## **Development Management Committee**

## Item 8 Report No.PLN1740 Section C

The information, recommendations and advice contained in this report are correct as at the date of preparation, which is more than two weeks in advance of the Committee meeting. Because of these time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comment. Any changes or necessary updates to the report will be made orally at the Committee meeting.

Case Officer	Sarita Jones
Application No.	17/00866/FULPP
Date Valid	16th October 2017
Expiry date of consultations	13th November 2017
Proposal	Erection of a retail unit (Class A1) for sale of bulky goods along with associated improvements to retail park access arrangements; revised car parking and servicing arrangements; and associated works
Address	Blackwater Shopping Park Farnborough Gate Farnborough Hampshire
Ward	Empress
Applicant	Lothbury Property Trust Company Limited
Agent	Mr Tim Rainbird
Recommendation	GRANT subject to completion of S.106 planning obligation

## Description

The site is located within the Blackwater Shopping Park at Farnborough Gate. The retail park consists of a complex of buildings in a L shaped configuration with two detached buildings, comprising a McDonalds restaurant/drive through takeaway and a Costa coffee shop, on either side of the entrance road. Vehicular access into the park is from the dual carriageway which links Farnborough and Frimley and is adjacent to the interchange for the A331 Blackwater Valley Relief Road. 609 car parking spaces serve the retail park with servicing of the retail stores taking place to the rear. The footpath link from the site onto Farnborough Road, which had been closed for some time, has been reopened. With the exception of Boots which sells a small amount of food (sandwiches, etc) the retail units sell non-food products only and currently comprise one electrical store (Currys/PC World), a nursery/babywear store (Mamas and Papas), two homeware stores (Bensons beds and Homesense), a chemists (Boots) a motor accessory/bicycle store (Halfords) and three clothes retailers (Outfit, TKMaxx and Next). Four Poplar trees adjoining, but outside, the site to the east are subject to Tree Preservation Order 186. A public footpath (20b) also adjoins the site to the east.

The original planning permission for the retail park, 93/00016/FUL, was subject to use and floorspace restrictions to ensure adequate car parking provision was available to serve the

development.

Planning permission was granted in July 2005 for the installation of a mezzanine floor in the Halfords Unit to provide an additional 430 sq m of floorspace. This has been implemented.

A certificate of lawful use was granted in May 2006 for a mezzanine floor in the former Courts unit (now Next and TK Maxx), 06/00201/PDC.

Planning permission was granted in October 2006 for the installation of a mezzanine floor in the Outfit unit, to provide an additional 790 sq m of floorspace. This has been implemented.

In January 2007 an application was withdrawn for the installation of a mezzanine floor in unit 5 (now Boots) to provide 600 sq m of additional retail floor space resulting in total floor area of 1245 sq m 06/00743/FUL. This application had been recommended for refusal to committee on the basis that there were sequentially preferable sites to provide additional retail floorspace and that it had not been demonstrated that there was sufficient car parking to serve the development. A similar application for the adjoining Bensons bed unit was also recommended for refusal for the same reasons and subsequently withdrawn, 06/00742/FUL.

In January 2009 planning permission was granted for a variation of the condition on the original planning permission which restricted the use of the premises for the sale of non-food goods only to enable the sale of pet food in respect of unit 5, 08/00810/REVPP.

In April 2009 permission was refused, 09/00034/REV, for the installation of a mezzanine floor in unit 5 to provide 319 sq m of additional floor space of which 246 sq m will be retail sales area resulting in a total floor area of 963 sq m. No external changes were proposed nor was any additional car parking provision being made. Permission was refused as it was considered that there were sequentially preferable sites to accommodate the new retail floor space and therefore objection was raised to the proposal in that it conflicted with policy TC1 of the Rushmoor Local Plan Review 1996-2011, the advice contained in Planning Policy Statement 6 and the objectives of the Farnborough town centre SPD.

In May 2010 planning permission was granted, 10/00148/REV, for the variation of conditions 3 & 4 of planning permission 93/00016/FUL to allow the installation of mezzanine floor and the sale of lunchtime sandwiches and snacks, baby food and dietary products in unit 5. This included the removal of the existing mezzanine and staircase and installation off a mezzanine floor with a floor area of 168 sq m to be used as a stock room, staff accommodation and offices with no retail sales. This has been implemented.

In February 2011 planning permission was granted for the demolition of the security hut and erection of a single storey building for use as a coffee shop (Use Class A3) and as a replacement security hut together with works to the car park to improve the circulation of vehicle movements within it to reduce the potential of vehicles queuing back onto the public highway. This permission has been implemented and the coffee shop is operated by Costa Coffee.

