

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Marldon **Ward:** Marldon and Littlehempston

Application No: 2062/17/FUL

Agent/Applicant:

Mr Matthew Robinson
14 Castle Street
Exeter
EX4 3PT

Applicant:

Ms Jacqui Taylor
Otter Nurseries
Gosford Road
Ottery St Mary
EX11 1LZ

Site Address: Styles Garden Leisure Centre, Moles Lane, Torquay, TQ3 1SY

Development: Expansion and redevelopment of existing established garden centre and nursery incorporating the removal of existing polytunnels/greenhouses, construction of new garden centre building, retention of existing buildings for nursery/horticultural use, associated car parking and landscaping

Reason item is being put before Committee At the request of the Ward Member having regard to the amount of local interest and request of the Parish Council that this application be considered by Committee



Recommendation: Delegate to CoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

The Section 106 should secure the following:

- Widening of Moles Lane to be completed prior to new buildings being brought into use and Section 278/38 entered into.
- Financial contribution towards study to investigate the highway works required at Gallows Gate Roundabout to mitigate the peak pm flows at this junction

Conditions

1. Time
2. Accords with plans
3. Materials to be agreed
4. Detailed hard and soft landscaping plan including cross sections
5. Implementation of recommendations set out in AIA and tree protection and planting implementation plan.
6. Details of levels
7. Universal condition for land affected by contamination
8. Verification report
9. Unsuspected contamination
10. CEMP
11. Travel Plan
12. Road widening on Moles Lane to be implemented in accordance with details to be approved by LPA
13. Provision of new access prior to use
14. Provision, laying out and surfacing of car park and turning areas prior to use
15. Program of Archaeological work to be secured and implemented
16. Development in accordance with recommendations of ecology report
17. External lighting details to be agreed
18. Percolation testing
19. Detailed design of surface water management scheme plus details of maintenance and exceedance
20. Construction phase drainage scheme to be agreed and implemented
21. Electrical charging facilities
22. Restriction on range of goods to be sold
23. Floorspace limits on retail and types of retail
24. Existing nursery building not be used for retail purposes
25. Site to be operated as a single business with subdivision of the retail area(s) nor independent access points provided
26. Any concessions shall not have independent access and shall only operate in conjunction with the wider garden centre use.
27. Maximum floor area for café which shall only operate in conjunction with the wider garden centre use
28. Delivery hours restricted 07.00 to 22.00 hours
29. Details of ventilation and extraction

Key issues for consideration:

- Retail Impact
- Highway Impact
- Heritage, in particular impact on the setting of Higher Compton Barton
- Impact on residential amenity
- Landscape Impact

Site Description:

The site address used for the application is Styles Garden Centre, which is the name the site has been known by in the past (since approx.1950). It was acquired by Otter Nurseries in 2014 and now trades as Otter Nurseries. The application site also includes an adjacent site formally known at Westend Nursery/Potting shed.

Styles Garden Centre operated as a nursery on the site for many years and included large growing areas, mainly within poly tunnels and greenhouses and a retail garden centre open to the public with car park. The majority of the site is covered by poly tunnels which are mostly unused, the business now grows its plants in neighbouring land. The existing retail nursery building has expanded over time with various extensions and has a rather ad-hoc, understated appearance. The site has 47 car parking spaces and is often at or over capacity leading to on street parking

The site access is on Moles Lane which links primarily with Marldon Road, a well-used B road linking the A380 Gallows Gate Roundabout with Torquay via Shiphay. The site is located west of the A380 but is not highly visible from the road due to existing vegetation close to the A road.

Historically there have been a cluster of commercial uses in the immediate area including other nursery sites, a poultry farm and a quad bike centre.

The application site of 4.6 hectares, which is broadly rectangular in shape, is surrounded by agricultural land. The site and surrounding land is Grade 2 agricultural land. The site slopes downwards from north west to south east. The bottom south east corner of the site is set at a much lower level.

There are a number of listed buildings to the south and south west of the site including Grade II Higher Compton Barton, converted barn complex, located some 260m south of the application site boundary and Grade I listed Compton Castle (National Trust property) located some 780m to the south west. Hedgerow and trees define the southern boundary closest to Higher Compton Barton and at present there is very limited inter-visibility.

A public right of way runs along the eastern site boundary linking Moles Lane with Compton

The Proposal:

It is proposed to remove all the polytunnels, to demolish some of the disused green houses, to revise the vehicular access and to build a new retail nursery building in the southernmost part of the site, the remainder of the site would be laid out as public car parking or commercial delivery/turning area. Greenhouses and other buildings at the north of the site will be retained for nursery and horticultural purposes associated with the new nursery. A manager's residence will be retained. The existing indoor retail building will be retained but taken out of retail use.

The proposed building would be single storey but would have an under-croft in the south east part, using the topography of the land to provide a lower level for access by delivery vehicles. The under-croft is now proposed as an enclosed area in response to neighbour concerns raised regarding noise. The building will include internal and external retail space and will include a café. The building is L shaped and substantial in size. Its proportions are similar to a large commercial agricultural building.

The height to the ridge is approx.6.8m with the ventilation cowels rising to 8.4m. Materials include timber and stone for the elevations and a dark coloured cladding for the roof.

