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Our Ref: 2795/MT
8th April 2009

Submitted via the Planning Portal
Chief Planning Officer
Worthing Borough Council
Planning Section
Portland House
Richmond Road
Worthing
West Sussex
BN11 1LF

Dear Sir

Re: Unit 4, Downlands Retail Park, Upper Brighton Road, Worthing

Further to my discussions with Ken Costello in your Forward Planning team, I have the pleasure in enclosing an application for an additional 211.2 square metres of mezzanine floorspace within Unit 4 for the use and occupation by Currys. Officers may be aware that the unit is complete apart from the provision of the mezzanine floor. The construction is effectively on hold until the outcome of this application, which we do hope can progress swiftly through the planning system due to its minor nature, so to allow the completion of the development.

I enclose in support of the application the requisite copies of the following:

- Completed application forms;
- Site location plan (scale 1:1250);
- Drawing number 330 C1 302-D Ground GA-Layout1 – existing floor plans
- Drawing number WORT-NS07-C02RevC-C03 – proposed floor plans
- Copy of Drawing C1.303-E and Colliers CRE letter of 21.05.07, plus the Council's response dated 22.06.07;
- Design and Access Statement; and
- A cheque to the sum of £2,680.

Background

Planning permission (referenced WB/06/0974/FULL) was granted to Norwich Union Life and Pensions on the 24th of August 2006 for 'Refurbishment and extension of retail park including the extension of an existing unit; the installation of mezzanine floors; alterations to elevations including the erection of 9 wind turbines; associated changes to car park and landscaping; and pedestrian routes' at the Downlands Retail Park.

Condition 16 of the permission states that "Notwithstanding the provisions of the General Permitted Development Order (as amended) no additional mezzanine floor area shall be inserted within any part of the retail units the subject of the approved extensions without the written approval by the Local Planning Authority by an application on that behalf." The proposed is marginally over what would normally be permitted development and as a result of the condition an application is duly made for the 'total' amount proposed.

The details of the approved scheme were set out in the officer's committee report, his addendum report, the Colliers CRE Retail Report and the Capita Symonds Transport Assessment. Table 2.1 of the Colliers CRE report identified the proposed, and subsequently approved floorspace split:

Table 1

Unit	Existing Floor Space (Sq M)	Proposed Floor Space (Sq M)	Proposed Change (Sq M)
2. Halfords	965	1,547	582
3. AA (part)	308	633	325
4. AA (part)	440	1,558	1,118
Total	**1,713**	**3,738**	**2,025**

(Source: Colliers CRE)

Colliers CRE wrote to the Council on the 21st of May 2007 to confirm a revised mix based on drawing C1.303E:

Table 2

Unit	Approved Mezzanine Space (Sq M)	Proposed Mezzanine Space (Sq M)
2. Halfords	545	545
3.	0	361.2
4.	705	343.8
Total	**1,250**	**1,250**

(Source: Colliers CRE)

The Council wrote to confirm that the minor amendment did not conflict with the description in a response dated the 22nd of June 2007.

At the time of the Council's consideration of the application, it was the case that Unit 3 was going to be occupied by Pets at Home and Unit 4 by Comet. Unit 3 is now to be occupied by Paul Simon and Unit 4 by Currys. Halfords' mezzanine floorspace appears to have been provided in accordance with the amended split. Currys require an additional 221.2 square metres above that set out in the minor amendment. As the floorspace is effectively different to that provided in drawing C1.303-E, the whole mezzanine is hereby applied for. Clearly, however, it would

not be possible to provide both, so the additional 211.2 square metres is relevant to this application. A condition is suggested in this regard at the end of this letter.

Finally, we would note that the Council wrote to Colliers CRE on the 26th of April 2007 to confirm that the occupation by Comet would be acceptable in the light of the restrictions imposed by condition 15 of the decision notice.

