

38/13/0267

PROVINCIAL REAL ESTATE (ST JOHNS) LTD

**VARIATION OF CONDITION NO. 24 OF APPLICATION 38/98/0441 TO ALLOW FOR OCCUPATION OF THE VACANT UNITS BY GO OUTDOORS, A CAMPING AND LEISURE GOODS RETAILER AT UNITS 2 AND 3 ST JOHNS RETAIL PARK, PRIORY WAY, TAUNTON**

Location: UNITS 2 & 3, ST JOHNS RETAIL PARK, PRIORY WAY, TAUNTON,  
TA1 2BB

Grid Reference: 323942.125445

Removal or Variation of Condition(s)

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**RECOMMENDED CONDITION(S) (if applicable)**

1. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway.

2. The areas shown on the submitted plan for the loading, unloading, turning and parking of vehicles shall not be used for any purpose other than for the loading/unloading, turning and parking of vehicles.

Reason: In the interests of highway safety.

3. The proposed road within the site shall be kept free from obstruction at all times.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways.

4. No refuse or waste materials shall be disposed of by burning on any part of the site.

Reason: To safeguard the amenities of the area.

5. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the

building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

6. The open areas within the site shall be used solely for the purposes shown on the approved layout, that is for the parking of vehicles, access, manoeuvring, loading/unloading and amenity purposes only. No part of the site shall be used other than as shown on the approved layout without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

7. The areas allocated as service yards on the approved plan shall not be used other than for the loading/unloading and manoeuvring of vehicles in connection with the use of the premises as retail warehousing and no servicing of the premises shall take place from the adjacent highway.

Reason: To ensure that adequate off-street servicing facilities are provided within the curtilage of the proposed development, thereby to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway.

8. All services shall be placed underground.

Reason: in the interests of the visual amenity of the area

9. The minimum unit size shall be restricted to 10,000 sq ft/929 sq m gross floorspace and there shall be no internal sub-division of this floorspace leading to either the creation of separate or franchised retail units.

Reason: In order to discourage the creation of smaller units and thereby ensure that the proposal would not adversely impact upon the vitality and viability of Taunton town centre.

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the site and buildings shall only be used for the sale of the following goods:-

- (a) All types of furnishings and furniture including flat pack self-assembly and ready-assembled soft furnishing such as curtains, co-ordinates, fabrics, (excluding blankets, duvets and non-co-ordinated fabrics), Venetian and roller blinds and associated fittings, carpets and floor coverings.
- (b) All DIY goods including tools, hardware, shelving, sanitary ware and plumbing goods, associated electrical goods, decorating products, light fittings, heating and building supplies including hiring facilities.
- (c) Garden products including plants, garden buildings, furniture, machinery and general garden supplies.
- (d) Electrical, gas electronic and battery operated household office and domestic products and appliances, electronic games, photographic equipment including camcorders and cameras and ancillary goods

- together with ancillary service departments.
- (e) Vehicle goods, parts, equipment and accessories including towing, rallying goods and parts, equipment, accessories and tools of all kinds, camping and caravanning goods, cycles, cycle goods, parts, equipment, accessories and cycling related fitness goods, outdoor pursuit equipment, watersport equipment, snowsport equipment, fishing equipment, mountaineering equipment, climbing equipment, running and equestrian goods.
  - (f) Associated ancillary confection and non-alcoholic beverage sales.
  - (g) Videos and video hire.
  - (h) Office supplies including equipment, furniture, electrical and battery operated equipment, office stationery, computers and associated equipment, parts supply and fittings.
  - (i) Pets, pet products, pet foods and associated supplies.

Where the primary use of the building is for the sale of goods identified in clause (e) above, a maximum of 20% of the internal net floor area of the store can be used for the sale of clothing and footwear directly associated with the range of goods permitted.