One large higher level window is proposed in the south facing western gable, this will be clad with hit and miss boarding. This western half of the building also includes ground floor glazing. The south facing eastern gable (above the undercroft) was originally proposed with a large window – this has now been omitted to minimise landscape, neighbour and heritage impacts.

The design and access statement includes the following statement:

The locational opportunities have helped shaped the proposed design. In particular, the new garden centre buildings have been designed to optimum depths to utilise passive cross ventilation and the 'L' shape of the main buildings acts as a wind protection, especially for the vulnerable outdoor sales area.

The south west elevation is largely shielded by a mature tree boundary which also helps shelter from prevailing winds. In general, the design has been driven by existing treelines and hedgerows minimising the need for extensive landscaping.

The materials used in the construction reflect both its context and its desire to be a low impact building as possible. Equally careful consideration has been taken into the design of retaining structures around the proposed site using sympathetic techniques to suit site surroundings and landscaping

In terms of floorspace the new garden centre element will comprise of 8,473 sqm gross floorspace as part of the new buildings. This is an increase of just under 3,000 sqm from the existing permitted floorspace. This newly built floorspace is broken down as follows:

Gross floorspace breakdown:

Floor space Area

Outdoor sales area 3,375 sqm
Cold greenhouse 500 sqm
Cafe and kitchen 1,102 sqm
Indoor sales areas 2,218 sqm
Storage/staff/non retail 2,380 sqm

Retail floorspace 6,093 sqm

Total floorspace 8,473 sqm

The scheme proposes 270 car parking spaces and 30 disabled/parent & child spaces within a landscaped setting. To provide a relatively level parking area some ground modelling will be required including some retaining walls

When originally submitted the proposal included an external terrace to the café on the southern side of the building. This has now been moved to the northern side in response to landscape, neighbour and heritage concerns.

Consultations:

- County Highways Authority: No objection subject to conditions and 106 provisions.

- Torbay Highway Authority: No objection subject to the provision of a footpath from the bridge over the Devon Expressway to the site and contributions towards investigation of improvement works to Gallows Gate roundabout. Travel plan required.
- DCC Flood Risk: No objection but recommends further testing. Proposes conditions
- Police AOL: Refer to Secured by Design Commercial 2015
- SWW: No objection
- SHDC Landscape: No objection subject to conditions.
- SHDC Trees: No objection subject to conditions
- Environmental Health Section: No objection subject to conditions
- Historic England : No comments to make – refer to SHDC specialist conservation advisor
- SHDC Conservation: No objection to scheme as revised.
- Natural England: No comments – refer to standing advice
- SHDC Ecology: No objection subject to adherence to wildlife/habitat survey
- DCC Archaeology: No objection subject to a condition requiring pre-commencement archaeological work
- Retail Impact Consultant: Retail Impact on existing local and district centres is acceptable subject to conditions to control use of floorspace in accordance with submitted details.
- Torbay Council : Request a contribution of £310,000 towards town centre improvements in Torquay and Paignton to mitigate the impact of trade draw, if not provided then OBJECTION is raised.
- Teignbridge District Council: No comments to make
- Town/Parish Council: recommend conditional approval of the application. The conditions being:-

1) That Otter install additional surface water storage in the field belonging to Edward Foale adjacent to the South East Corner of the new site. This would provide a backup to the already planned system in event of failure or the system being full. Jacqui Taylor from Otter Nurseries confirmed that discussions are on-going and that detailed proposals will be forthcoming.

2) That Otter install soundproofing to the ground level delivery/storage areas. Jacqui Taylor asked that the Parish Council request this formally and confirmed she was happy to amend the plans accordingly.

3) That a condition be put in place to ensure that the Cafe Terrace area on the South end of the building which has been removed from the plans after consultation, cannot be reintroduced at a later date.

4) That the junction of Moles Lane/Marldon Road and the stretch of Moles Lane from the junction to the Overbridge be assessed for suitability by Torbay Highways, in particular with regard to it's safe use by HGV traffic delivering to the new Garden Centre. Jacqui Taylor confirmed that discussions are on-going with Torbay.

5) That the Application be considered by the full Development Management Committee and a full Development Management Committee site visit takes place as part of the consideration process.

Representations:

National Trust: Requires further information in LVIA to show where the building will be seen from. Notes there are flooding issues in Compton and would like to see comments from EA on this and would like to be re-consulted on any new info. The requested information has been sent to the NT and no further comments have been submitted.

