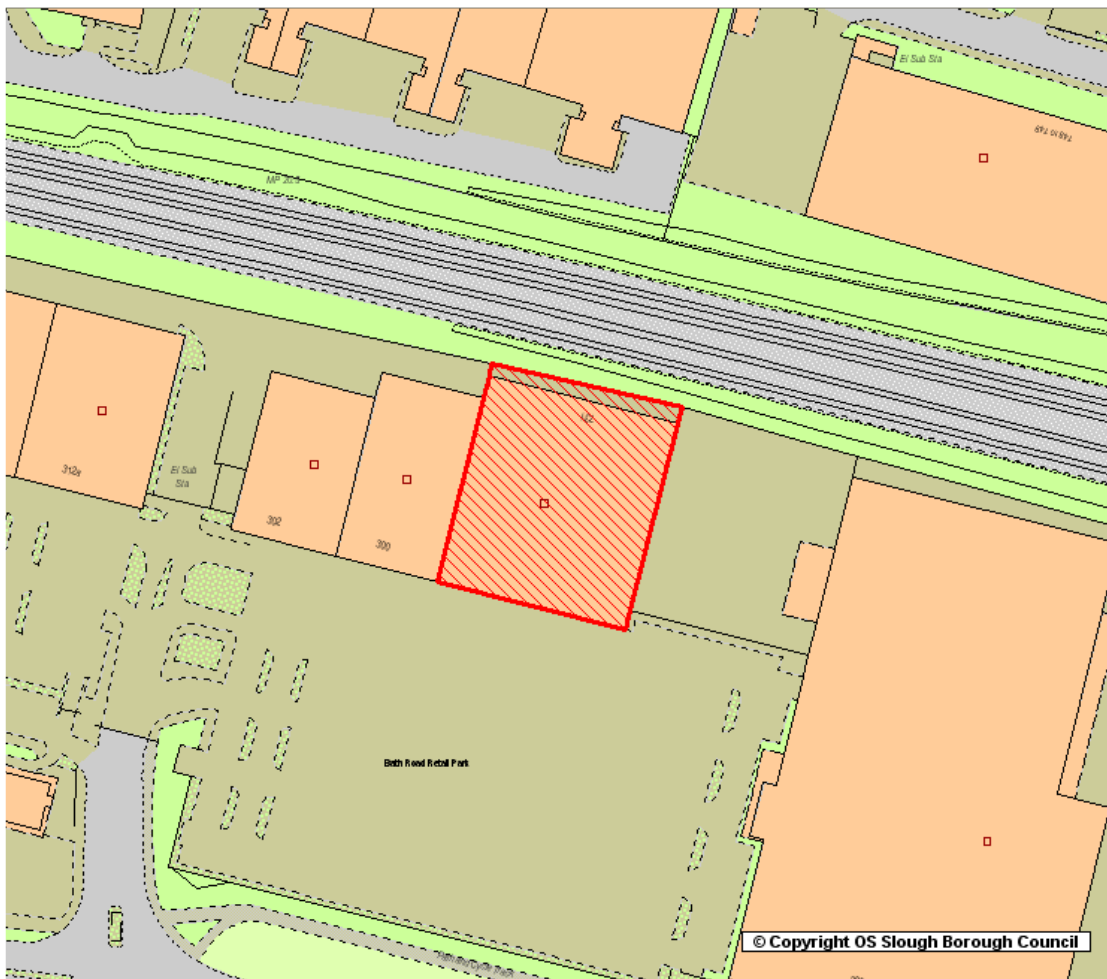


Registration Date:	29-Jan-2013	Applic. No:	P/10549/006
Officer:	Mr. J. Dymond	Ward:	Haymill
		Applic type:	
		13 week date:	
Applicant:	The Crown Estate		
Agent:	Mr. Grant Stevenson, Barton Willmore Regent House, Prince's Gate, 4, Homer Road, Solihull, West Midlands, B91 3QQ		
Location:	Unit, 731, Bath Road, Slough, Berks		
Proposal:	VARIATION OF CONDITION 7 OF PLANNING PERMISSION P/10549/003 DATED 10/09/2012 FOR ALTERATIONS TO FRONT AND REAR ELEVATIONS TO FACILITATE INTERNAL SUBDIVISION OF THE UNIT INTO TWO SEPARATE UNITS, PLUS THE INSERTION OF A MEZZANINE FLOOR OF 836M2 FOR DISPLAY ONLY WITH NO RETAIL SALES TO ALLOW UP TO 5% OF THE GROSS FLOOR SPACE OF UNIT 731B TO BE USED FOR THE SALE OF FOOD OR FOOD PRODUCTS.		