Pre-application discussion

The nature of the scheme was discussed with Mr. Costello prior to the submission, who was fully aware of the 2006 consent and the development generally. It was agreed that the application was of a very minor nature. It was also agreed that the proposed development could be considered within the realms of the Colliers CRE retail report against which the 2006 consent was considered in planning policy terms and that it would not be necessary to carry out a 'full' assessment under the provisions of Chapter 3 of PPS6 , the reasons being that as more than half of the proposed floorspace would be for storage purposes (110 square metres) and a planning condition could be imposed to restrict the floorspace as such. This was agreed in the light of the reasons for the officer's recommended refusal reason for the 2006 application, which was based on the retail impact upon the emerging LDF, town centre masterplan and to the detriment to the vitality and viability of the town centre.

Planning Policy Considerations

i) The Worthing Local Plan

Criterion (ii) of Local Plan policy S15 relates to large retail warehouse developments in out of centre locations, however 'large' relates to proposed of 1,000 square metres or more. Policy S5 relates to smaller sites outside the defined central shopping area located within defined shopping centres, but this too is not relevant. Furthermore neither of these policies have been 'saved'.

ii) The Local Development Framework

The LDF Submission Core Strategy was withdrawn in 2008 and we understand that the Council are progressing a revised Core Strategy. The LDF has not reached an advanced stage and is not considered further.

ii) Planning Policy Statement 6: Planning for Town Centres

Paragraph 3.4 sets out that local authorities should require applicants proposing extensions to existing facilities to demonstrate:

a) the need for the development;
b) that the development is of an appropriate scale;
c) that there are no more central sites for the development;
d) that there are no unacceptable impacts on existing centres;
e) that locations are accessible.

Paragraph 3.29 identifies that the sequential approach is only relevant for proposals exceeding 200 square metres (it has been agreed that such would not be necessary given the nature of the proposal). Impact assessments are only required for developments exceeding 2,500 square metres.

Retail issues

i) the need for the development

Background

Currys are relocating from their existing store at the adjoining Lyons Farm Retail Park to Unit 4. The additional floorspace is to provide a marginal increase to that approved and dealt with between the landlord's agent and the Council, so to allow for additional storage space and show room space for Currys. Currys, also known as 'Currys Superstores', traditionally trade from retail warehouse locations throughout the country (as opposed to Currys.*digital*, which are focused on town centre locations, such as in the case of their store at 25 - 27 Montague Street, Worthing).

The proposed mezzanine will enable Currys to stock and display its full range of products to avoid customer dissatisfaction, wasted trips to the store, the need for repeat visits by customers, and the requirement for additional service deliveries. It will also improve the general retail environment, providing more space for the display of bulky items, better quality product displays and more comfortable circulation space – all of which represent qualitative improvements that drive the need for the proposal.

The proposed mezzanine floor will be used predominantly for the display of large bulky goods such as plasma screen televisions and fridge freezers. In recent years, the range of products available, particularly in this market, has significantly increased, with manufacturers offering a greater diversity, range and choice of models and options. In addition, the size of products has significantly increased, particularly with the introduction of plasma screen TVs, home cinema systems, large American style fridge freezers and larger range style cookers, driven by an interest in the slow cooking movement. This has obvious floorspace implications for display and storage purposes.

In view of this, the products themselves will take up a greater footprint of Unit 4, and therefore an increased level of space is required around the products to ensure suitable circulation space which will allow customers to view and experience products. For example, it is necessary to provide sufficient space around a plasma screen or home cinema to experience the picture and sound quality. In addition it is not considered appropriate that customers' consideration of generally expensive bulky electrical products is restricted to a display based on stacked or shelved items, which prevent full review or testing prior to purchase.

Quantitative need

Table 5.1 of the Colliers CRE Retail Report sets out the comparison goods quantitative retail need, taken from the DTZ Coastal Districts Retail Study, and which took into account the DTZ net/gross floorspace ratio assumption of 75%:

Table 3

	2009	2013	2017
Net[1]	7,890 – 11,830	17,410 – 23,110	28,500 – 42,750
Gross[2]	10,520 – 15,773	23,213 – 34,813	38,000 – 56,933

(Source: Colliers CRE)

The new floorspace proposed is 211.3 sqm, which, when adopting the same net ration, converts to 158.48 sqm. There is significant scope for the floorspace to be absorbed by the comparison goods retail need over the study period to 2013.