The approved alterations to the car park aimed to improve vehicular access to and within the site and reduce the potential for cars to queue back onto the link road. This was based upon the closure of one of the three existing access points into the car park, thereby requiring traffic to route to either side of the car park (turning left or right at the roundabout) extending the distance a car must travel before it has the ability to manoeuvre into or out of a parking space. In addition a number of alterations to the car park's circulation were proposed, namely the introduction of a filter lane into the McDonalds unit which was aimed to reduce the ability

for drive through traffic to block the site's access. The internal circulation aisle was shown to be widened to accommodate this filter lane. A more conventional pattern of car park circulation was approved which meant that all primary circulation aisles would be signed to operate one-way. This included the provision of a new cross circulation aisle which would be introduced to improve internal circulation pattern encouraging vehicles to turn east upon entering the park and thus increasing the distance between the public highway and the first parking spaces. Servicing (deliveries and refuse collection) for the coffee shop was approved to take place from a designated area located at the front of the premises and would take place outside of peak trading hours. The works to the car park have been partly implemented particularly in relation to the closure of the access off the roundabout, the introduction of the filter lane and circulation around the car park. It is noted that, as existing, there is contradictory signage and road markings within the existing car park which results in traffic movements against both signage and road markings.

In 2013 planning permission was refused for the erection of a new retail unit (1162 gross internal area), adjacent to TK Maxx at the northern end of the building following the removal of the car parking spaces (65 spaces) in this location, on retail grounds, the lack of a transport contribution and inadequate car parking. The identified occupier was Hobbycraft. It was also proposed to reconfigure the central customer car park to improve circulation within the car park and vehicular access/egress.

An appeal was subsequently lodged against the refusal of planning permission which was dealt with by way of informal hearing. In February 2014 the Development Control Committee resolved not to defend the car parking reason for refusal following the receipt of additional survey and assessment data regarding parking provision. An unilateral undertaking was submitted at the hearing to secure a transport contribution to address the third reason for refusal. The Inspector did not agree that a specific business model could side step the sequential test. She found that the appellants' analysis was focused specifically on the requirements of Hobbycraft and did not acknowledge that planning permission ran with the land. In her view the sequential test had little prospect of success under these circumstances.

In dismissing the appeal the Inspector acknowledged that whilst there may be no sequentially preferable site acceptable to Hobbycraft there is no reasonable condition that could guarantee that this company would occupy the proposed unit in perpetuity. The evidence indicated that there were at least two edge of centre sites that could accommodate a use of this type and this had not been properly considered. The failure to satisfy the sequential test and the harm that would ensue was considered sufficient to outweigh any other advantages that might be attributed to the appeal proposal.

The current proposal seeks permission for the erection of a new retail unit, in the south-east corner of the retail park, attached to Currys/PC World. This unit is proposed to have a gross internal floor area of 1305 square metres to be provided over two floors (743 square metres at ground floor with 562 square metres at mezzanine level). The identified occupier is Halfords. They are proposing to relocate to a purpose built unit from their existing premises within the park as their existing unit is too large (1541 square metres) for their operator requirements. The applicant has proposed a condition which restricts the use of the floorspace to bulky goods. The built form largely reflects the existing building in that it is of a brick and cladding construction under a pitched tiled roof with a predominantly glazed frontage facing the central car parking area and an entrance canopy. The main changes relates to the use of a pitched profiled metal roof behind the tiled mansard roof. Servicing is proposed to take place from the rear as with the other retail units. To facilitate the development it will be necessary to remove a group of trees along the eastern boundary,

comprising a mix of Horse Chestnut, Silver Birch, Hawthorn, Ash, Cherry, Goat Willow. Lime and Alder, and a group of trees along the south eastern boundary, comprising Horse Chestnut, Willow, Silver Birch, Pine and Wild Cherry. The proposal will result in the loss of 73 car parking spaces, primarily to the side of the existing Currys/PC World unit. It is also proposed to reconfigure the central customer car park to improve circulation and vehicular access/egress. The proposal includes the re-opening of the fourth arm from the roundabout to allow vehicles to enter and circulate south using existing routes either side of car park and the formation of two lanes into the retail park from the dual carriageway. Three fitting bays and five Sheffield cycle hoops (10 cycles) are proposed to the front of the unit. The new building will be built to BREEAM "Very Good" Standard.

The application is supported by a planning and retail statement, a transport assessment, a framework travel plan, a design and access statement, a flood risk assessment, an arboricultural development statement, an ecological assessment, a BREEAM Pre-Assessment report and a Geo-Environmental Desk Study/Preliminary Risk Assessment report.

