Expiry Date - 05/03/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1747/23 **Recommendation – APPROVE**

Site: Unit 1 Red Square Retail Park, 194 Sompting Road, Worthing

Proposal: Erection of a replacement mezzanine floor

Date of site visit: 24/01/2024

Neighbours checked: Y

Additional neighbour notifications: Y – site notice

Site and Surroundings

The application relates to a unit of Red Square Retail Park which is located on the corner of Sompting Road and the A27 (Sompting Bypass). The unit has a car park it shares with other units housing a Pets at Home with vehicular access off Sompting Road. The site was previously occupied by Argos but has been empty since they left in mid-2023.

The site is not within a conservation area and does not affect the setting of any listed buildings.

Proposal
Permission is sought for a mezzanine floor of approximately 764m2 square metres. The previous mezzanine of 650sqm (465sqm trading area) had been removed prior to the application.

No external changes are proposed to the unit.

Relevant Planning History:

WB/06/0188/FULL - Variation of condition No.9 of planning approval WB/04/01341/FULL to allow for the creation of a mezzanine floor of up to 650 square metres for storage and ancillary purposes only. Application permitted 10/04/2006

- This application restricted the use of the mezzanine to storage

04/01341/FULL Erection of a non-food retail unit (use class A1) with associated parking and servicing. (Resubmission of WB/04/00600/FULL). Application permitted 23/02/2005

- This application permitted a 465sqm mezzanine as part of the overall construction of the building with no restriction of trading area.

Various advertisement consents have also been submitted for this unit.

Unit 2 Red Square Retail Park (Pets at Home)

AWDM/1503/15: Application for the installation of a mezzanine floor to be used for retail (Use Class A1) and/or pet care, treatment and grooming facility (Sui Generis). Granted 12/01/2016

Consultations:

West Sussex County Council:
This application seeks the erection of a replacement mezzanine floor, providing 202 sqm of additional floorspace. The proposals are supported by a Transport Statement prepared by Steer.

The site is located on Sompting Road, an unadopted road. The Transport Statement includes trip generation data ascertained from TRICS, which indicates no change in the AM peak and six additional two-way movements in the PM peak. This suggests that the proposed development would not result in a significant material intensification of movements.

The site benefits from an existing car park with 51 car parking spaces, which will remain unchanged. The existing quantum of vehicular parking provision is considered sufficient, given the proposed increase in floor space is only modest in scale. Four additional cycle parking spaces are proposed to support the increase in floorspace.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

National Highways: We are satisfied that the proposal would not materially affect the safety, reliability and/or operations of the strategic road network.

Internal consultees

Environmental Health Officer (Public Health): No response received

Representations:
None

Relevant Planning Policies
Worthing Local Plan (2023) policies SP1, SP3, SS3, DM5, DM13, DM15, DM16, DM22, DM23, DM24
Worthing Retail & Town Centre Uses Study (2017)
National Planning Policy Framework (2023)
Planning Practice Guidance

Expiry Date - 05/03/2024

Planning Assessment

Principle

Paragraph 91 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Policy DM13 seeks to protect and enhance the identified hierarchy of Worthing town centre, the District Centres and Medium and Small Scale Local Centres. DM13(g) states that where development of main town centre uses is proposed on the edge of or outside of centres, the sequential approach set out in the NPPF will be applied. At pre-application the applicants were advised to assess a number of sites within Worthing town centre and allocated sites within the Local Plan.

DM13(h) states that where a retail development is proposed outside a centre an impact assessment will be required when development is above the threshold of 500sqm gross. The proposed 745sqm in comparison retail floorspace sales area therefore triggers the need for the impact assessment.

The NPPF sets out that retail impact assessments are required to assess:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

The applicants have submitted a Planning and Retail Statement (P4 Planning, 2023) which provides both the sequential and impact assessments.

Sequential assessment

As per the Council's pre-application request, the applicants have considered the total floorspace requirements of SCS - 1,817m2.

The applicants set out their parameters which they consider reflect the minimum requirements necessary to accommodate their operation and is considered to have applied reasonable flexibility in considering potentially sequentially preferable sites:

- need a retail unit to lease and not construction of a new unit
- bulky goods retailer generally focused on relatively large trading area and easy access to surface level car parking

- an existing retail unit with a min sales area of 1,672m2 and 1,800m2 (GIA)
- level car parking for customers to transport purchases
- accessible by a range of transportation.