Approximately 40 letters of objection raising issues including the following:

- Flood risk to Higher Compton Barton and Compton, where flooding problems already occur
- Highway safety, roads are narrow, lack of visibility at access, junctions are dangerous, inadequate road widths for HGV's to turn.
- Adverse impact on setting of Listed Buildings – Higher Compton Barton
- Overlooking to dwellings at Higher Compton Barton
- Overdevelopment of site – close to site boundaries and much taller than existing polytunnels
- Increase in traffic on roads on sub-standard roads – dangerous
- Adverse impact on wildlife including cirl buntings, retilles and badgers
- Noise and disturbance from car park, increased traffic and delivery area – delivery areas should be enclosed to control noise.
- Not appropriate in this rural setting – industrial scale development
- Why is café needed?
- Increased pollution from car emissions
- No need, there is enough provision locally
- Adverse landscape impact
- Benefits of added employment will be offset by loss of tourism to Compton Castle
- Impact of lighting on wildlife, character of the area and LB setting
- Glare from windows will be intrusive

Relevant Planning History

34/1759/04/F - Extension to retail area - Conditional Approval

34/1835/95/CLE - Certificate of Lawful Development for use of land as garden centre with parking – Approval

34/0801/93/3 - Erection of greenhouses for horticulture - Conditional Approval

34/0918/91/3 - Erection of offices for nurseries - Conditional Approval

34/0471/89/3 - Change of use from shop/store to coffee lounge - Conditional Approval

34/0002/78/4 - Change of use of building from greenhouse to display and sale of horticultural products and erection of linking corridor - Conditional Approval

34/0518/75/3 - Use of glasshouse for part agricultural and part retail sales of basic garden items - Conditional Approval

34/0547/74/3 - Erection of greenhouses for horticulture - Conditional Approval

ANALYSIS

Principle of Development

The application site is a brown field site currently and historically used as a garden centre, it was known at Styles Garden Centre and then acquired by and operated as Otter Nurseries since 2014. Otter Nurseries were previously located on a site at Babbacombe, Torquay on Babbacombe Road.

Their lease was not renewed requiring them to find an alternative site. Their site on Babbacombe Road was not within the main retail centre of Torquay.

Otter Nursery have been operating on the former Styles site but it does not meet their requirements; it is notable that the existing car park is small and is often over capacity resulting in on street parking on the surrounding rural lanes.

The application site is within the open countryside, outside of any existing settlement. Policies CS1 and DP15 of the adopted Local Development Framework (LDF) state that development in the countryside will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need, or if required for the essential purposes of agriculture and forestry. The proposed development would be contrary to these policies.

It is relevant to consider however that the whole site is brown field, covered either by buildings or poly tunnels and use as a garden centre is already established. Otter Nurseries grow approx. 80% of the plants they sell and part of the site will be retained for horticulture. This is a use that tends to require a countryside location.

Visitors to garden centres will normally always arrive by car due to the bulky nature of goods that are sold, an out of centre location is typical for this type of development and access by public transport, on foot or by bicycle is less likely to be taken up by customers even if available. A Travel Plan can seek to minimise use of the private car by employees.

The proposed development would increase staff numbers from 30 to 100 full time staff which is a significant benefit.

Retail Impact and sequential test

Modern garden centres tend to offer a wider range of retail goods, not always directly linked to the garden. Where the garden centre is an out of town facility such as here this could impact on the vitality and viability of town centres by drawing trade from town centres. As such this application is supported by a Retail Impact Assessment.

Styles Garden Nursery has been extended a number of times in the past and is subject to a planning restriction on the range of goods that can be sold, it is proposed that the new centre would be subject to similar restrictions.

The applicant's retail impact assessment has been independently reviewed by GVA and their detailed response is available to view on the website.

The National Planning Policy Framework (NPPF) seeks to ensure the vitality of town centres. Paragraph 24 requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in existing centres and are not in accordance with an up to date Local Plan.

Retail impact assessment should include an assessment of:

The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

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

Given the location and planning policy status of the application site there is a need to consider whether there are suitable and available sequentially preferable locations which can accommodate the proposed retail floorspace. GVA have undertaken a thorough review of the applicant's assessment and have concluded that the applicant has demonstrated sufficient flexibility when assessing alternative sites and based upon the locations assessed it is considered that the sequential test has been passed. It therefore accords with the provisions of para 24 of the NPPF.

GVA also considered the likely impact of the proposal on the health of and investment within defined centres within the catchment (principally Torquay, Paignton, Newton Abbott and Brixham). GVA found some flaws in the figures provided by the applicant but nevertheless felt the evidence was adequate for them to conclude that if the replacement retail facility is restricted in terms of the range of goods which it can sell, along with further controls, there is unlikely to be any serious risk to the health of the nearby town centres and local centres in Torbay. Similarly, assuming the new facility is retained as a single garden centre then it is considered unlikely that the proposal will materially affect existing investment in nearby town centres. In addition, the proposal is unlikely to materially affect any planned or committed town centre investment projects.

The proposed development is in accordance with NPPF aims of ensuring the vitality of town centres

Response on retail impact from Torbay Council and request for financial contributions

Torbay Council have commented that they are satisfied with the sequential test but then go on to consider impact and their officer has commented as follows:

The principal impacts I'm concerned about are Shiphay Local Centre (not mentioned in the RIA), Torquay Town Centre (particularly Wilco) and to a lesser extent also Paignton. I am only concerned about the overlap with town centre sold goods as I recognised that most garden centres in Torbay are out of centre.

My initial reaction is that retail impact is capable of being made acceptable with a s106 obligation towards town centre management or public realm improvements. This is in addition to the controls indicated in GVA's report, particularly limiting the sale of convenience goods (3.42).

Section 4.9 and table 4.13 of Torbay's Planning Contributions and Affordable Housing SPD would apply if the site was in Torbay (although it be CIL chargeable in Torbay).