Reason: To ensure that the proposed use is not detrimental to the vitality and viability of Taunton town centre.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

#### **PROPOSAL**

Planning permission is sought to vary condition number 24 of application 38/98/0441 to enable a wider range of goods to be sold from the premises. The proposed additional goods comprise outdoor activity pursuit equipment and accessories for watersports, snowsports, fishing, mountaineering, climbing, running and equestrian goods.

The aim of the application is to enable the company known as "Go Outdoors" to operate from the business. The company's primary function is the sale of camping and caravanning goods, but it also sells equipment for other outdoor pursuits in line with its business model. The sale of camping and caravan equipment is already permitted from the premises however there is a restriction on the sale of any clothing and footwear. The proposed variation will enable the sale of outdoor pursuit equipment including a clothing and footwear range. The application identifies that no more than 20% of the total floorspace of the building will be used for the sale of clothing and footwear.

## **SITE DESCRIPTION AND HISTORY**

The site comprises retail units numbers 2 & 3 St Johns Retail Park, situated between Toneway and the railway line. To the front of the units is a large car parking area which also serves the retail unit number 1 St Johns Retail Park opposite. To the rear of the units there is a small servicing and delivery area. To the south-west of the unit is Priory Way industrial estate which comprises a number of small business units. Access is off a one way system off Toneway. The 2 units have gross floor area of 1874 square meters, comprising ground floor only.

### Planning History

38/98/0441 - DEMOLITION OF BUILDINGS AND REDEVELOPMENT TO PROVIDE 4,180 SQ M OF NON-FOOD RETAIL WAREHOUSING WITH ASSOCIATED CAR PARKING, CYCLE PROVISION AND SERVICING AT ST JOHNS GARDEN CENTRE, TONEWAY, - Conditional approval 23/06/2000

38/13/0265 - INSTALLATION OF A MEZZANINE FLOOR EXTENDING TO 1,115 SQM AND EXTERNAL ALTERATIONS ASSOCIATED WITH THE AMALGAMATION OF UNITS 2 AND 3 ST JOHNS RETAIL PARK, PRIORY WAY, TAUNTON – Current application

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - no observations received

### *PROJECT TAUNTON –*

Object to application; additional retail floorspace in an out of centre location would have a negative impact on vitality and viability of the town centre; there are a number of allocated, planned and committed sites capable of delivering additional retail floorspace as identified in the TTCAAP; vital that planned opportunities for retail development in areas such as the High Street are delivered as a first priority. However, if the Council were to approve the application it should clearly define what goods are restricted within the 20% floorspace limit proposed and not allow a greater range of goods than is necessary.

### *PLANNING POLICY –*

In parallel with this application to vary condition is another application to amalgamate the two units and extend the floorspace by 1115 sq.m. (application 31/13/0265). My comments on that application largely addressed the sequential aspects and impact on delivery of town centre regeneration opportunities.

Condition 24 of permission 38/98/0441 allows for the sale of camping and caravanning goods. This reflects conditions for what used to be termed 'bulky' goods attached to other retail warehouse parks in Taunton (eg Priory Fields and Hankridge). I do not agree with the applicants suggestion that the St Johns retail

offer is potentially any different to other out of centre retail parks (paragraph 3.2). It is a level playing field.

I agree with the applicants statement in para 3.2 that St Johns is not an attractive trading location; being located through an industrial estate and past a scrap yard and sewage pumping station. I do not see this as a particular planning consideration. The 'market' accepted this when seeking a retail use on the site and accepted the restriction on sale of goods in full knowledge of the location. Allowing a wider range of goods will not enhance its locational attraction.

To this end, the application is therefore seeking to allow for 'leisure' goods. The applicant claims that 'Go Outdoors' (the proposed occupier) use c68% of floorspace for uses compatible with the current permission (eg display of tents) and suggests a condition limiting total floor area to no more than 20% of the total floorspace of the building for clothing and footwear.

From a planning policy perspective I have concerns regarding precedent for selling non bulky goods in other out of centre locations and consequential impact on the town centre.