The applicants assessed the following sites:

Former Debenhams, South Street, Worthing

- The site is considered to be too large for the applicant's use, rental prices are higher and it does not have a carpark for people to transport bulky goods easily. The site is also not being actively marketed and there is planning permission for redevelopment so the site is not considered available.

Former Argos, 97-99 Montague St

- At 909 sqm the site was too small for the applicant's needs and doesn't have a carpark. It is accepted that this site is not suitable as it is much smaller than the applicants would like.

Former Wilko, Guildbourne Centre, Worthing

- This site was considered too large, without a surface level car park and with higher rents than the retail park. This unit has now been taken by B&M so is not available, otherwise more justification would have been needed as this site appears as if it would have been suitable.

The sequential assessment has looked at site allocations which allow for retail development. However, it is considered that these are not suitable for the proposal which is for a business looking to locate in the area rather than a developer seeking to provide new retail units. It would not be considered appropriate for planning permission for retail only to be granted only as this could compromise wider development of the site allocation.

Retail Impact Assessment

Whilst it is noted that the default threshold in the NPPF is 2500sqm the Local Plan has set a local target for developments over 500sqm in DM13. The Council acknowledges that the applicants were originally seeking an increase of mezzanine floorspace from 630sqm to 852sqm an increase of 222sqm with the actual sales area increase in floorspace of 387sqm. Following alterations to the scale of the mezzanine the proposal is for 764sqm (745sqm sales area) an increase of sales floorspace of 280sqm.

It was agreed at pre-application stage that a proportionate light touch approach was acceptable in this case. The site already benefits from planning permission that would allow for the 'bulky good use' required by the occupier and this has been considered as requested and acknowledges the 'with and without +387sqm impacts i.e. acknowledging that the 'without' scenario does not need planning permission. The proposed +387sqm (now 280m2) is integral with the whole building/planning unit which is well over 500sqm. It is noted that with the removal of the existing mezzanine the full 745m² of

mezzanine trading area triggers a retail impact assessment. That having been said, the 2004 approval which allowed for mezzanine trading is considered a material planning consideration.

The retail evidence to support the Local Plan policy approach is set out in the Worthing Retail and Main Town Centre Study 2017 and the update in 2020. Based on this evidence the Local Plan at para 5.176 identifies a need for 9,200sqms (net) up to 2026. The 2020 update concludes that “The level of ‘need’ for additional comparison goods floorspace across the borough is forecast to be around 9,000 sq m net. Given national trends, and the recorded decline of comparison goods floorspace across the UK, this is likely to represent a maximum/upper threshold.” It goes on to state that “Rather than planning to build substantial additional retail floorspace, the focus should be on accommodating this residual comparison goods need within an improved trading performance of existing floorspace”. The applicants have considered the town centre sites via the sequential test and have not found a suitable alternative.

The applicants report at Section 7 sets out an assessment and references the original 2004 application and the evidence studies that support the Local Plan policy approach and has concluded that “the proposal would generate a turnover of under 0.5% of the total expenditure available in Zones 1 and 2. It is also insignificant to the over £200m expenditure growth between 2016 and 2021 alone. Furthermore, the proposed turnover of the whole unit in 2024 falls entirely within the range modelled by Nathanial Lichfield in 2004, that has already been accepted by the Council” and that “the proposal will facilitate the re-occupation of existing vacant retail unit and deliver many benefits for local residents, including:

- an improved range and choice of comparison goods;
- Increased employment opportunities; and
- Reduced journey times for customers wanting to shop at ScS”

They acknowledge that even if the whole unit were to be considered that “the turnover of the whole unit of approximately £4.22m was applied (ignoring the fact that approximately £3.24m benefits from planning permission), that still only represents 0.49% of the total expenditure available in 2024. It is also a figure that was originally modelled in the Nathaniel Lichfield RIA in 2004 (£2.6- £5.23m) that has already been accepted by the Council.”

The report addresses the SCS turnover estimates and trade draw and concludes that the impact of this small uplift in floorspace is 'de minimis ' with “the benchmarked turnover of the uplift and the whole unit will draw less than 0.5% of the total expenditure available in Zones 1 and 2. Furthermore, it is less than 1% of just the growth in expenditure in these two zones between 2016 and 2021. It also highlights that the majority of the sales area of the whole unit already benefits from planning permission, the plan identifies a need for additional comparison floorspace and this proposal albeit very small will contribute”. At para 7.27 they state that “furthermore, it is widely recognised that bulky goods furniture retailers will primarily compete on a like for like basis, with trade being drawn from other out of town retailers and not

just the town centres. Worthing has only a limited representation of sofa and carpet retailers, the newly occupied unit could also help retain trade currently lost further afield".