#### Consultee Responses

Network Rail	No views received.
The Blackwater Valley Countryside Partnership	No views received.
Hampshire Rights of Way	No views received.
Natural England	raises no objection to the proposal.
Hampshire Fire & Rescue Service	advises that the development should take place in accordance with Approved Document B5 of the Building Regulations and section 12 of the Hampshire Act 1983. It also makes recommendations in relation to access for high reach appliances, water supplies, sprinklers, firefighting and the environment and timber framed buildings.
Transportation Strategy Officer	raises no objection to the proposal subject to securing a financial contribution towards transport and the imposition of conditions.
Environmental Health	raises no objection subject to conditions.
Ecologist Officer	raises no objection subject to condition.
Planning Policy	raises no objection to the proposal.
Surrey Heath Borough Council	No views received.
Surface Water Drainage Consultations	sought further information which has been provided by the applicant. Their views on this information are awaited.
Thames Water	advises that the applicant should ensure that storm

flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer the site drainage should be separate and combined at the final manhole nearest the boundary. No objection is raises in relation to sewerage infrastructure. petrol/oil interceptors are recommended in all car parking/washing/repair facilities.

Arboricultural Officer No views received.

#### Neighbours notified

In addition to posting a site notice and press advertisement, 25 individual letters of notification were sent to properties at Farnborough Gate, Farnborough Road and Ringwood Road. Letters were also sent to St Modwen, Legal and General Investment and Knight Frank Investors as major stakeholders within Farnborough town centre.

#### Neighbour comments

No letters of representation have been received at the time of the preparation of this report. Any responses received in relation to the widened access arrangements will be updated at the meeting.

## Policy and determining issues

The site is located within the built up area of Farnborough. As such policies SS1 (The Spatial Strategy), SP3 (Aldershot Town Centre), SP4 (Farnborough Town Centre), CP1 (Sustainable Development Principles), CP2 (Design and Heritage), CP3 (Renewable Energy and Sustainable Construction), CP16 (Reducing and Managing Travel Demand) and CP17 (Investing in transport) of the Rushmoor Core Strategy and "saved" policies TC1 (Proposals for Aldershot and Farnborough town centres and North Camp district centre), ENV5 (Green Corridors), ENV13 (Trees and Landscaping), ENV16 (General Development and Design Criteria), ENV21\_22 (Access for People with Disabilities), ENV48 (Environmental Pollution and Noise) of the Rushmoor Local Plan Review 1996-2011 are relevant to the consideration of this proposal. The Council's adopted planning documents (SPD) on Sustainable Design and Construction (2006), 'Planning Contributions - Transport' (2008); 'Car and Cycle Parking Standards', (2012), Farnborough Town Centre (2007) and accompanying Prospectus (2012) and Aldershot Town Centre Prospectus (2016) and the advice contained in the National Planning Policy Framework/Practice Guidance, particularly paragraphs 24 (sequential test), 26 (impact assessment on town centres) and 27 (failure to satisfy the sequential test) are also relevant.

The Council published the draft submission version of the Local Plan for public consultation between Friday 9 June and Friday 21 July 2017, inclusive. The consultation is now closed.

The Council's Planning Policy team are processing all the representations we received and they will publish them on the Council's draft submission Local Plan web pages as soon as possible.

The Council's Planning Policy team will also prepare a report which summarises the issues raised during the consultation and sets out the Council's response. This report, together with all the 'duly made' representations received during the consultation period, will be submitted

to the Planning Inspectorate for examination, alongside the plan and its supporting documents.

The expected date for submission of the plan is early 2018. A planning inspector will then be appointed and will hold a public hearing, which is likely to take place later in 2018. Given this, and recognising that they currently have limited weight, policies SS2 (Spatial Strategy) SP1 (Aldershot town centre), SP2 (Farnborough town centre) and LN7 (Retail impact assessment are also relevant to the consideration of this proposal.

The main determining issues relate to the principle of development, the impact of the development upon the character of the area and on adjoining occupiers, flood risk and the water environment, car parking and highway considerations, flood risk and the water environment, nature conservation and renewable energy.

## Commentary

The principle of development

Blackwater Shopping Park is an established retail park in an out of town location. The application includes proposals for a new retail unit of 1,305 square metres (GIA) within class A1 for the sale of bulky goods. The key policy issue is the acceptability of the proposed retail unit in terms of development plan policy. The applicant has submitted a planning and retail statement with supplementary information in support of the application.