I can't do more work on calculating a precise figure before 21st March, but I would suggest basing the S106 sum on the identified town centre impact at 3.36 of GVA's report (D3 of the RIA):

Torquay town centre £ 0.21m

Paignton town centre £0.05m

Plus an allowance for Shiphay local centre (unassessed) but (say) £0.05m as per Paignton town centre.

This would come to £310k, which mitigates the identified town centre impact (albeit only one year's worth of impact).

The £310,000 would be utilised for town centre management and public realm improvements.

The applicant has considered the request from Torbay Council and has responded that they consider the request to be unreasonable, that most of the trade draw will be from major national retailers such as Wilco, The Range and B&Q who also operate significant on-line businesses, which Otter do not. Otter Nurseries are a smaller family business with only 5 centres. Otter Nurseries have been working with the local residents to seek to secure improvements in flood risk and to minimise the potential for noise disturbance through acoustic walls around the delivery area, despite these not being a

requirement of the LPA. Otter Nursery consider it more relevant to invest in their local neighbourhood and cannot afford to do both. Otter Nurseries comment that they have already been trading in Babbacombe at the same time that Styles was operating and this has not been taken into account in assessing impact.

Otter Nurseries have offered to make a contribution of £60,000 towards public realm improvements in Torquay but still consider the payment to be unreasonable.

Section 4.9 of Torbay's Planning Contributions and Affordable Housing SPD addresses public realm improvements and references adopted masterplans for regeneration of Torquay and Paignton, 2015. It is estimated approx. £700,000 works are required to enhance public areas within town centres. The masterplans propose to unlock significant commercial and residential development in the town centres including 30,000 sq m of commercial development and 35,000 sq m of commercial development in Paignton.

4.9.4 of this document states that the achievement of public realm improvements will be a critical driver in the masterplan area. This applies to residential and non-residential developments which directly impact on the need for public realm improvements

Torbay Council do not provide any evidence base or policy to support the method for calculating the requested sum of £310,000

South Hams District Council do not operate CIL and instead rely on Section 106 Obligations. Any Section 106 contributions attached to any decisions made by this Council must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

The independent review of the retail impact assessment undertaken by GVA concludes that there is unlikely to be any serious risk to the health of the town centres if this development proceeds, on this basis the development meets the criteria of the NPPF and Policy DEV16 of the JLP. These policies do not state that any impact at all must be off set, rather it is stated that if there are significant adverse impacts then the development should be refused. The retail impact assessment has shown that impacts will not be significant, therefore there is no policy basis to refuse this application on grounds of retail impact and no basis to validate the request from Torbay Council for a contribution of £320,000 for town centre public realm improvements. As such Officer's consider that to request a sum of money towards public realm improvements in Torquay would not meet the necessary tests of a lawful Section 106 Obligation.

Overall, the principle of this type and scale of development on this brown field site is considered to be acceptable.

Design/Landscape:

The proposed development is a large building in the countryside, incorporating a large car park. It is however on a brown field site currently covered in poly tunnels, greenhouses and other buildings.

The design and materials of the main building are appropriate for its rural setting. It is simple in design using timber and stone for the elevations and a dark grey roofing material that will help to minimise landscape impact. The orientation, layout and use of solar panels and wind assisted ventilation cowels will help reduce the buildings carbon footprint.

The carpark is large and it will be important to secure a high quality landscaping scheme to soften the appearance including strategic tree planting.

The landscape impact of the proposed development has been assessed by the Councils Landscape Specialist who has commented as follows:

The submitted LVIA (RJ Ltd; 2017.06.19) has been reviewed and is broadly sound. Reference is also made to the accompanying viewpoint photos and montages, with viewpoint references as set out in Google map link (provided in pre-app). From this officers understand the positions of the various viewpoints and cross references to the LVIA.

The site is not within any protected landscape but is within the setting of adjacent heritage assets.

Landscape Character and Visual Impact

The site has been considered in the context of current landscape character assessments, establishing the baseline position and commenting on anticipated impacts resulting from the proposed development. The proposed development site sits within the Torbay Hinterland character area and the key features of this LCA are locally present and in good condition. The proposals will retain key features around the site and minor benefits are gained from changes to some of the built form and reduced effects of the existing structures.

Visually the proposed development will continue to be seen from a number of local viewpoints but where public receptors are of low to medium sensitivity; these viewpoints are from adjacent highways. The overall visual amenity will remain conserved with some enhancements resulting from removed polytunnels.

Overall officers are satisfied the proposed development is acceptable and that the landscape character and visual amenity are conserved, with some limited but beneficial, enhancement.

Detailed Design / Landscape Design

The submitted scheme is noted and will broadly mitigate the changes and provide opportunities for increased planting across the site, in particular the car parking areas. There are no cross sections shown which would be particularly helpful in understanding the parking arrangements and whilst supported in principle, details will be necessary under condition to ensure the level changes and appearance are fully mitigated and understood.

Arboricultural Impact

The Arboricultural Impact Assessment (04770 TCP: Aspect Tree Consultancy; 2016.11.01) is noted. The key important trees are retained with significant new planting indicated under the proposal.

