

COMMITTEE REPORT

BY THE EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 20th JULY 2022

Ward: Whitley

App No: 220145/FUL

Address: Units 4 and 5 Brunel Retail Park

Proposal: Continued use of Units 4 and 5 within use class E(a)

Applicant: MCTGF Trustee 1 Limited and MCTGF Trustee 2 Limited as Joint Trustees

Extended Target Date: 25/07/22

RECOMMENDATION

GRANT permission subject to the following conditions and informatives

Conditions to include:

1. Standard Time Limit
2. Approved Plans
3. Units 4 and 5 shall only be used for the following parts of Class E of the Town and Country Planning (Use Classes) Order 2020 (as amended) and for no other purpose: E(a) Display or retail sale of goods, other than hot food.

REASON: As the impact of other uses within E use class have not been assessed and to enable the Local Planning Authority to control how these units are used to safeguard the vitality and viability of existing shopping centres in accordance with Policies RL2 and RL3 of the Reading Borough Local Plan 2019.

4. Units 4 and 5 when operating under E (a) use class according to Condition 3 above, shall only be used for the retail sale of goods of DIY; furniture; homewares and home furnishings; floor coverings; electrical and photographic goods; automotive parts and accessories; cycles; products for and including domestic pets; sports goods; leisure goods including toys and games; clothing and footwear; food and drink for consumption off the premises from an area no greater than 840 square metres net internal area when the units are amalgamated), household goods (from an area of no greater than 280 square metres of the net internal area when the units are amalgamated), health and beauty products (from an area of no greater than 280 square metres of the net internal area), food and drink for consumption on the premises; and items that are ancillary to the main range of goods sold.

REASON: as the site lies outside an existing shopping centre and to enable the Local Planning Authority to control the range of goods to be sold to safeguard the vitality and viability of existing shopping centres in accordance with Policies RL2 and RL3 of the Reading Borough Local Plan 2019.

5. The amalgamated unit 4 and 5 shall not be subdivided to form separate retail units, other than to the dimensions of the existing units 4 and 5 (pre-amalgamation).

REASON: as the site lies outside an existing shopping centre and to enable the local planning authority to control the size of the retail units to safeguard the vitality and

viability of existing shopping centres in accordance with Policy RL5 of the Reading Borough Local Plan (2019).

6. The areas, shown on the submitted drawings reserved for the parking of vehicles shall be kept available and used for such purposes at all times to the satisfaction of the Local Planning Authority. No development, whether or not permitted by the Town and Country Planning General Permitted Development Order 2015, as amended, shall be carried out on such areas or in such a position as to restrict vehicular access to these reserved parking areas.

REASON: To ensure the development would not result in vehicles being parked on the public highway to the detriment of visual amenity and public safety in accordance with Policies CC7 and TR3 of the Reading Borough Local Plan (2019).

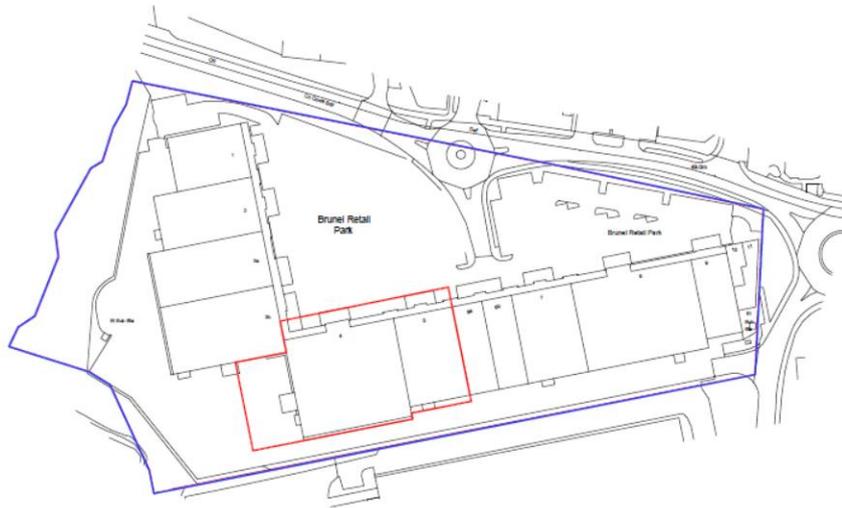
Informatives

1. Terms
2. Separate advertisement consent is required for any new signage
3. Positive and Proactive
4. Building Regulations approval