Only 101.2 sqm of additional floorspace will be used for sales purposes. Using the DTZ ration, this figure converts to 75.9 sqm.

Qualitative need

The 2006 development represents a significant qualitative improvement to the Downlands Retail Park, hence Currys as a retailer moving from their nearby premises. The ground floor is smaller than their existing unit at Lyons Farm Retail Park (695 sqm compared with 1093 sqm). With the additional mezzanine space and the minor addition now proposed, it will enable Currys to display their full range of goods in a much improved shopping environment, as discussed in the 'Background' section above. It is not possible to provide these improvements within the existing store.

ii) That the development is of an appropriate scale

The development is very small scale. It has not been possible to further reapportion the approved floorspace between units 3 and 4. Nevertheless the floorspace will allow Currys to trade in a more customer-orientated way, displaying products which will require a more generous showroom space, and also allow those goods to be stored in the marginally enlarged back of house area.

Condition 16 of the 2006 permission restricts permitted development rights for the insertion of additional internal floorspace notwithstanding the provisions of the GDPO (as amended). Normally 94.7% of the proposed extension to the mezzanine would be classed as permitted development. When arriving at the 200 sqm permitted development figure in the consultation process prior to the legislative changes in May 2006, the government considered would not be

[1] DTZ Coastal District Retail Study 2005, Table 7.13
[2] Adopting DTZ's assumption of net to gross ration at 75%

harmful in retail impact terms. As more than half will be for storage use, then the amount proposed is consider negligible and acceptable in policy terms.

iii) That there are no more central sites for the development

It was agreed with the Mr. Costello that it would not be appropriate to carry out a sequential assessment of the proposed floorspace. It would not be suitable to disaggregate the floorspace proposed under the test of flexibility (PPS6 paragraph 3.15).

It is very clear that if the proposed mezzanine floorspace were to be located in an alternative location, Currys would have to offer a significantly reduced product range. Customers would be presented with a business model different from that which they would expect in 2009 and the potential customer base would be compromised. Currys stores are split between Currys Superstores (located on retail parks and retailing primarily bulky electrical appliances) and Currys.*digital* (located in high street locations and retailing primarily non bulky electrical appliances).

In addition, the practical implications of breaking up these elements would have a detrimental effect on sustainable travel patterns including:

1. Destroying the benefits of providing a full product range under one roof and significantly reducing the range of products, contrary to the advice of paragraph 8.18 of PPS6 (i.e. the loss of the ability to provide linked trips to other bulky retailers on the retail park).
2. Forcing Currys to identify, purchase and occupy separate sites across a regional area, thus destroying the applicant's retail concept. Note that the Downlands/Lyons retail parks are the only out of centre retail provision within Worthing and for some considerable distance.

PPS6 specifically states that segregation on this basis should not be expected where there is scope for disaggregation and flexibility has been demonstrated. If it is accepted that the scope for disaggregating the Currys business model is unreasonable and unsuccessful, as there are no defined elements to the business model (the tests of PPS6), then the extent to which there are sequentially preferable sites becomes immaterial.

iv) That there are no unacceptable impacts on the existing centres

The Council did not object to any impact associated with the 2,025 sqm development in 2006. Officers however expressed concerns that there may be sequentially preferable locations for the development within, or on the edge of, the town centre. Disaggregation and sequential matters are dealt with above.

It is conventional in assessing the turnover of mezzanine floors to assume that the mezzanine floorspace will trade at 50% of the level of the ground floor sales area. Mezzanine floors tend to be used to sell less profitable and more bulky items than those sold near to the store entrance. This assumption is commonly

accepted by local authorities. Currys' company average sales density in 2006 prices based on Retail Rankings and including VAT is £7,235 per sq.m. At half of this level, the sales density of the mezzanine floor will be £3,618 per sq.m. Therefore the estimated additional turnover of the proposed mezzanine floorspace is £274,606. This figure is very low. We have not therefore sought to consider in further detail the comparison goods turnover of local centres in order to estimate any trade draw and diversion on the vitality and viability of nearby centres. Such an approach is consistent with the analysis undertaken by Colliers CRE for a development ten-fold that now proposed.