**Recommendation: Refuse**



1.0 **SUMMARY OF RECOMMENDATION**

1.1 This application is being reported to the Planning Committee at the request of Councillor Brooker on the following grounds:

- 1.2
- Two large empty shops currently at the retail park;
  - Empty shops attract vandalism;
  - The new boots will create 30-40 jobs, which will be lost to another town;
  - Boots are prepared to give a legal commitment to keep the town centre Boots open for 5 years;
  - Large white goods are now ordered on the internet;
  - A survey supporting the use has been carried out;
  - Boots will boost trade at the retail park and would be good for the Slough economy.

1.3 Having considered the proposal against the relevant policies set out below, the representations received from consultees and other interested parties, and all other relevant material considerations, it is recommended that the application be refused.

**PART A: BACKGROUND**

2.0 **Proposal**

2.1 This application seeks to vary Condition 7 in relation to Unit 731B (the western half of the subdivided existing Unit 731) only, in order to allow up to 5% of the gross floorspace of Unit 731B to be used for the sale of food or food products.

2.2 The condition the subject of this application is as follows:

7. There shall be no retail sales of food or food products within the retail warehouses.

REASON To safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004 and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking spaces within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

2.3 The floorspace configuration permitted under planning application P/10549/003 would be as follows:

	Unit 731 Comet
--	----------------

Existing	Ground Floor	1,853 square metres	
	Mezzanine	594 square metres	
	<b>Total</b>	<b>2,447 square metres</b>	
		Unit 731B Boots	Unit 731A Comet
Proposed	Ground Floor	916 square metres	930 square metres
	Mezzanine	0	836 square metres
	Sub Total	916 square metres	1,766 square metres
	<b>Total</b>	<b>2,682 square metres</b>	
	Difference	+ 235 square metres	

2.4 Alterations to the front elevation of the existing unit are also proposed in conjunction with the proposed sub-division to form two separate retail units and these works form part of the previous approval under planning application P/10549/003.

2.5 Based on the above, the use of 5% of the gross floor area of unit 731B (915.7 square metres) would appear to equate to 46 square metres.

2.6 Pre-application discussions were undertaken prior to the submission of planning application P/10549/003 and the matter of the sale of food from the unit was discussed at that time; however, no further formal advice has been sought prior to the submission of this application.

### 3.0 **Application Site**

3.1 The application site comprises the retail premises known as 'Unit 731' at Bath Road Retail Park.

3.2 The floor area of the unit as existing is 1853 square metres at ground floor level with a mezzanine floor (approved under application P/02407/060 dated 1st April 1999) of 594 square metres. The existing mezzanine floor is used for storage purposes in association with the retail use. The unit was formerly occupied by Comet, however it is understood that Comet have been placed into administration by their owners and have ceased trading. The store has now closed.

3.3 The unit is situated towards the eastern end of the Retail Park. The Retail Park comprises nine separate retail units in total, and there is a fast food restaurant situated adjacent to the entrance to the Retail Park. The total area of the Retail Park is 4.86 hectares.

3.4 The site is bounded to the south by Bath Road and the railway to the north. Burnham Lane is to the west and Dover Road is to the east.

3.5 The site is accessed off Bath Road. Works in respect of the provision of a third exit lane from the car park (approved under planning application

P/02407/085 dated 30th June 2011) have recently been undertaken. There is a service only access to the B&Q unit off Dover Road.

- 3.6 Bath Road Retail Park is located on the south western edge of the Slough Trading Estate and is within the Existing Business Area. It falls within the boundary of the Simplified Planning Zone.
- 3.7 The surrounding area is therefore predominantly commercial in nature. The nearest residential properties are situated on the opposite side of Bath Road, adjacent to the entrance to the Retail Park.
- 3.8 Bath Road Retail Park is located approximately 2.1 miles to the west of Slough Town Centre and 1.6 miles to the South West of Farnham Road District Centre. As such, it is considered that the site is an out of centre location, in accordance with the definition of out of centre contained within the National Planning Policy Framework.
- 3.9 Policy S1 of The Adopted Local Plan for Slough 2004 sets out a strategy for shopping in Slough. A retail hierarchy is defined. Slough town centre functions as a sub-regional centre and Farnham Road functions as a district centre. The supplementary text sets out that the main strategy for Farnham Road will be to retain its food and convenience goods shopping function.