Precedent: In dismissing a recent relaxation of goods retail appeal at Hankridge (Taunton) the Inspector stated "If permissions were granted in breach of policy without good reason it would be predictable that other applications equally devoid of good reason would follow and be difficult to resist". Condition 24 also applies to the neighbouring unit 1 (DFS) with 3,716 sq.m. as well as being consistent with conditions and legal agreements applied on other out of centre retail parks such as Hankridge (c18,000 sq.m. gross) and Priory Fields (c12,000 sq.m. gross).

Impact: Out of centre comparison floorspace around Taunton amounts to over 40,000 sq.m. or around 47% of Taunton's primary and secondary net floorspace. Impact would therefore be significantly greater than the assumptions made in the applicants impact statement (proposed mezzanine floorspace and for a particular end user (Go Outdoors) only) if there was not a sound reason to vary the condition. In addition, impact would also be required to be assessed against future investment. Town centres are the prime national and local preference for comparison retailing. Their vitality and viability should be promoted and enhanced. In line with national policy, up to date plans identify sufficient sites to meet 'need' over the Plan period. These are town centre opportunities. A general relaxation of conditions within existing out of centre buildings would clearly be a cheaper but more damaging alternative to town centre investment which would ultimately undermine the role and function of the centre.

Form of Conditions: The application seeks to relax condition 24 for the sale of camping and leisure goods whilst the supporting statements indicate it would be for a particular operator 'Go Outdoors'. For the application to overcome policy concerns I would require that the term leisure and camping goods need to be better defined.

The applicant has sought to do this following a meeting with Officers with changes to condition 24e and an additional j. However I remain unhappy at the proposed wording and would suggest:

E) Vehicle goods, parts, equipment and accessories including towing, rallying goods

and parts, equipment, accessories and tools of all kinds, camping and caravanning goods, cycles, cycle goods, parts, equipment, accessories and cycling related fitness goods, **outdoor pursuit, watersports, snowsports, fishing, mountaineering, climbing, running and equestrian goods.**

**J) Where the primary use of the building is for the sale of goods identified in clause E) above, a maximum of 20% of the internal net floor area of the store can be used for the sale of clothing and footwear directly associated with the range of goods permitted.**

If this is complied with I would also require a revised internal layout to use as a baseline for ascertaining compliance. A personal permission has been suggested by the applicant and may be worth considering.

Operational Requirements: The Planning Policy comments on the current accompanying application (38/13/265 mezzanine proposal) do not support the extension of out of centre retail floorspace. Whilst this may reduce the suitability of the site for the needs of Go-Outdoors I consider that the potential dis-benefits arising would be greater than the benefits of securing a particular end user. However, as there are PD rights allowing for 200 sq.m. additional floorspace this could provide an additional 400 sq.m. within the two units. The combined works proposed to the building could provide 2274 sq.m. floorspace. They currently operate stores in Wolverhampton at 2,300 sq.m. Wakefield and Penrith at 2,400, Newcastle at 2,500 sq.m. If for a specific end user (which could be tied by personal permission) I believe that they should adapt their business model flexibly in line with government advice

Finally, if a relaxation is granted would it be necessary to restate the requirements from the original condition over the retail park for the avoidance of doubt?

Thus in conclusion, the principle of relaxing the existing conditions should be resisted unless adequately justified and controlled. Otherwise it would undermine the Development Plan strategy and should be resisted, being contrary to Core Strategy Policies CP1, CP3, CP6, Objective 1, 3 and 6, various site specific allocations in the TTCAAP (eg Hs1, Fp1) and the aims and objectives underpinning the NPPF. However, subject to the above policy requirements, I have no objection in principle to the relaxing of Condition 24.

*TOWN CENTRE MANAGER –*

I write to make representation on behalf of Taunton Town Centre Company and our objective to retain Taunton as a viable and vibrant town centre.

We note this application to vary condition is made in parallel with another application to amalgamate the two units and extend the floor space by 1115 sq.m. (application 31/13/0265). Combined with a mezzanine the 'new' unit would be in the region of c3500 - 4100 sq.m.