In this regard the Council's Planning Policy and Conservation Manager has been consulted on this application and advises that:

"....The proposed development for a new bulky goods retail unit at Blackwater Valley Park for a relocated Halfords must be assessed against NPPF (paragraphs 24, 26 and 27), The adopted Core Strategy and Draft Submission Local Plan, all of which set out the need to protect the vitality and viability of the town centres, apply the sequential approach and assess retail impact.

The impact of the proposal on the revitalisation and regeneration of Farnborough is a key determining issue of the application. The Core Strategy (CS) and Draft Submission Local Plan (DSLP) sets out one of the key challenges as the regeneration and revitalisation of Farnborough town centre. The CS and DSLP seek to encourage a mix of town centre uses, require a high quality environment and to promote accessibility and transport improvements. Policy SS1 of the CS and Policy SS2 of the DSLP set out that town centre uses, including retail development, will be located within Aldershot and Farnborough town centres to support regeneration. The policy sets out that the sequential approach to site selection will be applied with retail development directed first to the primary shopping area within the town centres.

The CS and DSLP also include individual policies for Farnborough and Aldershot town centres. The CS sets out in Policy SP4 (Farnborough Town Centre) the objective of promoting a thriving, accessible and revitalized town centre by permitting development which is of good design, encourages vibrancy, supports the retail core and enhances the quality of the retail offer and improves leisure, cultural and entertainment facilities. Policy SP3 for Aldershot town centre sets out a similar approach to regenerate the town centre. The DSLP includes policies which roll forward and reflecting this approach. In recognition of the need to improve the town centres the Council has also adopted supplementary planning documents for both Farnborough and Aldershot, which set out more detailed guidance, including site specific development opportunities.

The proposed development is for a new bulky goods retail unit at Blackwater Valley Park for a relocated Halfords. The application site lies in an out of centre location and the application is accompanied by a Planning and Retail Statement and this examines sequentially preferable sites for Halfords. The information included within the statement sets out that there are no other suitable and available sites within the primary shopping areas or sequentially preferable locations to accommodate the proposal. However, it is not clear why Halfords need to relocate and more specifically what the proposals are for the existing retail unit.

The Council has also reviewed potential sites for a new retail bulky goods unit in sequentially preferable locations, including within Farnborough Town Centre, but unfortunately, no available, suitable and developable site has been identified. In particular, the units within the under construction Horizon Retail Park scheme are pre-let and St Modwens have not identified any available opportunities for bulky goods retail.

Whilst not all the detailed conclusions set out in the Planning and Retail Statement are accepted, the overall conclusions that a new retail bulky goods unit for Halfords cannot be accommodated within a sequentially preferable location is reluctantly accepted. The proposal is therefore consider to satisfy the sequential test as set out in the NPPF and Policy SS1 of the adopted CS and Policy SS2 of the DSLP.

The Planning and Retail Statement includes a broad-brush impact assessment. Whilst all the detailed assumptions in the Planning and Retail Statement are not accepted the overall level of impact from the proposed new retail bulky goods unit for Halfords is accepted to be low and is not considered to cause any significant adverse harm to Farnborough or Aldershot town centre's vitality and viability. However, no information is provided on the future occupier of the vacated unit or the impact which may result. If the vacated retail unit is occupied by another bulky good retailer the impact would be expected to not materially impact upon town centre investment, however, should the unit be occupied by a High Street retailer this could cause impact and divert investment from the town centre. In the absence of any information to address these concerns a condition to restrict the floorspace of the vacated retail unit to bulky good retail as that is the basis on which the sequential and impact assessments have been made."

Whilst the applicant has agreed to the goods restriction on the proposed unit, it has objected to the restriction on the existing unit and has provided information on the trading effects of the re-occupation of the existing Halfords unit and the implications on viability in this regard. The Planning Policy and Conservation Manager has considered this supplementary information and advises that:

"The agent's response examines the impact of the occupation of the vacated unit by both bulky and non-bulky goods retailers. It concludes that there is no material harm to Farnborough town centre arising from the proposal. I also note that we have not received any objections to the proposal from town centre landowners, such as St Modwens. In the light of the further information submitted and in view of the fact that this floorspace is existing, whilst I do have reservations about the proposal I do not consider that the imposition of a condition restricting the use of this existing floorspace to bulky goods would be upheld by an Inspector at appeal.

However, a condition to limit the use of the new retail unit to bulky goods should be imposed and is fully justified, as set out in my earlier planning policy comments." Having regard to the above comments and subject to the imposition of a condition restricting the goods to be sold from the proposed unit, the principle of development is acceptable and no objection is raised to the proposal in this regard.