1. INTRODUCTION:

- 1.1 Brunel Retail Park is an established retail park of 3.5 hectares in an elevated area off Rose Kiln Lane, located approximately 3km south of Reading town centre, to the east of the A33. It currently has 11,328sqm of retail-led floorspace (plus 3,447sqm mezzanine floor space) and is currently comprised of 13 units. As noted in the planning history below, several applications were permitted in 2021 for a redevelopment of the retail park comprising of the demolition of existing buildings and the erection of two industrial units, along with and alterations to the western retail terrace. To date, these permissions have not been implemented. The site is accessed via Rose Kiln Lane, via a 4-arm roundabout junction with a total of 451 car parking spaces to the front, and within the service area to the rear, the latter accessed off Gillette Way to the south-east. Immediately to the north and south is a mix of industrial units, and to the east, the Morrison's superstore. To the south-west is the Kennet Island residential area.
- 1.2 The Retail Park was originally granted planning permission for A1 retail units in 1994 with conditions limiting the goods which could be sold, the number of units and the range of minimum sizes of units. Unit 4 has a floorspace of 1865 sqm and Unit 5 has a floorspace of 929 sqm.
- 1.3 The site is partially within: a Biodiversity Opportunity Area 50m buffer (Policy EN12); Flood Zone 2 (Policy EN18); an area of contaminated land (Policy EN16). It is also close to the Air Quality Management Area (Policy EN15), which is along the corridor of the A33. Rose Kiln Lane is a Classified Road (Policy TR3) and there is a Tree

Preservation Order (TPO) TPO 118/05 at the eastern end of the site along the Rose Kiln Lane frontage.



Site Location Plan



Photograph of units 4 and 5

2.0 PROPOSAL

2.1 The proposal involves the amalgamation of units 4 and 5 into one large unit and is proposed to be occupied by Home Bargains, a housewares retailer. Both Units 4 and

5 are presently vacant; unit 4 was formally occupied by 'Go Outdoors', a camping/outdoor retailer and unit 5 occupied by 'SCS', a furniture retailer.

- 2.2 Amalgamation of Units 4 and 5 is not restricted by planning condition and does not require planning permission given that no material change of use is occurring. Rather, the purpose of this application is to seek a widening of the existing goods restriction is required for Home Bargains to sell their full product range, and this applies to the amalgamated unit as a whole. Although the proposals seek to broaden the permitted range of goods to be sold, there will be an overall reduction in retail floorspace of 1,752 square metres through the removal of the existing mezzanine floor within Unit 4. Nevertheless, the combined unit is in excess of 1000sqm and is therefore being presented to the Planning Applications Committee as it is a Major application.
- 2.3 Whilst the majority of goods sold by Home Bargains can already be sold under the terms of the current goods restrictions outlined on previous permissions for the units, the sale of the full extent of Home Bargains product range is not currently permitted. This includes food and drink, household goods, toys and games, health and beauty products including medicines and baby products. As such, planning permission has been applied for.

3. PLANS/ DOCUMENTS CONSIDERED:

Application Form

CIL Form

19032_PL066 - Unit 4 Location Plan

19032_PL074 Rev E - Proposed Site Plan - Unit 4

Letter reference TR/CW/Q100647

Planning & Retail Assessment dated 27th January 2022 prepared by 'Quod'

Transport Statement prepared by 'tpp consulting' dated January 2022

Draft Travel Plan - Unit 4/5 prepared by 'tpp consulting' dated January 2022

Received 2nd February 2022

4. RELEVANT PLANNING HISTORY

- 4.1 There is extensive planning history at the wider Retail Park, which is summarised below:
- The Retail Park was constructed under planning permission reference **94/00443/FD**, dated 23rd December 1994 ('the baseline permission'), which approved the following development: "*Erection of non-food retail warehouse (A1) with ancillary service areas and car parking for 510 cars*". The baseline permission was subject to 20 conditions which included various controls over the number of units and the sales of goods.