#### 4.0 **Site History**

- 4.1 Recent applications relating to the unit to which this application relates are as follows:

P/10549/005 - VARIATION OF CONDITION 7 OF PLANNING PERMISSION P/10549/003 DATED 10/09/2012 FOR ALTERATIONS TO FRONT AND REAR ELEVATIONS TO FACILITATE INTERNAL SUBDIVISION OF THE UNIT INTO TWO SEPARATE UNITS, PLUS THE INSERTION OF A MEZZANINE FLOOR OF 836M<sup>2</sup> FOR DISPLAY ONLY WITH NO RETAIL SALES TO ALLOW UP TO 5% OF THE GROSS FLOOR SPACE OF UNIT 731B TO BE USED FOR THE SALE OF FOOD OR FOOD PRODUCTS. – Withdrawn 18-Jan-2013

P/10549/004 - LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED USE OF UP TO 5% OF THE GROSS FLOOR AREA OF UNIT 731A FOR THE SALE OF FOOD OR FOOD PRODUCTS. – Withdrawn 01-Aug-2012

P/10549/003 - ALTERATIONS TO FRONT AND REAR ELEVATIONS TO FACILITATE INTERNAL SUBDIVISION OF THE UNIT INTO TWO SEPARATE UNITS, PLUS THE INSERTION OF A MEZZANINE FLOOR OF 836M<sup>2</sup> FOR DISPLAY ONLY WITH NO RETAIL SALES. – Approved with Conditions 10-Sep-2012 subject to the following conditions of note:

7. *There shall be no retail sales of food or food products within the retail warehouses.*

*REASON To safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004*

*and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking spaces within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.*

10. *No floor space created by internal sub-division, mezzanine floor, or external extension shall take place to the retail warehouse without the prior written approval of the Local Planning Authority.*

*REASON To safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004 and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking space within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.*

11. *The retail floor space of the mezzanine hereby approved shall be used as a showroom solely for the display of items with no retail sales.*

*REASON To protect the vitality and viability of existing shopping centres within the Borough and to comply with Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.*

P/10549/002 - INSTALLATION OF X2 ILLUMINATED FASCIA SIGNS TO FRONTAGE AND X5 POSTERBOARDS. X1 ILLUMINATED FASCIA SIGNAGE TO REAR, AND X1 SIGN TO FLANK OF BUILDING – Approved with Conditions 20-Jan-2003

P/10549/001 - PROPOSED ALTERATIONS TO FRONT ELEVATION – Approved with Conditions 20-Jan-2003

P/10549/000 - INSTALLATION OF TWO FASCIA SIGNS. (AMENDED PLANS RECEIVED 29/05/98) – Approved with Conditions 15-Jun-1998

Selected recent relevant applications relating to the Retail Park are as follows:

P/02407/031 - PART DEMOLITION OF AND PART EXTENSION TO EXISTING BUILDINGS AND ERECTION OF FOUR RETAIL WAREHOUSE UNITS AND GARDEN CENTRE WITH ANCILLARY CAR PARK. (AMENDED PLANS 09.03.93 AND 12.03.93.) – Approved with Conditions 15-Mar-1993

P/02407/040 - DEMOLITION OF EXISTING WAREHOUSES AND ERECTION OF RETAIL WAREHOUSES AND DRIVE THRU RESTAURANT(AMENDED PLANS RECEIVED) – Approved with Conditions 19-Oct-1995

P/02407/060 - NEW RAISED STORAGE PLATFORM TO ELECTRICAL RETAIL OUTLET – Approved with Conditions 01-Apr-1999 subject to the following condition of note:

*3. The storage platform hereby approved should be used for storage purposes alone and should not be used as additional sales space.*

*Reason: To ensure adequate parking is available to serve the development.*

P/02407/063 - RELAXATION OF CONDITION 10 ON P/02407/031 TO ALLOW MEZZANINE FLOOR TO BE INSERTED AND RELAXATION OF CONDITION 8 ON P/02407/040 TO ALLOW SALE OF NON BULKY GOODS INCLUDING ELECTRICAL GOODS. – Approved with Conditions 03-Sep-2001 subject to the following condition of note:

*3. Notwithstanding the provisions of Class A1 of the schedule of the Town & Country Planning use Classes Order, unit 731 Bath Road Retail Park shall be used for bulky non-food retail warehouse use only. Any other use shall be the subject of a separate application for planning permission. Particularly the premises hereby permitted shall not be used for the sale of food, drink, clothing, fashion accessories (including footwear), toys, books and stationary, jewellery, goods normally retailed from a chemists premises and electrical equipment*

*REASON To safeguard the future viability of established shopping centres, to comply with the Councils' policies in this respect and to ensure the adequate provision of parking spaces within this site in the interests of road safety and the free flow of traffic along the neighbouring highway*

P/02407/065 - SUBDIVISION OF EXISTING NON FOOD RETAIL UNIT TO CREATE TWO UNITS, EXTENSION OF EXISTING, MEZZANINE FLOOR BY 622M/2 & ALTERATIONS TO FRONT AND REAR – Approved with Conditions 18-Mar-2003

P/02407/072 - CERTIFICATE OF LAWFULNESS OF PROPOSED USE OF STORE OPEN CLASS A1 (RETAIL). – Approved with Conditions 03-Aug-2005

P/02407/074 - APPLICATION TO VARY CONDITION 10 OF PLANNING PERMISSION P/02407/031 DATED 15/03/93 TO PERMIT A STORAGE MEZZANINE FLOOR. – Refused 17-Apr-2007 for the following reason:

*The variation of condition 10 would result in the creation of 922 sq. metres additional floor space in an out of town centre location. As a result the proposed development could individually and cumulatively affect the vitality and viability of the Farnham Road and Town Centre shopping centres further to this the applicant fails to demonstrate a need for additional floor space. As such the proposed development is contrary to Local Plan Policies S1 and S3, Emerging Core Strategy Policies, Planning Policy Statement 6 'Planning for Town Centres.*

P/02407/076 - CONFIGURATION OF MINI ROUNDABOUT, ALTERATIONS TO ACCESS ROAD, RECONFIGURATION OF CAR

PARK, INCREASED GLAZING TO FRONT OF RETAIL UNITS, SIGNAGE BOXES, TOTEM POLE, ATM'S, LANDSCAPING, BICYCLE PARKING AND 2 NO. RETAIL UNITS (CLASS A1/A3) – Approved with Conditions 15-Jul-2009

The red line application site area covered the retail units, car park and fast food restaurant. It is understood that this permission was not implemented and was amended by application P/02407/081 below.

P/02407/078 - VARIATION OF CONDITION 10 OF APPLICATION NO. P/02407/031 TO ALLOW AN ANCILLARY STORAGE MEZZANINE WITH A GROSS INTERNAL AREA OF 830 SQ.M. WITH BUILDING 302, UNIT 733 – Approved with Conditions 10-Aug-2009

P/02407/079 - VARIATION OF CONDITION 10 OF APPLICATION NO. P/02407/040 TO EXTEND OPENING HOURS, TO 6:00AM TO MIDNIGHT MONDAY-SUNDAY – Approved with Conditions 21-Sep-2009

The operative permission:

P/02407/081 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION P/02407/076 FOR THE CONFIGURATION OF MINI ROUNDABOUT, ALTERATIONS TO ACCESS ROAD, RECONFIGURATION OF CAR PARK, INCREASED GLAZING TO FRONT RETAIL UNITS, SIGNAGE BOXES, TOTEM POLE, ATM'S, LANDSCAPING, BICYCLE PARKING AND 2 NO. RETAIL UNITS (CLASS A1/A3) TO INCORPORATE ADDITIONAL GLAZING IN THE FRONT ELEVATION OF UNIT 734A, BATH ROAD RETAIL PARK (FORMER ALLIED CARPETS) – Approved with Conditions 16-Jun-2010

The red line application site area covered the retail units, car park and fast food restaurant. The permission was subject to a Section 106 Agreement in relation to highway works.

Subject to the following conditions of note:

*13. There shall be no retail sales of food or food products within the retail warehouses which perimeters are shaded in black on the approved site plan (Drawing Number 8627-01 Rev A received 16th April 2009).*

*REASON To safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004 and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking spaces within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.*

*16. No floor space created by internal sub-division, mezzanine floor, or external extension shall take place to the retail warehouses which perimeters are shaded in black on the approved site plan (Drawing Number 8627-01 Rev A received 16th April 2009) without the prior written*

*approval of the Local Planning Authority.*

*REASON To safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004 and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking space within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.*

P/02407/083 - CONSTRUCTION OF A FULL COVER STORAGE MEZZANINE FLOOR (833 SQ.M.GROSS INTERNAL) AND INSERTION OF A FIRE DOOR TO WEST ELEVATION – Approved with Conditions 28-Sep-2010

This permission related to Building 302, Unit 733 only.

The permission was subject to the following conditions of note:

*6. There shall be no retail sales of food or food products within the retail warehouses which perimeters are shaded in black on the approved site plan (Drawing Number 8627-01 Rev A received 16th April 2009).*

*REASON To safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004 and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking spaces within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.*

*8. No floor space created by internal sub-division, mezzanine floor, or extension shall take place to the subject building, without the prior written approval of the Local Planning Authority*

*REASON To safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004 and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking space within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 -2026, Development Plan Document, December 2008.*

P/02407/085 - WIDENING OF MAIN SITE ACCESS TO PROVIDE A THIRD EXIT LANE FROM THE SITE ON TO BATH ROAD, TO INCLUDE ALTERATIONS TO EXISTING SPLITTER ISLANDS AND ROAD



MARKINGS AND PROVISION OF A TOUCAN CROSSING – Approved with Conditions 30-Jun-2011

P/02407/086 - ADVERTISEMENT CONSENT FOR THE DISPLAY OF 3 NO. INTERNALLY ILLUMINATED FREE STANDING TOTEM SIGNS FOR INFORMATION / DIRECTION AND TENANT DIRECTORY. – Split Decision (Approve and Refuse) 27-Dec-2012

5.0 **Neighbour Notification**

5.1 280, BATH ROAD, RETAIL PARK, SLOUGH, BERKSHIRE, SL1 4DX, 300, Bath Road, Slough, Berkshire, SL1 4DX, Building 302, Unit 733, Bath Road Retail Park, Bath Road, Slough, Berkshire, SL1 4DX

5.2 No representations received.

6.0 **Consultation**

6.1 Planning Policy

Comments provided, the following points in summary are considered to be most relevant:

We do not agree in principle to the variation of Condition 7 of planning permission (P/10549/003) of allowing 5% of gross floorspace for the sale of food or food products.