The impact of the development upon the character of the area

The application site lies within the built up area and adjacent to a Green Corridor. The proposed built form will be seen in the context of the existing units with general views of the roof being seen from outside the site when viewed from Farnborough Road, the dual carriageway and the public footpath. The proposed unit will be more visible from the public footpath given its proximity thereto but given the existing building this is not considered to be unacceptable in this location. The proposed unit is of an appropriate scale when seen in the context of retail development within the park and as such no objection is raised to the proposal in design terms.

The proposed works to the access road and the new retail unit will necessitate the loss of existing landscaping and trees. This will have an impact on the landscape character of the site. However subject to the imposition of a condition to secure new landscaping to mitigate for this loss the impact on the character of the area is not considered, on balance, materially harmful such to justify the refusal of planning permission on this ground. On this basis no objection is raised to the proposal in landscape terms.

The impact on adjoining occupiers

The immediate neighbours to the site are the commercial occupiers of the retail units, the Costa coffee shop and the drive through McDonalds. There will be an impact in relation to the reorganisation of the car park and the widening of the access but this is not considered to have an unacceptable impact on these occupiers. Occupiers of the retail park have been reconsulted on the access works with a response period expiring on 4 December 2017. An updated will be given to the meeting on any responses received. The closest residential properties are some 130 metres to the south west at 29 Ringwood Road, to the south west. It is envisaged that the proposed unit will generally be open in line with the opening hours for the other retail units. Having regard to the retained separation distances and the character/use of the existing retail park, the proposal is not considered to have a materially different impact on these residents when compared to the current situation and is acceptable.

Car parking and highway considerations

The Council's Transportation Strategy Officer has been consulted on this application and advises as follows:

"...In terms of the highway implications of this application there will no doubt be a greater interest in the operation of the car park than with the proposed store itself. It is then important to fully appreciate whether the complaints and observations received on the operation of the car park are due to the capacity of the car park or to the circulation of the car park, which affects the entry and exit.

The Planning Statement proposes the formation of a new 1305 m2 gross internal area. Our Car and Cycle Parking Standard SPD requires 1 parking space for 20m2 of non-food retail which is 65 parking spaces. The proposed location for the new retail unit also requires the removal of 70 existing spaces from this part of the customer car park plus a loss of 3 further spaces to enable the improvements to the car park layout.

The car park has an existing capacity of 609 spaces, 30 of which are additional parking spaces at the rear which are used predominantly by staff. An earlier described the gfa of the development site (as of June 2012) to be 158,342ft2 (14710m2) so for 609 spaces the present ratio is 1 space for 24m2. Due to the development there will be a loss of a further (70 + 3) 73 spaces which plus the increase in retail floor area for this site (14710 + 1305 = 16015m2) takes the ratio to (16015/ 536 ) 1 space for 30m2. While this meets our parking standard in terms of being less than the maximum standard it is a reduction in parking use between 19th April and 1st May 2017. There is some discrepancy in the results describing the results of these surveys which refer to "occupancy" plus "available spaces" totalling 631 (not 609). That said, to focus on the number of spaces occupied, the peak car park usage recorded was 423 car spaces used at 1400hrs on Saturday 22nd April and 424 spaces used at 1200hrs on Friday 28th April. This shows a reduction in the usage of the car park since the surveys in support of an application in 2013.

I am satisfied that a successful case has been made that the proposed additional floor area and the loss of the section of car parking spaces to accommodate the development will still work.

The TA includes proposed changes to the car park to improve car park access/egress and circulation. This comprises changes to the entry roundabout to open up access to the car park, the introduction of a two way cross aisle through the car park and modifications to other car park aisles which are currently signed as one way to allow two way use. The applicant has submitted a drawing showing a satisfactory arrangement for changing the access road into the site, to form two lanes by moving the traffic islands and removing some landscaping on the western side of the access road, and has subsequently also provided HGV tracking of this.

The other main change to the existing layout to accommodate this new retail unit is the widening of the service area to the rear to allow servicing of it from an extension to the existing servicing route. A tracking diagram confirms that there is space for a 16.5m HGV to arrive, turn and exit within the service area to the rear of the unit. In view of the limited space available for this manoeuvre I would expect a further condition on the operation of the retail park to ensure the proper management of deliveries and location of external stores, refuse, compactors and other features to ensure that this space is kept clear.