No objection

The design and landscape impacts are considered to be acceptable.

Ecology:

The application is supported by a Wildlife/Habitat Survey which has been reviewed by the Council's ecologist who has commented that it is a robust and well considered document.

Avoidance/mitigation measures are included in section 6 of the report to ensure that there are no impacts on protected species and adherence to this should be enforced through a planning condition.

The proposed layout includes new planting and a realistic prospect of increased wildlife value from the site.

Impacts on ecology are considered to be acceptable with potential for enhancement

Heritage:

The application has been assessed by the county archaeologist who has commented that the proposed development lies in an area of archaeological potential. The Historic Environment Record shows there to be a concentration of prehistoric or Romano-British sites to the west of the application area, while to the east findspots of flint tools demonstrate prehistoric activity in the surrounding across this landscape. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the nearby prehistoric and Romano-British activity.

For this reason and in accordance with guidance in paragraph 3.69 for South Hams Development Policy DP6 and paragraph 141 of the *National Planning Policy Framework (2012)* it is would advised that any consent granted should carry the condition requiring a program of archaeological work to be secured and implemented.

Grade II Listed barns at Higher Compton Barton are sited approx. 260m south of the site, set at a significantly lower level. These are particularly fine examples of courtyard stone barn conversions and their rural agricultural setting is an important aspect of this.

At present there is very limited inter-visibility between this listed barn complex and the application site, due to the tree/hedgerow screen on the southern site boundary and the low rise nature of the poly tunnels within the site. The proposed development will introduce a large building close to the boundary which will be partially screening by the vegetation but the closest gable end will be visible. Originally this gable included a large window and the café terrace was also on this elevation. Whilst the café was unlikely to be particularly visible the noise and activity could have adversely affected the rural character and thus the setting of these listed barns. The café terrace has now been moved to the northern side and the window in the gable omitted.

The application has been assessed by the Council's Heritage officer having regard to the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the proposed building, whilst visible within the setting of the barns, will appear as a commercial agricultural buildings appropriate in this rural context and within the setting of the listed barns. It is concluded that there will be no significant harm to the architectural or historic importance of these buildings as a consequence of this development.

Grade I listed Compton Castle lies some 780m to the south west. It has been demonstrated that due to topography of the land there will be no inter-visibility between the two sites and as such there will be no adverse impact on the setting of the castle.

Impacts on heritage assets are considered to be acceptable.

Neighbour Amenity:

The nearest dwellings are at Higher Compton Barton, 260m to the south, a dwelling located on Moles Lane to the east and two dwellings sited north of the site on Moles Lane. The dwellings on Moles Lane will not be affected by any of the built development but may be aware of increased traffic to the site. At present however when the car park is overcapacity there is a lot of on street parking in the vicinity, this development would resolve this problem which may result in improved amenity for residents in the immediate area.

Concern has been raised by residents at Higher Compton Barton about loss of privacy and noise disturbance from the café and delivery under-croft. The café has been relocated and the under-croft will now be enclosed to manage noise. The main window in the closest gable has been omitted, windows at ground level will be screened by existing planting and additional screen planting on this boundary will be augmented.

It is considered that there will be no significant adverse impact on residential amenity.

Highways/Access:

The Highway Authority (DCC) have assessed the transport impacts of this development and comment as follows:

The site is already in use as a garden centre but this application looks to increase the size of the overall use class building gross floor areas on the site by 3588m² from what is existing (1980m²). As a result of these changes it is anticipated the overall staffing numbers will be increased from 30 to around 100.

The existing Otter Nurseries Garden Centre access provides access/egress to a small car park adjacent to Moles Lane via a priority junction. This access/egress point is currently just outside of a single cars width section of Moles Lane, making it difficult for drivers to see oncoming vehicles when using the junction.

As well as meeting the design requirements in terms of capacity and safety, the design rationale for the new vehicle access aims to create quality spaces and embraces the principles of the latest government design guidance "Manual for Streets (2007)". The Highway Authority as part of a preliminary enquiry process recommended that Moles Lane should be widened. It is proposed to provide localised highway widening to increase visibility along Moles Lane and provide enough carriageway width for two-way traffic flow. The carriageway will need to be widened to six meters to accommodate the passing of HGV's. This will be achieved by removing the existing hedge line and constructing a new edge of carriageway boundary approximately 3m into the development site.

It is proposed to provide vehicular access to the site along the northern boundary onto Moles Lane. This will be in the form of a priority T-junction.

Passage from the proposed main entrance to the proposed car park will utilise a one-way system. Road markings and directional arrows will help to route vehicles around the site. Areas of safe pedestrian zones will be incorporated within the design for ease of movement, allowing customers safe passage from their vehicles through to the main entrance without the need to walk along the main flow of vehicles.

Pedestrian crossings will be provided to give customers right of way at all times to allow safe routes with large trolleys to and from vehicles from the main garden centre entrance. It is noted the development will add fairly moderate amounts of traffic to the surrounding road network during normal peak hour periods (8:00 am -9:00am and 16:00 pm - 17:00pm). However, it is expected the site will impact on junctions in Torbay Council's jurisdiction during these peak times and Gallows Gate roundabout is shown to be operating over capacity. The impact of the development does appear to make it worse, albeit a small amount. It is recommended Torbay Council are consulted noting the Transport Assessment shows the Gallows Gate Roundabout operating over capacity (1.05RFC) with the development traffic added in the future year assessments.