Condition 24 of permission 38/98/00441 allows for the sale of camping and caravanning goods. This reflects conditions for what used to be termed 'bulky'

goods attached to other retail warehouse parks in Taunton (e.g. Priory Fields and Hankridge). Taunton Town Centre Company does not agree with the applicant's suggestion that the St Johns retail offer is potentially different to other out of town retail parks - it is essentially the same.

The applicant asserts that St Johns is not an attractive trading location however this is not a planning consideration. Allowing a wider range of goods will not enhance its locational attraction; although it would have planning ramifications.

The application is seeking to allow for 'leisure' goods. Taunton Town Centre Company has the following concerns;

Town Centre First – Promoting the vitality and viability of town centres is a key NPPF aim, hence the sequential requirement.

Sequentially, town centre buildings and land should be considered. The former Peacocks store on East Street, Que Pasa in High Street and JJB Sports unit within the orchard centre are just some examples of large units currently available. The Taunton town centre Area Action Plan identifies a number of opportunities such as Firepool, High Street and Tangier which could all accommodate large format units. The local authority is working in partnership with landowners on all these sites progressing schemes for submission with availability within 5 years.

A relaxation of conditions to allow out of town 'non bulky' comparison shopping would have a negative impact on the viability of the town centre and delivery of Core Strategy Objective 3 (Town and Other Centres).

In dismissing a recent relaxation of goods appeal at Hankridge (Taunton) the Inspector stated "If permissions were granted in breach of policy without good reason it would be predictable that other applications equally devoid of good reason would follow and be difficult to resist".

This application proposes a condition allowing 20% of the total floor space to clothing and footwear – in reality the retail floor space given over to comparison shopping would be a greater percentage of the sales floor space net of storage/back office functions etc. More likely 1/3 of the total sales floor space.

Turnover per sq.m. would be much higher on the more frequently sold and denser clothing and leisure goods element. This use would have significant impact on current town centre retail operations. If this application were successful it is only a short step to seek to trade other leisure goods such as shoes, dresses, sportswear and equipment etc. on the pretext they are used for "outdoor activities" as proposed in the applicants suggested condition (para 4.15). Taunton Town Centre Company is concerned that if the relaxation were to be made then the range of permitted goods would be a virtually open-ended comparison goods consent.

Relaxation of conditions to allow comparison goods floor space in an out of town location would undermine the existing opportunities to assist in town centre regeneration, a key objective of the local authority and government policy objective, including Core Strategy Objective 3, policy CP3 and various AAP site specific policies (e.g. Hs1 High St., Fp1 Firepool).

In addition, as turnover for non bulky comparison goods is higher than for bulky goods, it is likely to result in more frequent trips to a non sustainable location, contrary to Core Strategy policies CP1 and CP6.

The principle of relaxing the existing conditions would undermine the Development Plan strategy and should be resisted. It is contrary to Core Strategy Policies CP1, CP3, CP6, Objective 1, 3 and 6, various site specific allocations in the TTCAAP (e.g. Hs1, Fp1) and the aims and objectives underpinning the NPPF.

## ECONOMIC DEVELOPMENT –

In principle I'm in favour of this development, which would bring a recognised national retailer to Taunton. Its presence would attract shoppers and visitors to the town, and although it would be in an 'out of town' location, many of those visitors would take the opportunity to visit other local businesses, including competitors in the same retail sector in the town centre. There are no other properties in or nearer the town centre of a suitable size that could accommodate this business.

The 30 jobs proposed would be a valuable enhancement to the economic development of the Borough.

The onus is on the applicant to demonstrate that the development will not have an adverse impact on the town centre.

## **Representations**

The Ward Member has written to state that "I am content to support this application."

One letter of OBJECTION from "Cotswolds Outdoor" - rejecting the relaxation of the user conditions at St John's retail Park. Relaxation would be detrimental to retail in the city centre and we would not take premises in the city centre if go outdoors were to be granted permission. It is imperative that this bulky scheme remains so if the city centre retail offer in Taunton is to have any chance of survival over the long term.