We support the commitment of Boots to continue to trade in the town centre for a further five years. However this does not change the potential adverse impact on other centres in Slough of allowing 5% of the gross floorspace for the sale of food or food products in an out of centre location.

Granting permission for this proposal could set a precedent and further applications from other occupiers on the retail park. The cumulative impact over time could mean that this out of town Retail Park becomes an out of town shopping centre. The nature of the Bath Road retail park has changed over the years. There has been subdivision of units and new mezzanine floors which has impacted on the Retail Park. The vision for this Retail Park in this out of centre location was for large units selling Bulky goods only not for small units selling convenience goods.

6.2 **Transport and Highways**

No highway objection. The impact is likely to be negligible. It has been commented that the provision of a pharmacy would draw trips to the retail park that would otherwise not be made and the sandwich offering is likely to also draw trips during the lunch time peak.

7.0 **Policy Background**

7.1 The following policies are considered most relevant to the assessment of this application:

The National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework

Local Plan for Slough March 2004

EN1 – Standard of Design  
EN5 – Design and Crime Prevention  
T2 – Parking Restraint  
T8 – Cycling Network and Facilities  
S1 – Retail Hierarchy  
S6 – Food Superstores  
S8 – Primary and Secondary Frontages  
S17 – New Shop Fronts  
EMP7 – Slough Trading Estate

These policies have been saved by way of direction dated 25th September 2007 from the Secretary of State under the provisions of paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

Slough Local Development Framework Core Strategy 2006-2026

Development Plan Document

Core Policy 1 – Spatial Strategy  
Core Policy 5 – Employment  
Core Policy 6 – Retail, Leisure and Community Facilities  
Core Policy 7 – Transport  
Core Policy 8 – Sustainability and the Environment  
Core Policy 12 – Community Safety

Other Relevant Documents

Slough Local Development Plan and the NPPF - PAS Self Assessment Checklist, February 2013  
Slough Retail Assessment, Colliers CRE, February 2007  
Planning for Town Centres - Practice guidance on need, impact and the sequential approach, CLG, 2009

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that after a 12 month period from the day of publication of the National Planning Policy Framework (as of 27<sup>th</sup> March 2013), due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the PAS NPPF Checklist. Comments on the Self Assessment Checklist are being accepted up to 6pm on Friday 29th March

It was agreed at Planning Committee on 17th October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted

Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough.

The detailed Self Assessment undertaken identifies that Core Policy 6 of the Core Strategy, which relates to retail development and is considered relevant to the assessment of this application requires developers to demonstrate the need for out of centre retail development – this is considered to be not fully compatible with the National Planning Policy Framework.

7.2 There are a number of material considerations to be taken into account in the assessment of this planning application.

The main planning considerations are considered to be in relation to:

- Principle of the Proposal
- Design and Impact on the Street Scene
- Impacts to the Surrounding Area
- Parking and Transport

8.0 **Principle of the Proposal**

8.1 **Policy Context**

8.2 The site is considered to be an out of centre location. Core Policy 6 of the Core Strategy relates to proposals for retail, leisure and community facilities. The policy sets out that:

8.3 "All new major retail, leisure and community developments will be located in the shopping area of the Slough town centre in order to improve the town's image and to assist in enhancing its attractiveness as a Primary-Regional Shopping Centre.

8.4 Out-of-centre and edge-of-centre retail developments will be subject to the sequential test. Developers will be required to demonstrate that:

- There is a need for the development;
- It is of an appropriate scale;
- There are no sequentially preferable sites in designated centres;
- The development would not have a detrimental impact on the vitality and viability of existing centres; and
- The site is accessible by a variety of a means of transport."

8.5 Paragraph 7.120 of the supplementary implementation text to this policy is considered to be of great significance to this case, as it states: "There should be no further expansion or intensification of the out of town centre retail parks or individual retail warehouses, which should continue to provide for bulky goods only."

8.6 Core Policy 5 of the Core Strategy relating to employment is also considered to be of relevance. The explanatory text to Core Policy 5 recognises that retailing, leisure, education, health and other service industries are an important source of jobs. As a result they are all classed as "employment" uses for the purposes of this policy.