- The baseline permission was later varied under planning permission reference **131106**, dated 18th October 2013. The application varied the wording of Condition 12 (Restriction on Sale of Goods) and Condition 14 (Restriction on Sale of Goods)
- Unit 4 is controlled by a separate goods restriction, following planning permission reference **170215/FUL** being granted on the 29th June 2017.
- Two further planning applications (refs. **201853/FUL** and **201842/FUL**) were approved on 15th July 2021 for the phased redevelopment of the Retail Park, along with the consolidation of a smaller retail park should only a single phase of the redevelopment be delivered. To date, neither permission has been implemented.

5. CONSULTATIONS:

5.1 Internal Consultees

Transport: No objection

Planning Policy: No objections it has been demonstrated that, on the balance of probability, the proposal will not have a detrimental adverse impact on designated centres, as long as it is limited to the restrictions in the proposed conditions.

5.2 External consultation:

5.3 All retail units within Brunel Retail Park have been formally notified of the application via letter on 16/02/22. A site notice was also displayed for the relevant time period.

5.4 No representations have been received.

LEGAL AND PLANNING POLICY CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy Framework, among them the 'presumption in favour of sustainable development'. The application has been assessed against the following policies:

National Planning Policy Framework (2021)

- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres

Reading Borough Local Plan (2019)

- CC1: Presumption in Favour of Sustainable Development
- RL1: Network and Hierarchy of Centres
- RL2: Scale and Location of Retail, Leisure and Culture Development
- RL5: Impact of Main Town Centre Uses

CC6: Accessibility and the Intensity of Development
TR1: Achieving the Transport Strategy
TR3: Access, Traffic and Highway-Related Matters
EM1: Provision of Employment
EN12: Biodiversity and the Green Network
EN14: Trees, Hedges and Woodland
EN15: Air Quality
EN16: Pollution and Water Resources
EN18: Flooding and Drainage
SN2: Land North of Manor Farm Road Major Opportunity Area

Supplementary Planning Guidance/Documents

- Revised Parking Standards and Design (2011)

6. APPRAISAL

The main issues for consideration are:

- a) Principle of Development - extension of the range of goods provided
- b) Impact on the character of the surrounding area
- c) Impact on neighbouring amenity
- d) Transport matters

Appraisal

Principle of development - extension of the range of goods provided

6.1 Members should be aware that sale of goods can be restricted by way of a planning condition. In Reading, this is done to protect 'main town centre uses', including retail. These uses should be located in centres in the first instance. However, where development does take place elsewhere, it is important that it does not undermine the identified network of centres. A way to ensure that development elsewhere does not undermine the town centre is by restricting goods which can be sold outside of centres. In this case, Brunel Retail Park is an out of centre retail park, and therefore restrictions on what goods could be sold within the retail units is controlled by planning condition.

Sequential Test

6.2 Retail sequential tests are used to guide commercial developments to a suitable location, giving justification for the final chosen location. They are typically required when a 'main town centre use' is proposed in an 'out of centre' location. The NPPF specifies that retail and leisure development should be located in line with a sequential approach and that it should have no detrimental impact on the vitality and viability of existing centres. This is reiterated at local level by Policy RL5. As the site is classified as 'out-of-centre' for the purposes of retail and leisure assessments,

the applicant has undertaken a review of sequentially preferable locations for the proposed development.

