal, would result in conditions prejudicial to highway safety failing to comply with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.