8.7 The Applicant's Case

8.8 The applicant has submitted a Planning and Retail Statement in support of their application. The key aspects of the applicant's case are considered to be as follows:

- The JJB unit is currently vacant and Comet has also recently closed. Combined these closures are likely to result in the loss of 50-60 local jobs;
- The applicant had been working hard with Comet to retain a presence at the Retail Park. Planning permission for the works necessary to facilitate this move was granted subject to conditions on 10<sup>th</sup> September 2012 (reference P/10549/003). The works will result in the creation of two smaller units, one of which would have been occupied by Comet;
- Boots is interested in occupying the remaining unit (Unit 731B) to operate one of its edge of town format stores. It is proposed that this store would complement the existing town centre store which would continue to trade from its current location on High Street. In order to trade from the unit however Boots require the ability to sell a small range of food and food products, hence the application to vary the condition to allow for up to 5% food to be sold from the unit. The nature of the food products would comprise a lunchtime range of sandwiches, salads, snacks and drinks; baby food and dietary food.

8.9 The intention is that Boots will continue to trade from its Town Centre store and a draft Section 106 Agreement has been submitted with this planning application which seeks to provide a commitment from Boots' that they will continue to trade from their existing town centre store for a period of at least 5 years.

8.10 It is stated that securing an occupier for Unit 731B is of critical importance not only to reduce vacancies at the retail park but to assist in protecting the long term vitality and viability of the shopping destination. The proposal would provide jobs at a time when a number of existing jobs have been lost from JJB and Comet.

8.11 The proposal would assist in delivering economic growth and up to 35 full time equivalent jobs plus training opportunities. Consumer choice would be enhanced.

8.12 The proposal does not propose any net increase in retail floorspace and as Boots do not operate a standalone convenience store, the undertaking of a sequential test has not been considered appropriate. However, an assessment has confirmed that less than 1% trade diversion from Farnham Road and Slough Town Centre would take place.

8.13 A number of benefits are also to be delivered, including:

- The 35 full time equivalent jobs to be created would be for local people. A small number may transfer from the town centre however the majority of staff would be new. The combined effect of store closures is likely to result in the loss of 50-60 full time equivalent jobs

at the Retail Park;

- Boots operate a detailed training and induction programme;
- Boots would compliment existing retailers such as Mothercare in providing additional customer choice in the baby care sector;
- A pharmacy license has been granted to Boots to operate a pharmacy service from the retail park this supports the case that there is a need for a pharmacy at the Retail Park;
- The recent grant of permission for the redevelopment of the Bishop Centre in Taplow presents a threat. Boots has been offered terms on a lease for one of the new units at the Bishop Centre, however its preference would be to locate at the Retail Park;
- Reducing carbon emissions has been an established part of the practices of Boots for a number of years.

8.14 The applicant has also submitted a Statement of Community Consultation. This summarises the results of a recent survey of local residents living in the area around the Retail Park.

8.15 The key points of the consultation exercise are considered to be as follows:

- A questionnaire was sent to 2000 local homes within a half a mile radius of the Retail Park. Copies of the questionnaire were sent to Ward Councillors;
- 158 responses were received – this constitutes a response rate of 9.25%;
- The responses to the questions asked are set out in the document on file; however of note are the number of responses received to the question “Would you support the idea of a new Boots store at the retail park?” These responses were as follows: Yes – 161, No – 11.

8.16 Assessment

8.17 The principle of the subdivision and addition of a mezzanine floor for display and ‘no food’ purposes has been accepted under planning application P/10549/005 and the key issue is therefore the acceptability of the variation of the condition prohibiting the sale of food.

8.18 As noted above, the applicant has identified the future occupier of the unit as Boots and it is proposed that Boots will operate one of its edge of town format stores. Boots already operate a town centre store which is located on the High Street. It is proposed that Boots would continue to trade from their town centre store. The applicant has submitted a Section 106 Agreement with the application which provides a commitment to their town centre store for a period of 5 years.

8.19 The reason for applying the ‘no food’ condition under planning application

P/10549/003 was in the interest of safeguarding the future viability and vitality of the central shopping area within Slough and the surrounding district centres and to ensure the provision of adequate parking spaces within the site in the interests of road safety and the free flow of traffic along the neighbouring highway. Parking and highway matters are assessed below.