The Highway Authority previously questioned what the rationale for the visibility splays at the proposed access are. Drawing 05658-HYD-XX-XX-DR-TP-0100 is submitted as a revised drawing and now shows visibility splays plotted, however there is still no indication of the visibility splay heights on the drawing. This needs to be shown and typical cross sections along the splay and road widening would be useful to see. It is recommended the Planning Authority requires from the applicant the height dimensions of the splays on the drawings plotted so the access is safe where a significant increase in use of the access is proposed. Also the road widening still needs to properly reflect a 6m carriageway widening to account for the large commercial expansion on the site.

Previously the Highway Authority requested widening of Moles Lane on the western side of the site entrance as well as the eastern side of the entrance. It is noted delivery traffic will utilise the proposed main entrance and therefore not continue west along the existing narrow section of carriageway. Whilst it is felt this weakens the argument for road widening in this direction, the Highway Authority's preference is still for the road to be widened in this direction since the proposals will still generate traffic from Kingskerswell and this route would be shortest for these residents to get to and from the site.

The road carriageway widening construction will need to be stepped in layer by layer (300 mm) and the road will need to receive a full width resurfaced surface course so no joints are left in the County Road. The revised drawings submitted still do not show full width resurfacing. The Highway Authority would be willing to accept a condition if the Planning Authority feels this is appropriate or a plan showing the resurfacing works should be submitted and form part of the planning approval.

The Highway Authority is happy with the level of proposed parking.

As the site is very close to the Torbay boundary Torbay Council have been consulted in their capacity as Highway Authority, they have commented as follows:

I note the representations made by DCC (13/07/17 & 17 /01/18) as Highway Authority for the adjacent South Hams and Teignbridge areas. I concur with these. And would also like to see the Construction Management Plan.

I note the applicant intends to provide further sustainable transport measures were viable and whilst recognising that many of the majority of trips will be car borne, Policies TA1 and TA2 of the Torbay Local Plan would support pedestrian and cycling measures to the site, including a contribution towards footway provision for pedestrians on the southern side of Moles Lane. The LHA would also seek the provision of a Travel Plan for sustainable transport modal shift for the proposed (110) staff and customers (including cycle parking, an electrical car charging facility etc).

In terms of the significant growth site (Future Growth Area SS2.1 Policies Map Sheet 7) that has been allocated in the Torbay Local Plan and associated Masterplan at Torquay Gateway/Edginswell. (<http://www.torbay.gov.uk/masterplans>). You will note that this also has access points to Moles Lane. We therefore expect there to be a recognition of the development and acknowledgement of the capacity, safety and accessibility issues that may arise especially HGV /pedestrian conflict. It would be reasonable to expect some of the residents to walk to the nursery site and we therefore request that provision is made for a footway (An important factor to note is that there is a significant growth site (Future Growth Area SS2.1 Policies Map Sheet 7) that has been allocated in the Local Plan and Masterplanned. This is known as Torquay Gateway/Edginswell. Here is a link to the Masterplan - <http://www.torbay.gov.uk/masterplans> . You will note that this also has access points to Moles Lane. Whilst we do not expect the Otter Nurseries development to take any estimated/predicted development into account when modelling, we would expect there to be a recognition of the development and acknowledgement of where capacity, safety or accessibility issues may be resolved or created at a later date. It would be very reasonable to expect some of this development to walk to the nursery site). A footway on the southern side (approximately 100m long) from the Moles lane bridge. The estimated cost of provision is £18K to £20K.

Ideally the footway would be provided along the southern frontage to the Otter Nursery entrance.

The potential to provide a footpath linking the site to the Moles Lane bridge over the A380 road has been explored. At present the only footway in the vicinity is a short length of footway on either side of Moles Lane where it bridges the main A road below – it does not connect to any other footway so would serve no useful purpose at present.

As previously stated it is anticipated that almost all visitors to this site will arrive by car because of the nature of the use and as such access by alternative forms of transport is not the priority it may be for other forms of development. The site is already in use as a garden centre. The growth plans for Torbay in the Edginswell area are noted however there is no certainty of delivery; if delivered the scheme itself it likely to generate sufficient value to fund appropriate pedestrian and cycle links to it.

Again this authority is required to only require Section 106 obligations 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. The provision of the requested footway, which would not be useful in the short to medium term cannot be deemed to be necessary to make the development acceptable. As such it would be inappropriate to require the provision of the footway as suggested by Torbay Council.

Torbay Council have requested that if it is not possible to deliver the footway that the applicants be required to maintain land available at the front of their site where a footpath could be provided in future. For the same reasons it would not be reasonable for the Council to enforce this however the applicant has been made aware of the request.

