

PROVINCIAL REAL ESTATE (ST JOHNS) LTD

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

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

Grid Reference: 323942.125445

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) Site Location Plan
(A1) DrNo 01 Existing Site Plan
(A1) DrNo 02 Existing Store Plan
(A1) DrNo 03 Existing Elevations
(A1) DrNo 04 Proposed Site Plan
(A1) DrNo 05 Rev P4 Proposed Store Plan
(A1) DrNo 06 Rev P3 Proposed Mezzanine Plan
(A1) DrNo 07 Proposed Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The retail area of the mezzanine floor shown on drawing no. 1386-06 Rev P3, hereby permitted, shall only be used for the display of goods by the shop known as "Go Outdoors" and except for the area which would be allowed under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification) the mezzanine shall be removed as soon as "Go Outdoors" ceases to operate from the premises.

Reason: The use of the mezzanine by another occupier may be 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 for a mezzanine floor, extending to 1115 m², and external alterations to the building to enable the amalgamation of the 2 units to form one large store. 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 proposed amalgamation of the two units and erection of the mezzanine will enable the company to effectively display the full range of goods that they sell.

The application seeks permission for the mezzanine floor over the entire floor area of what was unit 2 and partially over the unit 3. A small area of the store (89 square metres) will be used as a warehouse and there will also be toilets and staff facilities (98 square metres). The existing entrance to unit 2 will be removed and the entrance to unit 3 will become the main entrance to the building.

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.

The current permitted use for the units is retail with the goods restricted under Condition 24 of application 38/98/0441.

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

38/13/0267 - 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

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations received

PLANNING POLICY – objects

In the first instance there appears to be some discrepancies on the application and supporting submissions regarding floorspace. This appears to be resolved by agents letter dated 27/8/13. The existing gross floor area of units 2 and 3 is 1,874 sq.m. The application is seeking to provide an additional 1,115 sq.m. mezzanine which in total would provide a unit size of 2989 sq.m.

There is also an application to vary the conditions attached to application 38/98/0441. I will reply to this separately.

The NPPF (2012) requires local planning authorities to 'ensure the vitality and viability' of town centres. In order to meet this objective for sustainable growth there are two key tests: a sequential test (paragraph 24) and if not in accordance with an up to date plan, an impact assessment (paragraph 26). This approach is reflected in Core Strategy policy CP3.

In addition, paragraph 23 of the NPPF states that in drawing up plans "it is important that needs for retail ... are met in full...".

Thus a number of issues need to be addressed:

Firstly, have needs been met in full in drawing up the Local Plan? The Peter Brett 2013 Retail Capacity update forms part of the Councils up-to-date evidence base. This requires an additional 32,930 sq.m. gross comparison floorspace for Taunton over the Plan period to 2028.

Secondly, can these needs be accommodated in town or edge of centre sites? The Taunton Town Centre Area Action Plan (AAP) was adopted in 2008. The AAP makes provision for over 43,000 sq.m. of town centre retail floorspace. In addition, the Core Strategy (policies SS1 and SS2) make provision for an additional 8,000 sq.m. in the allocated Taunton urban extensions. Thus, the Council considers it has made full provision to meet retail requirements over the Plan period.

Thirdly, are any of these sequentially preferable sites available for development within the next 5 years? Again the answer is yes. The Council is working in partnership on 3 town centre sites in particular (Firepool with an AAP allocation of c8,000 sq.m. convenience and comparison, Coal Orchard with an allocation of 3,000 sq.m. and High St East with an allocation of 20,000 sq.m. of comparison retail space) which are considered likely to be developed or under development within the short term.

Completion of the Third Way through Tangier has also recently raised new retail

interest on this AAP regeneration area.

A sequentially available opportunity can in itself be a valid reason to refuse an out of centre application.

Fourthly, I am also concerned at the potential impact and precedent of allowing additional out of centre floorspace. Over the period 2013-18 the Peter Brett study identifies a requirement for an additional 3,866 sq.m. gross comparison floorspace in Taunton. This proposal would represent around 29% of the short term floorspace requirement. Such a high figure could seriously undermine the viability of progressing a town centre regeneration opportunity to the wider detriment of delivering the Core Strategy Development Plan Objective 3 "to enhance the role and function of (town centre) regeneration opportunities ... providing foci for employment provision and extending consumer choice..."

Moreover, if approved, this additional floorspace would clearly also set a precedent elsewhere in the Deane, further diverting investment, choice and competition away from town centre regeneration opportunities. In dismissing a recent 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". There is currently an application on another out of centre site to extend retail floorspace. The cumulative impact on town centre regeneration would be significant in my opinion.

However, under DCLG circular 01/2006, a mezzanine up to 200 sq.m. could be erected without the need for planning permission. Within the two units a total of 400 sq.m. could be incorporated without the need for planning permission. This could provide for 2,274 sq.m. within the 2 units. I have no policy issue with the amalgamation of the 2 units as it would not provide a unit size readily sought in the town centre.