- 8.20 The key policy conflict with the proposed variation of the condition is that the proposed introduction of the sale of food in this out of centre location, even if it is on an ancillary basis, would have the affect of introducing the sale of convenience food goods within an out of centre retail park which was intended for retail warehouses/bulky goods only.
- 8.21 Whilst the submitted information suggests that the potential impact of the proposal on the town centre and Farnham Road district centre could be considered minor in isolation, it is acknowledged that the proposal would divert trade from existing centres.
- 8.22 Whilst the National Planning Policy Framework requires there to be evidence of a significant adverse impact on the town centre, the Planning for Town Centres: Practice guidance advises that what is judged to be significant will vary from one case to another and should be examined within the context of the existing conditions and health of the centre in question.
- 8.23 Slough town centre is recognised as a Regional Shopping Centre. The Slough Retail Assessment (2007) concluded that Slough town centre would fall 25 places in the GB ranking based on comparison goods expenditure (or turnover) by 2011. Between 2011 and 2016, it was expected that further slippage in the ranking would occur, as centres elsewhere continue to improve their shopping offers, unless there are significant improvements to its attractiveness.
- 8.24 Whilst the Art@the Centre and Heart of Slough schemes have certainly had a significant positive impact on the regeneration of the town centre, Slough's recently published Annual Monitoring Report for 2011/12 included a retail vacancy survey which confirmed that the total retail vacancy rate for Slough Town Centre was 8%. Early indications from the retail vacancy survey undertaken in February 2013 suggest that this situation generally hasn't improved.
- 8.25 Core Policy 6 of the Core Strategy requires that all major retail development be located in Slough town centre as it is the most accessible and sustainable location and it will also maximise the opportunities for improving the environment and the overall image of the town. Of specific relevance to this application is paragraph 7.120 of the supporting text, which states: "There should be no further expansion or intensification of the out of town centre retail parks or individual retail warehouses, which should continue to provide for bulky goods only."
- 8.26 By reason of the food products proposed to be sold, the proposal is considered to involve the intensification of this retail park insofar as it would involve the expansion into new convenience food goods in an out of centre location.

- 8.27 The applicant submits that Boots require the ability to sell a small range of food and food products in order to trade from the unit. This statement would appear to indicate that the importance of food sales from the unit, far from being merely ancillary, would be of critical importance to the operator. It could therefore be concluded that a significant proportion of shoppers might be drawn to the store at peak times to buy food, even though this would account for a comparatively modest area of the total floorspace. The extent to which the proposal would be of a scale which is genuinely ancillary to its wider offer is therefore unclear.
- 8.28 Furthermore, it should be noted that if the proposal were to be permitted, it would likely make subsequent future applications to increase the percentage of food sales floorspace at the site harder to resist; as well as making other similar proposals at the Retail Park and other comparable locations within the Borough harder to resist. This weakened position would likely have further knock on adverse impacts in terms of the vitality and viability of the town centre. In turn, it is considered that this would potentially undermine the Council's efforts to improve the image of the town centre and would likely adversely impact jobs in the town centre.
- 8.29 Whilst Boots' proposed undertaking to keep their town centre store open would be welcomed, this is not considered to be sufficient to overcome the fundamental objection to the proposed development in planning policy terms.
- 8.30 It is considered that the 'no food' condition continues to meet an important planning policy objective and should not be diluted.
- 8.31 Employment
- 8.32 The applicant submits that the occupation of the Unit by Boots would assist in creating up to 35 full time equivalent jobs for local people.
- 8.33 Whilst Core Policy 5 of the Core Strategy is considered to relate principally to new employment development and loss of the defined Existing Business Areas to non-employment generating uses, one of the main aims of the Core Strategy is to ensure that Slough continues to fulfil its regional role in maintaining a competitive, sustainable and buoyant economy, whilst at the same time providing a diverse range of jobs for local people.
- 8.34 Core Policy 5 recognises that retailing, leisure, education, health and other service industries are an important source of jobs. As a result they are all classed as "employment" uses for the purposes of this policy. Core Policy 5 generally seeks to encourage all major employment development to take place in the town centre, facilitate the regeneration of Slough Trading Estate and allow for the gradual renewal of the other Existing Business Areas over the plan period.
- 8.35 Whilst Comet being placed into administration and ceasing trading is considered to be highly regrettable, it is considered that insufficient information has been submitted to demonstrate that an alternative occupier could not be found for the unit operating in its current configuration or operating in accordance with the terms of planning permission P/10549/003. In the absence of such information, it is not

clear as to whether these jobs have been lost in the long term, or whether appropriate marketing efforts could result in a suitable occupier for the Unit being found without the proposed variation of condition to accommodate a specific retailer, in this instance Boots.

8.36 As noted above, if the proposal were to be permitted, it would likely make subsequent future similar applications harder to resist. This weakened position would likely have further knock-on adverse impacts in terms of the vitality and viability of the town centre. In turn, this would undermine the Council's efforts to improve the image of the town centre and would likely adversely impact town centre jobs.

8.37 Weighing up the immediate employment implications of Comet's recent closure against the potential longer term undermining of the retail hierarchy and town centre focused approach, it is considered that employment matters would not be sufficient to overcome the fundamental planning objections identified above.

#### 8.38 Consultation

8.39 It is noted that the applicant has undertaken consultations with residents living within a half a mile radius of the Retail Park. Whilst the concluding remarks regarding the support for the introduction of a Boots store are noted, it is considered somewhat inevitable that responses would be received from residents supporting improved convenience. The key and overriding issue is the acceptability of this in planning terms, and as assessed above, there is considered to be a fundamental issue with the proposal in planning terms. It is noted that the survey has not addresses residents' views with respect to the Farnham Road district centre (which should provide food and convenience goods shopping function) which is situated within closer proximity to the site than the town centre.