A transport contribution would be required to mitigate against the impact of the additional multi modal trips that this new retail unit would have on the highway network. A gross transport contribution would be calculated on the basis of £230 for each multi-modal trip generated. TRICs data suggests that the number of trips would be in the order of 50 trips for every 100m2 gea, this becomes 667 trips. The applicant has come forward with a proposal that there should be a reduction of 50% in the transport contribution to reflect that there will be an element of linked trips between this unit and other retail units on the site. I am in agreement with this so the transport contribution should be £76,705"

Subject to securing the transport contribution by way of legal agreement and the imposition of conditions to secure the full implementation of the proposed works to the car park and access prior to the loss of any parking spaces, the implementation of the travel plan, the management of deliveries and controlling the service yard no objection is raised to the proposal on highway grounds.

Flood risk and the water environment

The application is supported by a flood risk assessment and drainage strategy which includes the use of a surface water attenuation tank in the service yard. These details have been considered by Hampshire County Council as Lead Local Flood Authority (HCC) and Thames Water. HCC has sought further information on drainage which the applicant has provided. Their views on this supplementary information are awaited and an update will be given to the meeting. Thames Water raise no objection to the proposal. Subject to the views of HCC and the imposition of any necessary conditions to secure an appropriate drainage strategy on this site no objection is raised to the proposal on flood risk and drainage terms.

#### Nature conservation

The application is accompanied by an Ecological Assessment. Natural England raises no objection to the proposal. The Council's Ecologist raises no objection to this application on the grounds of biodiversity subject to the precautionary mitigation measures being implemented in full and the submission of a Landscape and Ecology Management Plan before any work begins. The plan should detail the enhancements listed in the report in order for the development to achieve a "net gain" for biodiversity as outlined in the NPPF. This may be secured by way of condition. Subject to this no objection is raised to the proposal on nature conservation grounds.

Sustainable construction and renewable energy

Policy CP3 seeks information relating to renewable energy and how they will incorporate sustainable construction standards and techniques into new development. The application is supported by a BREEAM pre-assessment analysis which indicates a BREEAM rating of "Very Good" will be achieved. Subject to the imposition of a condition seeking a verification report which demonstrates the development has achieved this standard no objection is raised to the proposal in terms of policy CP3.

In conclusion the development is considered to be acceptable in principle and in amenity, highway safety, ecology, flood risk and sustainable development terms having regard to development policy plan and the advice contained in the National Planning Policy Framework/Practice Guidance

## FULL RECOMMENDATION

It is recommended that SUBJECT to the views of Hampshire County Council as Lead Local Flood Authority in relation to the drainage strategy, no adverse comments being received as result of the neighbour notification period expiring on 4 December 2017 and the completion of a satisfactory Legal Agreement under Section 106 of the Town and Country Planning Act 1990 by 11 January 2018 to secure a financial contribution towards transport the Head of Planning in consultation with the Chairman, be authorised to **GRANT** planning permission subject to the conditions and informatives set out below:

However, in the event that a satisfactory s106 Agreement is not completed by 11 January 2018 the Head of Planning, in consultation with the Chairman, be authorised to **REFUSE** planning permission on the grounds that the proposal fails to mitigate its impact in highway terms contrary to the provisions of the Council's supplementary planning document Planning Contributions - Transport 2008.

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

Reason - As required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Notwithstanding any details submitted with the application, no works shall start on site until a schedule and/or samples of the external materials to be used in the development have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed and retained in accordance with the details so approved.

Reason - To ensure satisfactory external appearance.\*

3 Notwithstanding any details submitted with the application no works shall start on site until a schedule and/or samples of surfacing materials, to be used in the development have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed and retained in accordance with the details so approved.

Reason - To ensure satisfactory external appearance and drainage arrangements.\*

4 Construction or demolition work of any sort within the area covered by the application shall only take place between the hours of 0800-1800 on Monday to Fridays and 0800-1300 on Saturdays. No work at all shall take place on Sundays and Bank or Statutory Holidays.

Reason - To protect the amenities of neighbouring occupiers and to prevent adverse impact on traffic and parking conditions in the vicinity.

5 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority: -

i. a desk top study carried out by a competent person documenting all previous and existing uses of the site and adjoining land, and potential for contamination, with information on the environmental setting including known geology and hydrogeology. This report should contain a conceptual model, identifying potential contaminant pollutant linkages.

ii. if identified as necessary; a site investigation report documenting the extent, scale and nature of contamination, ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study.

iii. if identified as necessary; a detailed scheme for remedial works and measures shall be undertaken to avoid risk from contaminants/or gas identified by the site investigation when the site is developed and proposals for future maintenance and monitoring, along with verification methodology. Such scheme to include nomination of a competent person to oversee and implement the works.