Finally, the NPPF requires that if sequential sites cannot be found, preference should be given to accessible sites that are well connected to the town centre. St Johns Retail park has poor public transport accessibility, is separated from any (limited) residential area by a dual carriageway and any access would require passage through an industrial estate, and past a scrapyards and sewage pumping station. It is not therefore considered an appropriate location for retail expansion in accessibility terms either. At best, it would only encourage increased car borne access, contrary to the NPPF and Core Strategy policies CP1 and CP6.

In conclusion, from a policy perspective the proposal to extend the retail floorspace in this location should not be accepted. The overall need for additional floorspace can be met through identified statutory AAP plan sites and in the short (5 year) term delivery is anticipated which could be undermined by significant out of centre floorspace proposals coming forward. The proposal would be contrary to national policy, Core Strategy policies CP3, CP1 and CP6

There is a linked planning application to relax the conditions on sales within this unit (app 38/13/0267) which I will comment on separately.

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,
TTCAAP - 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

As already stated, the application has been submitted alongside an application for a variation of condition to allow clothing and footwear to be sold, thereby enabling Go Outdoors to sell their full range of products.

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.

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. One tent may occupy up to 35 m² to display when fully assembled. It is reasonable to expect the full range of goods to be displayed within the store to enable prospective purchasers to view and choose their items. With tents in particular purchasers are likely to want to see how the items are assembled and to look at them in detail. The large display areas required mean that go outdoors find it difficult to source suitable units to accommodate within town centres. In some of their smaller stores Go Outdoors also have external display areas. At St John's Retail Park the provision of an external display area would significantly affect the parking provision at the retail park. There is also insufficient area to the rear of the stores to enable a display area in this location. The display and sale of tents is not generally found within town centres and there are examples elsewhere within the county which range from seasonal outdoor display at out-of-town garden centres to sites for the sale of caravans and associated equipment.

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 states that there are currently no retail units available in the town centre of the size required by the applicant. In the retail statement submitted with the application the sites in the TTCAAP have been considered. The TTCAAP limits development in the Coal Orchard to retail units of no more than 100 m² gross. The High Street West is unlikely to come forward for regeneration. The High Street East is likely to come forward for redevelopment, however no planning application has been submitted as yet. The applicant considers that it is unlikely to be suitable to accommodate a retail unit of over 3000 m² which is would not be an anchor

department store. They also consider that the Firepool site is also unsuitable as the TTCAAP does not consider that large retail units with parking and servicing would be compatible with the development that is sought. They therefore conclude that it is questionable that any new sites would come forward within a reasonable timeframe that would suit the needs of the applicant.

The planning policy objections to this proposal are the application of the sequential test with regard to the location of additional floorspace. Additional floorspace should be provided in a town centre first and if sites are unavailable, only then should edge of centre or out of centre sites be considered.

It is 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. Other town centre retailers manage to separate out the display and sale of smaller outdoor pursuits gear from larger items (such as tents) by having seasonal display and sales from out-of-town and outdoor locations, while continuing to sell the smaller items from a town centre store location. Consideration therefore needs to be given whether the uses should be disaggregated and whether town centres sites are available either individually or collectively.

Policy guidance also states that where a proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. St Johns retail park could not be described as being well connected for pedestrians and in terms of car based trips, it is located off one of the main approach roads into the town centre, but has a convoluted vehicle access and exit. Accessibility is therefore considered to be poor.

In terms of retail capacity, this proposal would represent around 29% of the short term floorspace requirement. Such a high figure could seriously undermine the viability of progressing a town centre regeneration opportunity to the wider detriment of delivering the Core Strategy Development Plan Objective 3 "to enhance the role and function of (town centre) regeneration opportunities ... providing foci for employment provision and extending consumer choice...".

There must be a risk that this proposal will have adverse impact on the town centre as suggested by the Town Centre Company and Chamber of Commerce. These valid objections must be given significant weight in the decision. However, they do need to be weighed against the benefits that the existing units are currently vacant and are not contributing to the economic welfare Taunton as a whole. 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.

In summary, the proposal would bring economic benefit to Taunton by the creation of jobs and, due to the requirements of the applicant to provide significantly larger than average display areas, the risk arising from the installation of the mezzanine upon the vitality and viability of the town centre is increased. This needs to be balanced against the impact that could already be experienced from the retail units without any increase in floorspace or the increases allowed under permitted development rights. It is possible to impose a planning condition that requires the mezzanine to be removed once no longer required by the applicant if the specific merits of this

application are accepted. There are risks involved in granting planning permission which are identified in the Planning Policy response. The provision of additional out of town floorspace would potentially undermine the progression of town centre regeneration opportunities and it would open the opportunity for other retailers to submit applications for out of town floorspace. It is considered that the individual merits of this particular application and the opportunity to provide certain restrictions by planning condition would mean that there are a specific set of circumstances that tip the balance in favour of granting planning permission.

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