

UTT/18/1467/FUL (SAFFRON WALDEN)

(Major development)

PROPOSAL: Application to vary condition 2 from planning permission UTT/14/3763/FUL (from permitting only the sale of 'items which are required for repair and maintenance, alterations or improvement of premises...' to 'DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, indoor and outdoor lighting, domestic electrical appliances, homewares and ancillary non-food goods, not including fashionwear items or fashion footwear')

LOCATION: Homebase Limited, Elizabeth Close, Saffron Walden, CB10 2NL

APPLICANT: Charterhouse Property Group Ltd

AGENT: Planning Potential Ltd

EXPIRY DATE: 23 November 2018

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is located off Elizabeth Close, Saffron Walden. It comprises a DIY store and associated car park.

3. PROPOSAL

3.1 The application is to vary Condition 2 of planning permission UTT/14/3763/FUL to increase the range of products that can be sold from the premises. Condition 2 currently reads:

“This DIY building shall be used only for the sale of items which are required for repair or maintenance, alterations or improvement of premises, including bathroom and kitchen, fixtures and fittings. The following items shall NOT be sold from these premises without the written consent of the planning authority;

(i) Electrical appliances including refrigerators, freezers, cookers, washing machines, dishwashers, TV and video equipment, radio and record and tape playing equipment;

(ii) Carpets and curtains

(iii) Textiles, plants, domestic appliances car accessories, carpets, furniture, food, home brew, toys, confectionary, books, hobby kits, telephones or any other consumer durables

Notwithstanding the above, a floorspace of up to 185 square metres within

the existing sales area shall be used by a Catalogue Showroom Retailer for the sale and display of any A1 non-food goods.

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with the National Planning Policy Framework (May 2012)."

3.2 The application initially proposed the following condition:

"The unit shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming, other non-food bulky goods, but not including fashion wear items or fashion foot wear."

3.3 During the determination period, the proposed condition has been amended to the following:

"The unit shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, indoor and outdoor lighting, domestic electrical appliances, homewares and ancillary non-food goods, not including fashionwear items or fashion footwear."

3.4 The differences are:

- "electrical" products have been replaced with the more-specific "indoor and outdoor lighting" and "domestic electrical appliances"

- "pets/pet related products and ancillary veterinary surgeries and animal grooming" have been removed

- "other non-food bulky goods" have been replaced with the more-specific "ancillary non-food goods" i.e. ancillary to the other products listed

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

5.1 The application includes the following documents:

- Covering letter

6. RELEVANT SITE HISTORY

6.1 Condition 5 of the original planning permission for a DIY store restricted the range of goods that could be sold from the premises (UTT/1574/87). The condition was subsequently replaced or varied under applications UTT/0605/89, UTT/1464/98/FUL and UTT/14/3763/FUL.

7. POLICIES

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 7.2 S73 of the Act requires the local planning authority, in dealing with an application to develop land without compliance with conditions previously attached, to consider only the question of the conditions subject to which planning permission should be granted.
- 7.3 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.4 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

- 7.5 S1 – Development Limits for the Main Urban Areas
GEN1 – Access
GEN4 – Good Neighbourliness
GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

- 7.6 Parking Standards: Design and Good Practice (2009)

National Policies

- 7.7 National Planning Policy Framework (NPPF) (2012)
- paragraphs 11, 85-90, 102-111 & 127
Planning Practice Guidance (PPG)
- Ensuring the vitality of town centres

8. TOWN COUNCIL COMMENTS

- 8.1 No objections.

9. CONSULTATIONS

Highway Authority (Essex County Council)

- 9.1 Objection to the inclusion of pet-related retail/services. No objections to the inclusion of the other items.

Retail planning consultant (Savills)

- 9.2 No objections to a condition that reflects the range of goods already sold at the premises. Extract:

“The existing uses are however considered to be acceptable because they would not create any new harm to the vitality and viability town centre. If the Council was minded to approve the Application, we would suggest that it does not allow the proposed range of goods to be sold from the existing unit to go beyond those already sold by the Homebase without evidence that the policy objectives referred to above have been addressed. We would therefore propose the following amendments to the condition:

The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical and homewares. and other non-food bulky goods, but not including fashion wear items or fashion foot wares.

Electrical could be acceptable subject to an agreed proportion of floorspace that is similar to that currently in operation at Homebase.

Other non-food bulky goods should be removed from the amended condition unless the Applicant is willing to specify the range/type of goods that they wish to sell under the remit of other non-food bulky goods and that this accords with the present Homebase offer.”

10. REPRESENTATIONS

- 10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. A representation has been received on behalf of the occupier, Homebase, which confirms that the business has no plans to vacate the unit.

11. APPRAISAL

The issues to consider in the determination of the application are:

- A Location of retail development (S1, 85-90 & PPG)
- B Transport (GEN1, GEN8 & 102-111)
- C Amenity (GEN4 & 127)

A Location of retail development (S1, 85-90 & PPG)

- 11.1 The NPPF requires the use of a sequential test to ensure that main town centre uses, including shops, are directed towards existing centres. Nevertheless, the retail use of the site is well established, with the proposed condition merely seeking authorisation for a range of goods that is already sold from the premises. While the Council’s retail planning consultant indicated that further justification would be required for the wider range initially proposed, the current range was found to be appropriate.
- 11.2 In accordance with the advice of the Council’s retail planning consultant, the applicant has agreed a more specific form of wording than the “electrical” and “other non-food bulky goods” originally included. The proposed “indoor and outdoor lighting”, “domestic electrical appliances” and “ancillary non-food goods” are considered to be sufficiently precise and consistent with the

current range of goods that the Council's retail planning consultant found to be acceptable. It is therefore concluded that the proposed variation would not cause an outward movement of town centre retail provision, such that there is no conflict with the above policies.