DCC Highway Authority and Torbay Council have noted that the proposed development will increase traffic flows at the Gallows Gate junction which is already at capacity. A financial contribution is requested to be used towards a study to investigate the highway works required at Gallows Gate to mitigate the peak pm flows at this junction. It is suggested that this sum is calculated based on Torbay Planning Contributions and Affordable Housing SPD Policies SS6 and SS7. Additional traffic at the Gallows Gate junction will be a direct result of the proposed development and therefore seeking to mitigate the impact is reasonable and necessary and therefore is appropriate to be required through a Section 106 Obligation.

Highway impact and parking and access provision is considered to be acceptable subject to the Obligation mentioned above and planning conditions.

Flood Risk/Drainage

Concern has been raised from local residents, in particular those at Higher Compton Barton and Compton about flood risk, flooding is already experienced in the area.

The application has been assessed by the Lead Flood Authority (LFA) who raise no objection to the application subject to conditions.

The applicant has engaged with local residents on this issue and has agreed to investigate providing attenuation features on neighbouring land to improve existing flood risk problems for local residents. Whilst the LPA is supportive of the principle of these additional works this has not been required by the LFA so would not be a requirement of this planning permission.

Planning Balance

The development proposes the redevelopment of a brown field site for a larger, enhanced garden centre on an out of centre location within the countryside with no access to alternative forms of transport and with no safe pedestrian access. The location would not normally be considered to be sustainable, however the use as a garden centre is one which attracts car borne visitors.

The development will generate an additional 70 full time jobs, providing approx. 100 in total and is likely to have spin-off economic benefits within the local area.

The development is likely to result in an enhancement of the visual amenity of the area and to biodiversity. Localised problems of overspill on-street parking will be resolved. The development also has the potential to improve flood risk issues in the local area.

It is considered that the benefits of the development outweigh the limited harm that may arise from the sites car dependent location and as such it is recommended that planning permission be granted subject to the conditions and Section 106 Obligations as set out in this report.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development
SPT4 Provision for employment floorspace
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the natural environment
SPT12 Strategic infrastructure measures to deliver the spatial strategy
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV14 Maintaining a flexible mix of employment sites
DEV15 Supporting the rural economy
DEV16 Providing retail and town centre uses in appropriate locations
DEV17 Promoting competitive town centres
DEV18 Protecting local shops and services
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV33 Waste management
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV37 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Planning Conditions In Full

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing Numbers xxxxxxxxx

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

4. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment Report and Surface Water Drainage Strategy (Ref. 001-B; Rev. B; dated 18th December 2017).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

5. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

6. The proposed road widening on Moles Lane shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The works shall be complete prior to occupation of any of the buildings

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

7. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site,

with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

(o) details of noise impacts and controls

(p) dust impact assessment and proposed control in accordance with Air Quality Management guidance for dust assessment from construction sites.

REASON: To minimise the impact of the development on the environment and highway network and in the interests of residential amenity.

8. The new garden centre building hereby approved shall not be occupied until the off-site highway works as shown on drawing no. **** have been constructed and made available for use.

REASON: In the interests of the safety and convenience of users of the highway.

9. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.
1. A preliminary risk assessment/desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements

for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The contamination report submitted with the application states there is a potential risk of ground gas associated with made ground on site that needs further investigation. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

10. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

12. Deliveries to the site shall only take place between the hours of 07.00 and 22.00 hours on any day of the week.

Reason: In the interests of residential amenity

13. Prior to development continuing above slab level of the main retail building hereby approved, full details of any ventilation and extraction systems proposed for the building shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a noise impact assessment in accordance with BS4142:2014 and demonstrate compliance with the DEFRA guidance on minimising odour from Kitchen Extraction systems. This scheme once approved shall be implemented and maintained in perpetuity.

Reason: In the interests of residential amenity

14. Prior to development continuing above slab level of the main retail building hereby approved full details of proposed electric vehicle charging points to be provided shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the location, number and power rating of the charging points. This shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management.

Reason: In the interests of air quality.

15. Prior to development continuing above slab level of the main retail building hereby approved a Travel Plan setting out measures to reduce reliance on use of the private car shall be prepared and submitted to and approved in writing by the Local planning Authority. The approved Travel plan shall be adhered to during the lifetime of the development, including monitoring of the plan. Monitoring records shall be made available for inspection by the Local Planning Authority on request for a period of time of a minimum of the preceding 12 months of the request and shall be provided within 10 working days of such a request being made to the site operator.

Reason: To minimise the use of the private car in the interests of air quality and the safety and convenience of users of the highway

16. Notwithstanding any details indicated within the application, prior to development continuing above slab level full details, including samples, of the materials to be used in the external elevations and roofs and including details of doors, windows and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of visual amenity

17. No part of the development hereby approved shall be brought into its intended use until the parking facilities, including parking and electrical charging facilities and turning area(s) have been provided in accordance with the approved plans. The approved parking and turning areas shall be maintained and retained for that purpose at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site and in the interests of the safety and convenience of users of the highway.

18. Prior to the commencement of development full details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

(i) location, species and spread of all trees, shrubs, hedges, hard landscaping, boundary treatments existing on the site, distinguishing those proposed to be removed and those to be retained;

(ii) a landscaping scheme showing ground moulding, screen banks, hedgebanks, trees, shrubs, and hedges, including proposals for protection and maintenance of the landscaping;

(iii) details of materials to be used for hard landscaping and the provision of samples if requested by the LPA;

(iv) detailed landscape cross sections through the site;

(v) details of tree pits.

