



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

1 October 2015

Late Papers

Item 4 – Haldo House, Western Way, Bury St Edmunds – DC/15/0087/FUL

1. The applicant has submitted an updated site plan which indicates “Keep Clear” markings as requested by the County Highway Authority. This plan supersedes that which was attached to the Committee Papers on page 33.
2. The suggested conditions set out on page 23 – 29 of the report have been subject to detailed further discussion with the applicant, both during the consideration of the application and since the publication of the report.
3. In particular the applicant has made representations with regard to conditions 13 – 16 which restrict the type of goods to be sold and the ability of the units to be subdivided. These conditions have been drafted taking into account the independent advice received by the Authority from Carter Jonas during the consideration of the application and seek to ensure that the development is in accordance with the sequential test undertaken so as to minimise impact on the town centre.
4. Following further representation from the applicant on 18th September the conditions have been reviewed, in conjunction with advice from planning policy and the following amendments are suggested, which it is hoped will satisfy the applicants’ desire for flexibility, whilst ensuring the development remains compliant with planning policy.
5. Condition 15 shall be amended to also include reference to the sale of pet food and pet supplies. The applicant has asked that consideration is also given to allow the sale of clothing associated with the permitted goods – however it is considered that sufficient flexibility is already given to such by the reference to “ancillary produce ranges” in condition 13 and also by the reference to “any other goods which are ancillary and related to the main goods permitted” in condition 15. Therefore no further amendment is proposed to this condition.

6. With regard to the options available for the units to be subdivided, the applicant is concerned that the conditions as drafted do not allow sufficient flexibility for their client. However the advice the Local Planning Authority has received from Carter Jonas is that a condition should be imposed to prevent the subdivision of unit 1 – as this unit has a general A1 consent, albeit with goods restricted, and the subdivision of this unit has not been considered when taking into account the impact of the proposal on Town Centre Trade/Turnover.
7. The retail planning (impact and sequential) merits of the planning application has been carried out on the assumption that unit 1 will have a sales area of 2,737m² net. Any subdivision of this unit will lead to greater concern that the scheme could attract retailers that would normally take space in the town centre, or who might otherwise choose to move out of the town centre to the scheme. Without suitably worded conditions there is a real prospect that unit 1 could attract a wide variety of retailers more normally associated with 'High Street' locations. Therefore no amendments are suggested to condition 14.
8. With regard to condition 16, on reflection, it is accepted that this condition has been worded with too much restriction, as the condition which accepts that unit 2 can be subdivided does not allow the unit to move between being occupied as a single unit to a subdivided unit or vice versus, as it would limit the floor area to that of the first occupier. This is not what was originally intended and therefore it is accepted that this condition should be amended in order to allow the unit to be occupied by no more than 2 units up to a minimum floor area of 750m². This would not prevent future flexibility at an operators' discretion to alternate between 1 and 2 units within unit 2. Crucially however, given the minimum floor size limit, would prevent the subdivision of the unit to create a smaller unit that might otherwise appeal to 'High Street' units.
9. The following amended conditions (amended text in red) are therefore suggested to replace those within the paper:

15. The range and type of goods to be sold from unit 2a/2b as hereby permitted shall be restricted to class A1 bulky goods consisting of the following: building and DIY and/or garden goods; furniture, carpets and floor coverings and household furnishings, camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical and gas goods, office supplies, computers and accessories, **pet food and pet supplies**; and any other goods which are ancillary and related to the main goods permitted.

Reason: To protect the vitality and viability of the town centre in accordance with policy CS10 of the St Edmundsbury Core Strategy (adopted December 2010), Policy BV17 of the Bury St Edmunds Vision 2031 (adopted September 2014) and paragraphs 26 & 27 of the National Planning Policy Framework (published March 2012).

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the retail floor space of Unit 2a/2b as hereby permitted shall not be subdivided into individual retail units of less than 750 sqm without first having received planning permission from the local planning authority. At no time shall Unit 2a/2b be occupied by more than two individual retail units. Furthermore, there shall be no additional floorspace created within the unit(s) over and above the 1905 m² shown on the approved floor plans (excluding any insertion of mezzanine floorspace otherwise covered by permitted development rights).

Reason: To ensure that the proposed development meets the requirements of the sequential test, in accordance with Policy CS10 of the St Edmundsbury Core Strategy (adopted December 2010), Policy BV17 of the Bury St Edmunds Vision 2031 (adopted September 2014) and paragraphs 24 and 27 of the National Planning Policy Framework (published March 2012)