Where step iii) above is implemented, following completion of the measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation shall be submitted for approval in writing by the Local Planning Authority. Reason - To ensure that the site is safe for the development permitted and in the interests of amenity and pollution prevention.\*

6 In the event that unforeseen ground conditions or materials which suggest potential or actual contamination are revealed at any time during implementation of the approved development it must be reported, in writing, immediately to the Local Planning Authority. A competent person must undertake a risk assessment and assess the level and extent of the problem and, where necessary, prepare a report identifying remedial action which shall be submitted to and approved in writing by the Local Planning Authority before the measures are implemented.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and is subject to approval in writing by the Local Planning Authority.

Reason - To ensure that the site is safe for the development permitted and in the interests of amenity and pollution prevention.

7 Notwithstanding any details submitted with the application, no works shall start on site until a fully detailed landscape and planting scheme (to include, where appropriate, both landscape planting and ecological enhancement) has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the practical completion of the development, whichever is the sooner. Any tree/shrub removed, dying or becoming seriously diseased within five years of planting shall be replaced by trees/shrubs of similar size and species to those originally required to be planted.

Reason - To ensure the development makes an adequate contribution to visual amenity and to help achieve a satisfactory standard of landscaping.\*

8 Unless otherwise allowed by this permission no display or storage of goods, materials, plant, or equipment shall take place other than within the building.

Reason - To protect the amenities of neighbouring property.

9 Before the first occupation of the unit hereby approved, the area shown for the manoeuvring, loading and unloading for servicing vehicles shall be completed and made available for use and therefore retained for this purpose.

Reason - In the interests of highway safety and to ensure appropriate servicing provision is made to serve the unit.

10 No deliveries shall take place or be despatched from the unit outside the hours of 0800 and 1900 Mondays to Saturdays and not at all on Sundays and Bank/Statutory Holidays.

Reason - In the interests of highway safety.

11 No works shall start on site until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:

- i) programme of construction work;
- ii) the provision of long term facilities for contractor parking;
- iii) the arrangements for deliveries associated with all construction works;
- iv) methods and phasing of construction works;
- v) access and egress for plant and deliveries;
- vi) protection of pedestrian routes during construction;
- vii) location of temporary site buildings, site compounds, construction materials and plant storage areas;
- viii) controls over dust, noise, mud and vibration during the construction period;
- ix) provision for storage, collection and disposal of rubbish from the development during the construction period; and
- x) provision for the on-site parking and turning of construction vehicles

Construction shall only take place in accordance with the approved method statement.

Reason - To protect the amenities of neighbouring occupiers and to prevent adverse impact on highway conditions in the vicinity.\*

12 Notwithstanding any details submitted with the application no works shall start on site until details of all screen and boundary walls, fencing or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed and retained in accordance with the details so approved.

Reason - To safeguard the amenities of neighbouring property and the character of the area.\*

13 Before the unit hereby approved is occupied details of the external lighting strategy for development shall be submitted to the Local Planning Authority for approval. Once approved the lighting shall be installed with the strategy and thereafter retained.

Reason - In the interests of the visual amenities of the area, energy efficiency and nature conservation.

14 The mitigation and enhancements as set out in Ecological Assessment dated October 2017 prepared by Ecology Solutions shall be implemented in full prior to the first occupation of the unit hereby approved.

Reason - In the interests of amenity and biodiversity.

15 The cycle parking hereby approved shall be provided and properly laid out prior to first occupation of the unit hereby approved and thereafter retained free of any impediment to its designated use unless otherwise agreed in writing by the Local Planning Authority\*

Reason: To encourage access to the site by alternative modes of transport to the car.

16 No works shall start on site until the tree protection measures as set out in the Arboricultural Development Statement dated September 2017 prepared by CBA Trees have been implemented in full and thereafter retained for the duration of the construction period.

Reason - To preserve the amenity value of the retained trees and shrubs.\*

17 Within 3 months of the first occupation of the building a verification report shall be submitted which demonstrates that the development has achieved a BREEAM Very Good standard.

Reason - To confirm the target score as indicated in the BREEAM Pre-Assessment Summary Report prepared by RPS and to meet the objectives of policy CP3 of the Rushmoor Core Strategy.

18 All wild birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended). If any trees are removed during the bird breeding season (March-September inclusive) they should first be inspected by an experienced ecologist to ensure that no active nests are present. If an active nest is discovered it should be left in situ until the young have fledged.

Reason - to prevent harm to breeding birds.

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any subsequent replacement legislative provision) the proposed floorspace shall be restricted to the retail sale of non-food bulky goods and for no other purpose (including any other purpose falling within Use Class A1 of the Town and Country Planning (Uses Classes) Order 1987).