In the Addendum Report to committee, officers identified that the retention of Comet in the town centre would be welcomed and that Pets at Home, who they considered a traditional high street retailer, would require a relaxation in the bulky restriction. These concerns have not been realised. The proposed fits in with the range of goods condition imposed on the 2006 permission, as evidenced from the exchange of correspondence relating to Comet, and no extension to Currys' product range is sought. The new unit will complement Currys' existing Currys.*digital* store in the town centre which will continue to serve a primarily non bulky retail function.

(v) that locations are accessible

A traffic assessment (TA) was provided by Capita Symonds for the 2006 application and we aware from the second informative on the planning permission that a unilateral undertaking was provided in the sum of £54,361 towards local transport accessibility improvements and £5,000 towards a study into the scope of improved pedestrian and cycle linkages within the retail parks. Condition 6 requires the submission and agreement of a travel plan prior to the extensions' occupation. The majority of the remaining conditions are highways orientated and relate to works to be carried out prior to occupation.

In respect of the site's accessibility, the conclusions in the Addendum Report to committee were that "In this [the concluding comments of the Highways Agency and West Sussex County Council], officers consider the impact of the development on access and parking would be acceptable.."

It is not considered that the marginal uplift in floorspace warrants the submission of an additional transport assessment, and such an approach was agreed with the Council prior to this submission. Nevertheless, having reviewed the TA we note the following.

Car parking
The net loss of parking was considered acceptable (paragraph 7 of the committee report).

Cycle parking
34 spaces were proposed. West Sussex County Council's standards are 1 space per 100 sqm for staff and 1 space per 100 sqm for visitors and Worthing Borough Council's are 1 per 100 sqm for staff and visitors. The former standard would require 41 spaces and the local requirement 21 when rounded up to the nearest whole space. The mean would be 31 spaces and therefore there would have appeared to be an overprovision by three spaces. If one takes the total floorspace up to 2236.2 sqm, this would result in a mean requirement for 34 spaces[3]

In respect of trip generation, the Capita Symonds TA concluded at 7.11 that "The development will not attract any additional or new vehicular trips than at present and hence the impact on the local network is minimal." It is not considered that these conclusions will change as a result of the development and that the planning contribution will make significant improvements to the site's accessibility beyond the position before the 2006 works were begun, and that relating to Currys' existing store and accessibility thereto, and can accommodate the marginal uplift in retail floorspace.

Conditions
Currys' occupation of Unit 4 will fall within the range of goods condition (condition 15). As a result the development will protect the "vitality and viability of the town centre in accordance with Worthing Local Plan Policy 15..", as cited from the reasons for the condition. No variation to this condition is sought, or necessary.

The Council would be in a position to impose that the 110 sqm storage element be used for storage purposes only. We would be happy to discuss the necessity of any such condition with officers during their consideration of the application.

In addition, whilst the approved mezzanine floor is incapable of being provided as per that on drawing C1.303-E (this application seeks the whole apportioned floorspace plus the addition as discussed in the Background section of this letter), the Council may seek to impose a new condition to the effect that 'no additional floorspace beyond that identified in drawing WORT-NS07-C02RevC-C03 shall be inserted within the retail unit without the written approval of the local planning authority.'

Conclusion
The proposal represents a small scale addition to the permitted scheme, which is complete apart from the mezzanine floor within units 3 and 4. The scheme will allow for Currys to occupy the unit and display its full range of products (increasingly large electrical appliances e.g. plasma TVs) in a customer-orientated way. It has been agreed that there is no need to undertaken a sequential analysis for the floorspace, which cannot be disaggregated for the reasons stated. The unit it is of a superior quality to Currys' existing site close by and will continue to complement their town centre store. No variation is proposed to the product range provided by condition 15 of the 2006 permission.

[3] (45 – 23)/2 + 23 = 34

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We trust therefore that officers will be in a position to make a positive determination in early course.

Yours faithfully

[redacted]

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Enc.