B Transport (GEN1, GEN8 & 102-111)

- 11.3 The highway authority raised an objection to the inclusion of pet-related retail/services in the initial wording of the proposed condition, but no objections to the remainder. The applicant has since removed any reference to pet-related retail/services from the proposal, thereby overcoming the highway authority's objection. It is therefore concluded that the variation would not cause any adverse effects with respect to road safety or capacity, in accordance with the above policies.

C Amenity (GEN4 & 127)

- 11.4 It is considered unlikely that the proposed variation would cause a significant change to the nature of the use or its associated vehicle movements, such that there would be no conflict with the above policies insofar as they relate to the amenity of neighbours.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The proposal accords with the development plan and the NPPF, and no material considerations indicate that planning permission should be refused. It is therefore recommended that the variation of Condition 2 be approved.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. COMPLIANCE WITH CONDITION 1 ACHIEVED. ORIGINAL WORDING:

The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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

2. CONDITION 2 AMENDED TO THE FOLLOWING:

The unit shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, indoor and outdoor lighting, domestic electrical appliances, homewares and ancillary non-food goods, not including fashionwear items or fashion footwear.

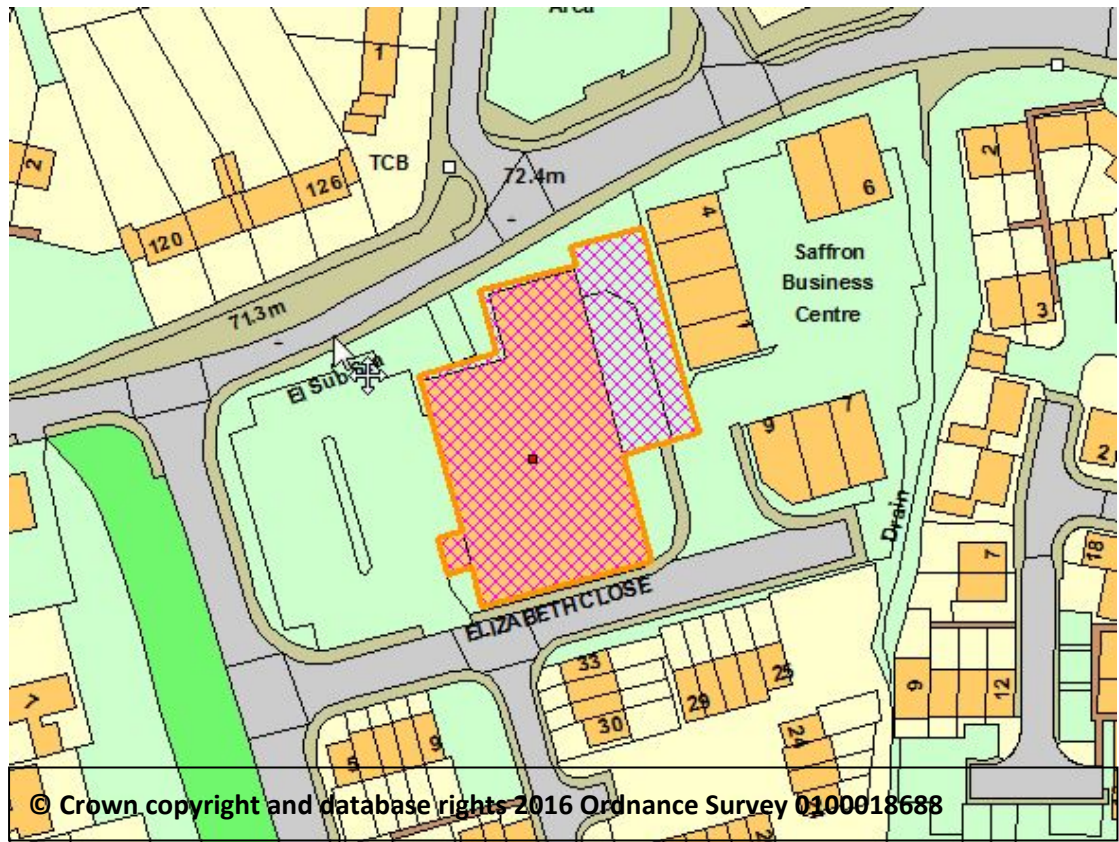
REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with the National Planning Policy Framework (May 2012).

3. There shall be no external storage of any materials, goods, equipment or machinery of any description in any of the areas reserved for car parking, access, loading and unloading, on any part of the site unless otherwise approved in writing by the Local Planning Authority.

REASON: In order to protect the provision of car parking spaces and to safeguarded the amenity of the surrounding area, in accordance with Policies GEN1, GEN2, and GEN8 of the Uttlesford Local Plan Adopted 2005.

Application: UTT/18/1467/FUL

Address: Homebase Limited, Elizabeth Close, Saffron Walden, CB10 2NL



Organisation: Uttlesford District Council

Department: Planning

Date: 16 July 2018