The scheme submitted shall be fully implemented in the planting season following the substantial completion of the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: To protect and enhance the visual amenities of the site and locality.

19. Development shall take place in accordance with the recommendations set out in Aspect Tree Consultancy Tree Survey dated 1.11.16 and Tree Protection and planting implementation plan, drawing no 04770 TPP.

Reason: In the interests of amenity and biodiversity

20. Prior to development continuing above slab level of the main retail building hereby approved full details of all boundary treatments and any retaining walls shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be maintained and retained in perpetuity.

Reason: In the interests of visual amenity.

21. Prior to its installation full detail of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of amenity.

22. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason: 'To ensure, in accordance with guidance in paragraph 3.69 for South Hams Development Policy DP6 and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development.'

23. Development shall take place in accordance with the recommendations set out in Section 6 of the Wildlife/Habitat Survey by Butler Ecology dated 3 June 2015.

Reason: In the interests of biodiversity

24. Prior to the commencement of development full details of finished floor levels, levels within the parking and turning areas and levels of roads shall be submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of amenity

25. The net sales area of the retail (Class A1) floorspace (excluding outdoor sales areas) hereby permitted shall not exceed 2,218sq m and shall be used for Class A1 (retailing) and for no other purpose within the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument

revoking and re-enacting that Order with or without modification.

The Class A1 retail floorspace hereby approved shall be restricted to the sale of the following retail goods:

Schedule one – retailing area for products associated with gardening

- a) Plants, trees and shrubs of all types
- b) Fresh, dried and artificial flowers
- c) Plant care products and associated goods
- d) Floral art, flower arrangements and accessories
- e) Seeds, bulbs, corms, tubers
- f) Propagation, sundries, garden tidy and general related products
- g) Growing media, peat, mulch, compost, barks, grits, gravel
- h) Top soil
- i) Turf
- j) Fertilisers, chemicals, and plant food
- k) Lawn seed, lawn care and turf
- l) Garden tools and equipment
- m) Plant containers, vases, pot covers, ceramics, terracotta, stone plastic and other material
- n) Garden play frames, slides, swings and large play items play houses, children's pools, gardening toys
- o) Garden ornaments, statues and garden décor
- p) Basketware, caneware
- q) Garden and outdoor clothing and footwear
- r) Barbecues, fuel and accessories
- s) Furniture for garden, patio and conservatories, picnic ware, table ware
- t) Garden machinery for sale or hire, repairs, servicing
- u) Greenhouses, conservatories, garden buildings and sheds
- v) Construction materials, landscaping materials, equipment for construction, patio materials, walling, pergolas
- w) Fencing, trellis
- x) Products used to construct and maintain gardens, garden DIY
- y) Landscape design and garden services
- z) Swimming and sauna pool, pool care and associated goods
- aa) Heaters for greenhouses, conservatories and fuels
- bb) Garden lighting and associated products
- cc) Watering systems and associated products
- dd) Aquatic gardens, garden pools, water gardening, decking, fountains, pumps, accessories
- ee) Garden wildlife products including bird seed and feeders
- ff) Catering to garden centre customers
- gg) Garden related media including books, visual and audio
- hh) Displays and exhibits related to products within this schedule

Schedule two – other garden centre products (to be sold from no more than 100sq m of the net sales area)

- a) Stationary, cards, gift wrap
- b) Pictures, frames, kitchen ware, glass/china/brass/copper ornaments
- c) Arts, crafts, hobbies, toys and games
- d) Garden and outdoor clothes and footwear
- e) Media including books, visual and audio
- f) Aquatic and pet livestock, accessories, food and associated products

Schedule three – food and drink (to be sold from no more than 200sq m of the net sales area)

- a) Confectionary, delicatessen

Schedule four – Christmas

a) Christmas trees, Christmas decorations, cards, wrapping, candles, pictures, frames, glass/china/brass/copper ornaments, media

Reason: To protect the vitality and viability of town centres within the catchment area.

26. The Class A retail floorspace hereby approved and shown on approved plan XXXXXX shall only be occupied as a single retail unit and shall not be sub-divided horizontally or vertically to create additional separate premises”

Reason: To protect the vitality and viability of town centres within the catchment area.

27. Any retail use concessions provided within the Class A1 retail floorspace hereby approved shall only operate in conjunction with the remainder of the remainder of the Class A1 floorspace and should not benefit from their own separate customer access arrangements”.

Reason: To protect the vitality and viability of town centres within the catchment area.

28. The provision of any Class A3 café/restaurant floorspace within the Class A retail floorspace hereby approved shall not exceed 940sq m and shall only operate in conjunction with the remainder of the Class A1 floorspace and should not benefit from its own separate customer access arrangements”.

Reason: To protect the vitality and viability of town centres within the catchment area.

29. Following occupation of the Class A retail floorspace hereby approved, the existing nursery building shown on approved plan XXXX shall cease to be used for Class A retail purposes in perpetuity”

Reason: To protect the vitality and viability of town centres within the catchment area.