#### 8.40 Conditions

8.41 It should be noted that all possible planning conditions to make the development acceptable have been considered. Whilst not suggested by the applicant, it should be noted that an occupancy condition to make the use of the unit personal to Boots would not be considered to be acceptable. It is considered that an occupancy condition for a personal permission would be inappropriate and conflict with the advice of Circular 11/95 as such a condition would be unreasonable. The reasons for this are that the reasons for doing so would not be based on exceptional, strong compassionate grounds. In addition, the occupier is a company as opposed to an individual.

#### 9.0 Design and Impact on the Street Scene

9.1 Changes to the front elevation of the unit were proposed in conjunction with its proposed subdivision.

9.2 The proposed changes comprised the removal of the existing glazed entrance feature, canopy and signage, and brick panels. Glazed curtain walling would be proposed along with entrance features.

9.3 The design and appearance of the proposed changes were considered to



be acceptable. The appearance of the units would be in keeping with the character and appearance of the Retail Park. The proposed variation of condition would not impact on the appearance of the unit.

- 9.4 The proposed design and impact on the street scene would comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy EN1 of The Adopted Local Plan for Slough 2004.

10.0 **Impacts to the Surrounding Area**

- 10.1 There are considered to be no potential adverse impact to the surrounding area arising from the proposed development. Conditions have been imposed previously relating to opening hours and deliveries, loading and unloading. It is considered that similar conditions could be reapplied.
- 10.2 In terms of the potential traffic increase, it is not considered that this would be detrimental in amenity terms when considered against existing traffic levels.
- 10.3 There are considered to be no adverse impacts to the surrounding area resulting from the proposed development and as such the proposal would comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

11.0 **Parking and Transport**

- 11.1 The site is reasonably well served by a variety of means of transport. There are bus stops located in close proximity to the site. Routes 65, 75 and 76 stop at these bus stops.
- 11.2 Burnham train station is located to the north west of the site. The most direct walking route from Burnham train station to the site is 0.5 of a mile which would take around 10 minutes.
- 11.3 There is also cycle lane on the Bath Road footway.
- 11.4 The site is considered to be accessible by a variety of means of transport.
- 11.5 Access to the site is off the A4 Bath Road. Works in respect of the provision of a third exit lane from the car park (approved under planning application P/02407/085 dated 30th June 2011) have recently been completed. There is a service only access to the B&Q unit off Dover Road.
- 11.6 The applicant has submitted a Transport Statement in support of their application. The Borough Council's transport consultant has been consulted.
- 11.7 A financial contribution for highway works was requested in connection with the previously approved application, however due to the "display only" condition imposed, it was not considered that this was necessary as the proposal would have involved a nominal increase in trips generation

and a financial contribution would not be required.

11.8 Whilst it has been commented that the provision of a pharmacy would draw trips to the retail park that would otherwise not be made and the sandwich offering is likely to also draw trips during the lunch time peak; the potential impact of the proposal in transport terms is considered to be negligible.

11.9 No objections are raised to the proposal from a parking and transport perspective.

12.0 **Process**

12.1 Whilst the applicant had sought pre-application advice in relation to the site in connection with the subdivision and installation of mezzanine in one half of Unit 731 (which was provided on 13<sup>th</sup> February 2012) and discussions have been ongoing in the context of subsequent applications, no formal advice was sought specifically in relation to this proposed variation of condition prior to its submission.

12.2 Given the circumstances of the case, it is considered that the Local Planning Authority has sought to work with the applicant positively and proactively, despite the in principle policy conflict identified.

13.0 **Summary**

13.1 Having considered the relevant policies set out below, the representations received from consultees and other interested parties, and all other relevant material considerations, it is recommended that the application be refused for the reason set out below.

**PART C: RECOMMENDATION**

14.0 **Recommendation**

14.1 **Refuse**

**PART D: REASON FOR REFUSAL**

REASON:

1. The proposed variation of condition 7 of planning permission P/10549/003 dated 10/09/2012 to allow for up to 5% of the gross floor space of Unit 731B to be used for the sale of food or food products would allow for the introduction of the sale of convenience goods at this out of centre retail park which should continue to provide for non-food and generally bulky goods only. As such, the proposed variation of condition 7 would constitute an expansion of the product range available at the Retail Park and an intensification which would undermine the Council's retail hierarchy thus adversely affecting the vitality and viability of existing centres. The proposal would likely make similar proposals harder to resist and this would not assist in improving the image of Slough town centre or enhancing its attractiveness as a Primary-

Regional Shopping Centre. As such, the proposed development would be contrary to Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the National Planning Policy Framework.

INFORMATIVE:

1. It is the view of the Local Planning Authority that the proposed development does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.