Overall, it considered that whilst it would be preferable to deliver floorspace in the town centre or edge of centre rather than out of centre, the applicants have demonstrated that at this time, and for their format, there is no suitable preferable sequential site available. It should also be noted that in theory they could occupy and operate their proposal without the need for planning permission as the unit already benefits from bulky good permission. It is also noted that the overall increase in actual sales floorspace has been reduced by over 100sqm to 280sqm. The unit is currently vacant and has been since Argos ceased trading there.

It is therefore considered that the principle of additional retail within the site is acceptable. A condition limiting the floorspace to bulky goods will be included as in the previous permission.

Impact on the amenities of neighbouring occupiers

The development is for retail floorspace within an existing retail building only. There will therefore be no loss of light or privacy. The development is not considered to adversely affect residential amenity.

Sustainability

Adur & Worthing councils declared a Climate Emergency in July 2019 and have committed to work towards becoming carbon neutral by 2030. Policy SP2 of the Local Plan is an overarching strategic policy which seeks to ensure an integrated and comprehensive approach to addressing climate change. Development proposals are expected to reduce the amount of energy used in the construction and operation of buildings and improve energy efficiency, including retrofitting existing properties, to contribute towards achieving zero carbon emissions. It also requires developments to prioritise active travel such as walking, cycling and public transport to reduce reliance on the private car to help achieve a rebalancing of transport in favour of sustainable transport modes.

In line with policy SP2 the proposal makes use of an existing retail building. The submitted energy statement (MEES Solution, December 2023) proposes high efficacy LED lighting and VRF heating and cooling as the most efficient systems suitable for the fit out which demonstrate a carefully considered approach to minimising consumption and the emissions related to conditioning and lighting of the unit. The report concludes that the proposed new layout and services represents a significant improvement in both the asset rating and carbon emissions of the unit over the existing layout. A condition requiring the details of the energy statement to be implemented will be included.

Highways and access
Policy DM15 requires development which generates a significant demand for travel and/or is likely to have other transport implications to be supported by a transport assessment/transport statement and sustainable travel plan. The application was accompanied by a transport statement (Steer, December 2023).

The site is located on Sompting Road, an unadopted road. The Transport Statement includes trip generation data ascertained from TRICS, which indicates no change in the AM peak and six additional two-way movements in the PM peak. This suggests that the proposed development would not result in a significant material intensification of movements.

The site benefits from an existing car park with 51 car parking spaces, which will remain unchanged. The existing quantum of vehicular parking provision is considered sufficient, given the proposed increase in floor space is only modest in scale. It is not considered that the development will affect highway operations or safety.

Air quality

The site is located within an Air Quality Management Area. Policy DM15 requires new development which generates a significant demand for travel, and/or is likely to have other transport implications to ensure new development contributes to the mitigation of air pollution. Policy DM22 requires any new development in the Worthing Air Quality Management Area to be consistent with the Air Quality Action Plan.

An Air Quality Assessment has been prepared by Fichtner Consulting Engineers Limited (rev 1 dated 15/12/2023) which assessed the impact on air quality based on the construction and operational phases.

As all works are internal to the building, the report confirmed that the proposed development would not give rise to any significant dust. Consequently, the report states that ‘an assessment of construction dust generating activities has been screened out as any dust impacts are not likely to be significant’.

With regard to the operational phase, potential impacts on air quality is based on road traffic exhaust emissions associated with vehicle movement generated by the development. However, as the increase in vehicle trips is below the criteria set out by the Institute of Air Quality Management for an assessment, the report concludes that operational phase vehicle emission impacts are not predicted to be significant.

Turning to the emission mitigation assessment, the report states that the developer will be required to spend £3,658 on practical mitigation. The report also details how the money will be spent on mitigation measures to reduce the impact on local air quality.

On this basis, the proposed development is therefore in accordance with Policy DM22 of the Development Plan and paragraph 174 of the NPPF.

Community Infrastructure Levy

The development is not considered to trigger a CIL payment as it comprises internal mezzanine floorspace only.

Recommendation

APPROVE Subject to Conditions:-

1. Permission relates to approved plans
2. Standard time limit
3. Bulky goods restriction
4. Implement recommendations of the AQA
5. Implement recommendations of the Energy Statement

Informatives

1. Approved following revisions

Is recommendation contrary to letter(s) of representation? N

Case Officer: Louise Prew Date: 04/03/2024

Authorised by: Gary Peck Date: 5 March 2024