- 6.3 Policy RL5 ('Impact of Main Town Centre Uses') states that proposals which include more than 1,000 square metres (gross) of additional floorspace for main town centre uses proposed in an edge-of-centre or out-of-centre location should demonstrate that there will be no significant adverse impact on existing centres in terms of impact on trade levels and prospect of investment on existing centres. Ensuring that district or local centres within areas of deprivation are not adversely affected is of particular local importance.
- 6.4 This application proposal seeks the reuse of existing vacant retail floorspace, rather than introducing increased or new retail floorspace in an edge-of-centre location. No new floor space will be provided.
- 6.5 The development being pursued is led by demand from a named retailer, Home Bargains, who has specific operator requirements. As a result, the requirements of the type of retailer to occupy the floorspace (in this case a large format discount variety retailer) is relevant in applying the sequential approach.
- 6.6 Home Bargains' core product range comprises a mix of bulky and non-bulky goods, as well as ancillary food and drink to be consumed off the premises. The applicant advises that the complete product range is required to attract customers to the store based on a very specific operating model.
- 6.7 This application proposes the provision of sale of homewares, toys and games, food and drink for consumption off the premises (from an area of no greater than 840 square metres), household goods (from an area of no greater than 280 square metres and health and beauty products (from an area of no greater than 280 square metres). The units can already sell the following items, as outlined on previous permissions: DIY; furniture; home furnishings; floor coverings; electrical and photographic goods; automotive parts and accessories; cycles; products for and including domestic pets; sports goods; leisure goods; clothing and footwear.
- 6.8 Supporting information has been provided to demonstrate that the application site is the sequentially preferable site meaning it is the most suitable in terms of the proposed retailers objectives and will not result in adverse impact on the vitality and viability of existing centres. The assessment has been undertaken based on the following parameters, as required by Home Bargains:
- A minimum gross internal area of 2,322 square metres on a single ground level. This demonstrates flexibility in the scale of development proposed (2,810 square metres) and represents HB's minimum floorspace requirement
 - The provision of sales area on a single level
 - The ability to sell all core goods ranges including food and drink
 - Located in a commercially viable location
 - Immediately adjacent, at grade customer car parking, with trolley bays; and

- Adequate servicing arrangements capable of receiving deliveries by large HGVs without customer conflict
- 6.9 The applicant's sequential test considers in excess of 40 alternative sites around the in the town centre and other district/ local centres. However, these were not sequentially preferable due to not being able to deliver the requirements of Home Bargains, as outlined above. Furthermore, given the site is already in retail use, with this application being an extension of goods to that which is already provided at the store, the site is considered sequentially preferable. The Planning Policy Manager has also confirmed that there are no sequentially preferable sites available, suitable or viable for the proposed use.
- 6.10 The conditions restricting sale of goods still apply to the other retail units in the retail park through the original and subsequent permissions and therefore the Local Planning Authority would continue to maintain control regarding what range of products can be sold to protect and not undermine the established centres. The goods condition applied to this permission will relate only to the at the new amalgamated unit and it will make it clear the widened goods range will not apply to unit 4 and 5 individually should the amalgamation not take place.
- 6.11 Given that the range of goods will be restricted by floor area (ie. food and drink for consumption off the premises from an area of no greater than 840 square metres; household goods from an area of no greater than 280 square metres; health and beauty products from an area of no greater than 280 square metres), the implications of this widening of goods can be monitored and controlled by the Local Planning Authority. Both of the above restrictions are to avoid detrimental competition amongst retailers within the retail park presently and in the future and to help maintain the vitality and viability of Brunel Retail Park, but also bring back two vacant units back into operation. The Planning Policy Manger has confirmed that on the balance of probability, the proposal will not have a detrimental adverse impact on designated centres, as long as it is limited to the restrictions in the proposed conditions. As such, the application fulfils the sequential approach and impact test.
- 6.12 A condition will also be attached preventing the amalgamated unit to be subdivided beyond the dimensions of the existing unit 4 and 5 given this is an out of centre retail park. This is to protect the vitality of existing centres in line with Policy RL5 of the Reading Borough Local Plan (2019).

Transport matters

- 6.13 Collectively, Unit 4 and 5 comprise a retail floorspace of 4,546 square metres. Although the proposals seek to broaden the permitted range of goods to be sold, there will be an overall reduction in retail floorspace of 1,752 square metres through the removal of the existing mezzanine within Unit 4. No changes are proposed to the access, parking or servicing arrangements.

- 6.14 The potential change in trips has been estimated by Transport Officers using trip rate information from the TRICS database. The potential change in number of trips associated with this application has been estimated using TRICS data with 2,579sqm of Non-food sales floorspace (including the removal of mezzanine within Unit 4 + 843sqm (proposed food sales) being replaced by 843sqm of Discount Food sales (approx. 30% of remaining floorspace). The assessment demonstrates that the proposals would not result in any increase in trips to / from the park when compared to the existing situation due to the reduction in floorspace proposed.
- 6.15 The proposal is therefore deemed acceptable from a transport perspective subject to an appropriately worded condition to control the sale of food and drink from an area no greater than 280 square metres. A condition will also be attached ensuring that the parking spaces within the retail complex are retained for vehicles at all times; this is consistent with other permissions at the site. The proposal is considered acceptable in relation to Policy TR3 of the Reading Borough Local Plan (2019).