Bulky retail goods are defined as products that, by reason of their size and/or weight, require a large display area. Non-bulky goods may only be sold where they fall within the permitted range of goods as set out below and form an ancillary part of the sales operation of the premises in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority prior to its occupation. For the avoidance of doubt, no less than 80% of the new retail floorspace within the application site is to be used for the sale of the main range of bulky goods (as defined above). The remainder of the new retail floorspace must at all times only be used for sales of goods ancillary to the main range of goods sold as referred to above.

The following are the permitted range/types of bulky goods that can be retailed at the application site:-

DIY and/or garden goods; Furniture, furnishings and textiles; Carpets and floor coverings; Camping, boating and caravanning goods; Motor vehicle and cycle goods; Electrical goods; Office furniture and supplies

Other ranges/types of bulky goods may only be sold with the prior written consent of the Local Planning Authority.

Reason - To ensure that the retail development hereby permitted does not conflict with the vitality and viability of town centre retailing and the prospects for potential new retail development in a sequentially preferable location in line with the objectives set out in the Rushmoor Core Strategy and the National Planning Policy Framework.

20 No works shall start on the retail unit nor any car parking removed from public use until the works to access arrangements and the car park as shown on the approved plans have been completed in full and made available for use.

Reason - In the interests of highway safety.

21 The occupation of the development shall take place in accordance with the provisions of the Framework Travel Plan prepared by Mott Macdonald dated November 2017.

Reason - To promote sustainable transport choices.

22 The permission hereby granted shall be carried out in accordance with the following approved drawings - 1001-PL, 1002-PL, 1003-PL, 1004-PL, 1005-PL, 2001-PL-rev A, 2002-PL-rev D, 3001-PI-rev A, 3501-PL-rev B, 4001-PL- rev B, 4002-PL rev A and 367897-MMD-BCP-XX-DR-C-0009.

Reason - To ensure the development is implemented in accordance with the permission granted.

# Informatives

- 1 INFORMATIVE The Local Planning Authority's commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of preapplication discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.
- 2 INFORMATIVE REASONS FOR APPROVAL- The Council has granted permission because the development is considered to be acceptable in principle and in amenity, highway safety, ecology, flood risk and sustainable development terms having regard to development policy plan and the advice contained in the National Planning Policy Framework/Practice Guidance. It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant permission is compatible with the Human Rights Act 1998.
- 3 INFORMATIVE Your attention is specifically drawn to the conditions marked \*. These conditions require the submission of details, information, drawings etc. to the Local Planning Authority BEFORE WORKS START ON SITE or, require works to be carried out BEFORE COMMENCEMENT OF USE OR FIRST OCCUPATION OF ANY BUILDING. Development started, carried out or occupied without first meeting the requirements of these conditions is effectively development carried out WITHOUT PLANNING PERMISSION. The Council will consider the expediency of taking enforcement action against any such development and may refer to any such breach of planning control when responding to local searches. Submissions seeking to discharge conditions or requests for confirmation that conditions have been complied with must be accompanied by the appropriate fee.
- 4 INFORMATIVE This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

- 5 INFORMATIVE The applicant is recommended to achieve maximum energy efficiency and reduction of Carbon Dioxide emissions by:
  - a) ensuring the design and materials to be used in the construction of the building are consistent with these aims; and
  - b) using renewable energy sources for the production of electricity and heat using efficient and technologically advanced equipment.
- 6 INFORMATIVE The applicant is advised to follow good practice in the demolition of the existing buildings on site including the re-use of all material arising from demolition as part of the redevelopment wherever practicable. Please contact Les Murrell, Strategy Co-ordinator (Sustainability) at Rushmoor Borough Council on 01252 398538 for further information.
- 7 INFORMATIVE No materials produced as a result of site preparation, clearance, or development should be burnt on site. Please contact the Head of Environmental Health for advice.
- 8 INFORMATIVE The applicant is advised that during the demolition and construction phases of the development measures should be employed to contain and minimise dust emissions, to prevent their escape from the development site onto adjoining properties. For further information, please contact the Head of Environmental Health.
- 9 INFORMATIVE In the UK all species of bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under Schedule 2 of the conservation (Natural Habitats & c) Regulations 2004. The grant of planning permission does not supersede the requirements of this legislation and any unauthorised works would constitute an offence. If bats or signs of bats are encountered at any point during development then all works must stop immediately and you should contact Natural England.
- 10 INFORMATIVE The applicant is requested to bring the conditions attached to this permission to the attention of all contractors working or delivering to the site, in particular any relating to the permitted hours of construction and demolition; and where practicable to have these conditions on display at the site entrance(s) for the duration of the works.















South East Elevation









