

LATE SHEET

WIXAMS JOINT COMMITTEE – 29 NOVEMBER 2011

Additional Consultation/Publicity Responses

Peacock and Smith provided the following additional response in relation to the planning applications as follows:

We have been instructed by our clients, W N Developments Ltd and Optimisation Developments Ltd, to comment further on the above planning application which seeks to vary Condition 20(i) of planning permission ref: 99/01645/OUT. The planning permission 99/01645/OUT relates to the mixed use development of The Wixams, comprising residential employment, retail, leisure, community uses and open space.

Condition 20(i) of the consent reads as follows:

“The total net retail sales floor area of the foodstore hereby permitted shall not exceed 3,500 sq m provided that no more than 15% of net retail sales area is to comprise Comparison Goods floorspace, up to a maximum of 500 sq m”

The current planning application seeks to amend this condition, to read as follows:

“The total net retail sales floor area of the foodstore hereby permitted shall not exceed 5,500 sq m provided that no more than 2,500 sq m of net retail sales area is to comprise Comparison Goods floorspace”.

We have now had an opportunity to consider the Committee Report and proposed Conditions in details and provide the following comments in relation to **proposed Condition 18**, which relates to the sales area of the enlarged foodstore.

We note that the Applicants' Retail Assessment submitted with the planning application assesses the impact of an enlarged foodstore at The Wixams with a maximum net convenience floorspace of 4,000 sq. m. We consider that this is the level of floorspace that has been assessed, the amended Condition relating to the net sales area of the enlarged store should reflect this. We do not consider that the proposed Condition 18, as currently worded, effectively controls this element of the development.

Notwithstanding our previous objection, should the Committee be minded to approve the application then we would request that Condition (Condition 18 part 9i) as set out in the Committee Report) is amended to read as follows, to be consistent with the convenience and comparison floorspace levels assessed, tested and considered by the Council.

“Retail provision in the development shall be subject to the following, unless prior consent has been given by the relevant local planning authority:

- (i) The total net retail sales floor area of the foodstore hereby permitted shall not exceed 5,500 sq. m. provided that no more than 4,000 sq. m. of the net sales area is to comprise convenience goods floorspace and provided that no more than 2,500 sq. m. of the net retail sales area is to comprise comparison goods;...”*

We trust that the above is helpful, and we would be grateful if you could ensure that the Committee Members are informed of the above in advance of their consideration and determination of the application at the Joint Committee Meeting for Bedford BC and Central Bedfordshire Council at 6.30 pm on Tuesday 29th November 2011.

The applicant has responded to the above additional response and have confirmed that they have no objection in principle to the controlling of the convenience element of the foodstore, as well as the comparison element, in order to reflect the convenience and comparison floorspace levels assessed (by us), tested and considered by the Council – i.e. 4,000 sq m net convenience and 2,500 sq m net comparison.

Accordingly, we would be content if your Council imposed PC18 (i) as proposed by Peacock and Smith, and consider this amendment to be consistent with the reason for the condition. On a drafting point, we suggest the word ‘floorspace’ is added to the end of PC18(i).

We would be grateful if you would draw this response to your joint Committee’s attention.

Additional Comments

The comments from both the applicant and Peacock and Smith have been noted and considered by the relevant Authorities. In summary, it is felt that the proposed amendment to the wording is considered to be appropriate. As such it is recommended that if planning permission was to be granted that Condition 18 is amended to read as follows:

Amended Condition 18 (CBC & BBC)

Retail

Retail provision in the development shall be subject to the following, unless prior consent has been given by the relevant Local Planning Authority:

- (i) The total net retail sales floor area of the foodstore hereby permitted shall not exceed 5,500 sq. m. provided that no more than 4,000 sq. m. of the net sales area is to comprise convenience goods floorspace and provided that no more than 2,500 sq. m. of the net retail sales area is to comprise comparison goods floorspace;

- (ii) Retail warehousing shall be limited to sales of DIY and bulky goods (excluding bulky household electrical appliances) (Class A1) and shall not exceed 3,000m² net floor space, including any mezzanine floor space;
- (iii) Subject to justification in the tenant relocation strategy or as otherwise agreed with the relevant local planning authorities up to an additional 3000m² of net retail sales floor space shall be provided to be occupied by relocating tenants;
- (iv) Retail floor space shall principally be located in the Town Centre and Village centres, and/or the Railway Station Quarter unless otherwise agreed by the relevant local planning authorities. Any retail provision within the Employment Area shall be ancillary to the prime employment uses; and
- (v) The total gross retail floor space hereby permitted shall not exceed 15,540m² (Class A1), 500m² (Class A2) and 500m² (Class A3/A4/A5).

Reason: To ensure that adequate retail facilities are provided for the occupants of the development in accordance with the Adopted Development Brief (1999) and the Development Parameters to protect the retail facilities in surrounding areas and to reinforce the sustainability of the settlement.