One letter received from TAUNTON CHAMBER OF COMMERCE stating "I totally agree with the position of Graham Love and the Town Centre Company and would support the view that we should be looking at the filling of empty units in the Town Centre as a priority">

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
TTCAP - Taunton Town Centre Area Action Plan,



## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would result in no payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS.**

The existing units are currently vacant and are not contributing to the economic welfare Taunton as a whole. The current planning permission for the site allows camping and caravan in goods, cycles, cycle goods, parts equipment, accessories and slightly related goods to be sold. However, outdoor activity pursuit equipment and accessories including clothing and footwear cannot be sold. This application is for a variation of condition to allow clothing and footwear to be sold, thereby enabling Go Outdoors to sell their full range of products. The application has been submitted alongside an application for a mezzanine floor, extending to 1115 m<sup>2</sup>, and external alterations to the building to enable the amalgamation of the 2 units to form one large store.

Go Outdoors is a large national retail company which also operates an Internet shopping facility, including “click and collect”. ‘Go Outdoors’ stores accommodate large display and demonstration areas for tents and camping equipment and furniture which allows customers to view the products in a camp site setting. Approximately 68% of a typical store layout is devoted to the sale and display of tents, camping equipments, accessories and sleeping equipment. Typically 18-20% of floor space is devoted to specialist outdoor clothing such as wind/ waterproof jackets, thermal tops, walking and climbing boots and associated hats and gloves. They state that the range of clothing is different to the “outdoor fashion clothing and boots” traditionally sold in town centre. However, concern has been raised from consultees that the sale of clothing from the store would be detrimental to the vitality and viability of Taunton town centre. Furthermore, there is also concern that by widening the types of goods to be sold to include clothing of footwear would set an undesirable precedent for the sale of clothing and footwear in the other “out of centre” retail parks in Taunton.

It is acknowledged that the business model of Go Outdoors is atypical in that they require a very large area to display some of their goods. The large display areas required mean that Go Outdoors find it difficult to source suitable units to accommodate within town centres. The retail statement submitted with the application goes through the sequential approach in considering the availability of sequentially preferable sites within the town centre. It is considered that although the regeneration of Taunton town centre would facilitate provision of new retail areas there are currently no suitable sites available which meet the size requirements of Go Outdoors. A view needs to be taken whether any new sites would come forward within a reasonable timeframe that would suit the needs of the applicant. It is also appropriate to consider whether there is scope for flexibility in the format and/or scale of the proposal and what contribution more central sites are able to make, either individually or collectively, to meet the same requirements as the application is intended to meet.

With the units already having a retail use this application is concerned with the impact of the sale of clothing and footwear upon the town centre. The applicant is prepared to work within the confines of a revised condition restricting the sale of clothing and footwear to items in connection with specific outdoor activities and pursuits. Whilst there may be some trade drawn away from certain stores within the town centre that also cater for clothing and footwear for these activities the majority of retail units in the town centre would not be affected. The impact upon the viability and vitality of the town centre is therefore not likely to be significant. Consideration must also be given to the economic benefits of the proposal, including the provision of 50 jobs. The presence of a national retail store, which is currently not provided for in Taunton, would add to the towns presence and is likely to draw people to Taunton instead of them going further afield to Bristol or Exeter.

In summary, the proposal would bring economic benefit to Taunton despite the sale of some clothing and footwear outside of the town centre. The proposed variation of condition is considered acceptable provided there are strict limits on the types of clothing and footwear that could be sold and the amount of floor space that could be used to sell them, thus reducing and minimising any adverse impact upon the viability and vitality of Taunton town centre. It is considered essential to restrict the sale of clothing and footwear to be in connection with outdoor activities and pursuits listed and to restrict the total the amount of floor area that can be used for the sale of clothing and footwear to a maximum of 20%. This will prevent a larger proportion of clothing and footwear from being sold and prevent other users from operating within the site selling a wider range of clothing and footwear which could be detrimental to the vitality and viability of Taunton town centre.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313**