Other Matters

Impact on character of the surrounding area

- 6.16 The proposal does not seek any external alterations to the building and is not considered to result in any harm to the visual amenities of the surrounding area in accordance with Policy CC7 of the Reading Borough Local Plan (2019).
- 6.17 Separate advertisement consent will be required for any proposed signage. An informative will be attached to cover this matter.

Impact on neighbouring amenity

- 6.18 The surrounding area comprises of other retail uses and therefore the continuation of the retail unit, with an extended range of goods provided, would not be considered to cause an adverse impact to the surrounding area and therefore complies with Policy CC8 of the Reading Borough Local Plan (2019).

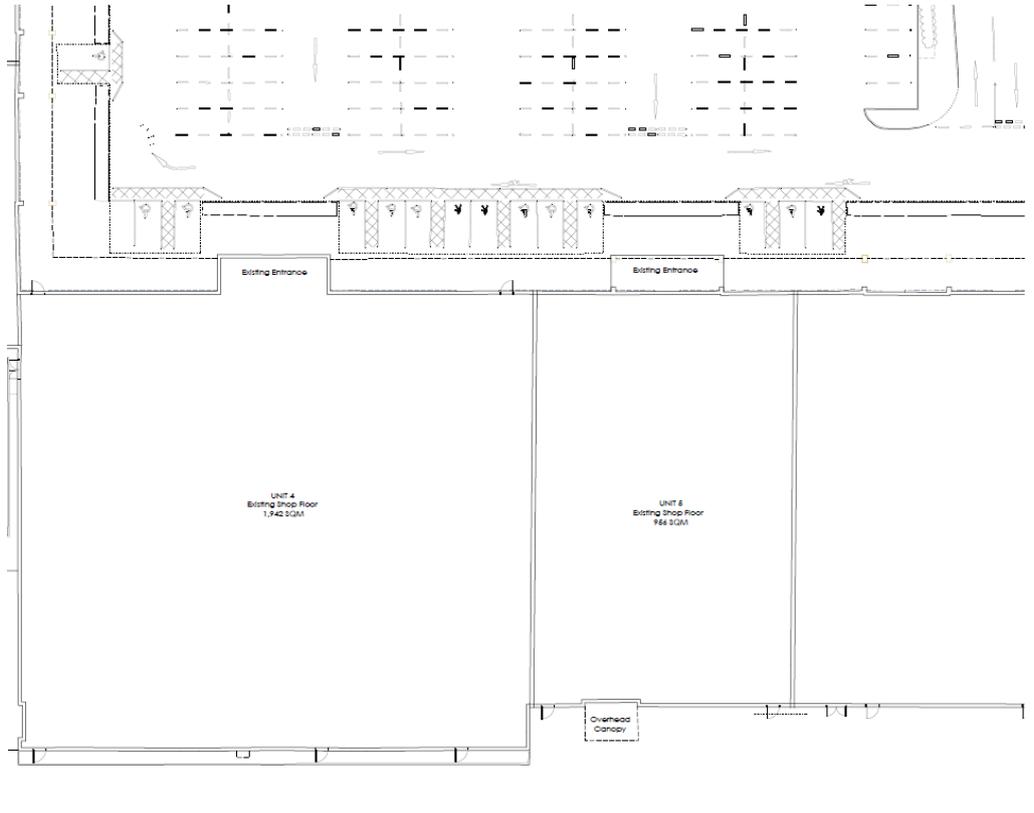
Equality Act 2010:

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

7. CONCLUSION

7.1 It is considered that the widening of the permitted goods that can be sold from units 4 and 5 is acceptable for the reasons set out in this report.

Case Officer: Connie Davis



Existing floor plan (Unit 4, left and Unit 5, right)