Mark Tombs MRTPI

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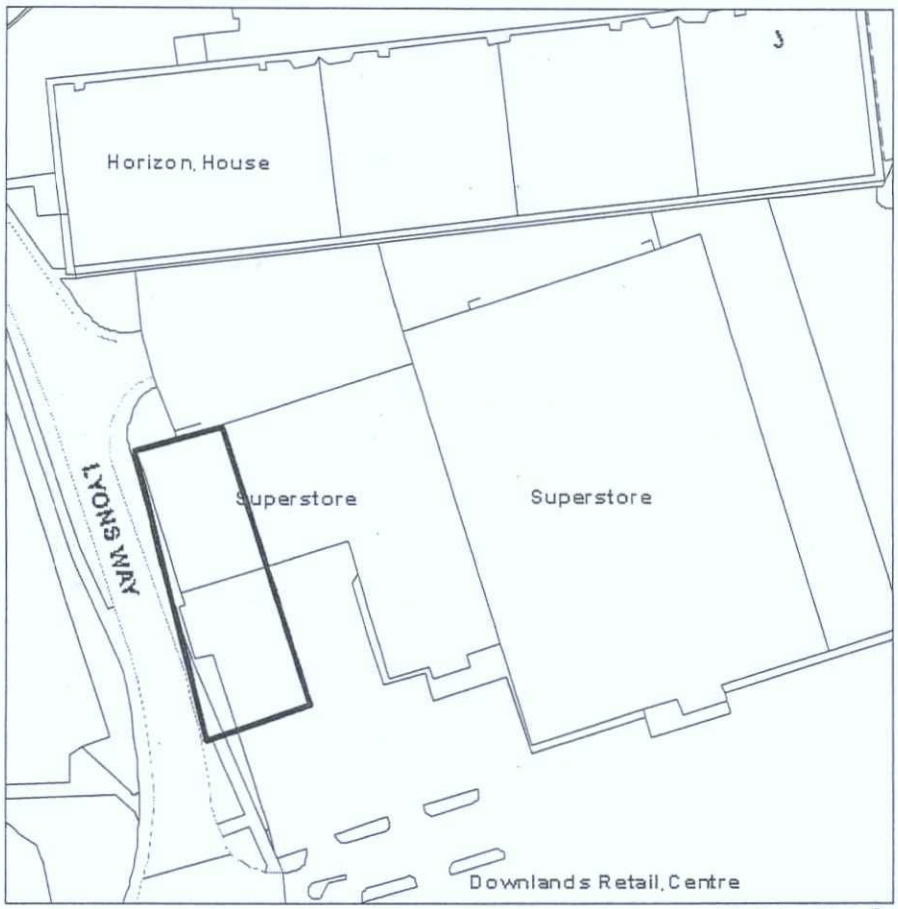
Location : Unit 1 Downlands Retail Park Lyons Way

Proposal: Provision of mezzanine floor to provide 555m2 of floor space (110m2 for storage and 445m2 for sales area)



Not to Scale

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1. THE PROPOSAL AND THE SITE

The site is located within the Downlands Retail Park on the north side of Upper Brighton Road. Unit 1 is adjacent to Lyons Way to the west and is one of four units that were built/refurbished as part of an expansion of the retail park following planning permission granted by the Development Control Committee in November 2006 (WB/06/0974/FULL).

The Downlands Retail Park is primarily accessed by car from Lyons Way which runs from Upper Brighton Road at a signalled junction and splits at a mini roundabout some 100 metres to the north to provide access to Downlands Business Park and Lyons Farm Retail Park.

The Downlands and Lyons Farm Retail parks were granted planning permission on appeal in 1987 (WB/903/85). A number of subsequent schemes to expand the retail parks were refused (or withdrawn in anticipation of refusal) on the grounds of unacceptable visual and/or parking impacts. Permission to extend trading hours and the range of goods sold were, however, granted in respect of the B&Q and Halfords units.

More recently, the 2006 permission allowed an extension and refurbishment to provide over 2500 square metres (gross) of floorspace which included 1250 square metres of mezzanine floor area. This permission allowed the following goods to be sold only:

'DIY, home improvement, builders and plumbers merchant goods, garden products and associated timber products, motoring parts and accessories, furniture and furnishing (including self-assembly flat pack furniture), carpets and floor coverings, and bulky electrical/gas appliances, pets, pet products and supplies'

This permission also required that any additional mezzanine floor area be the subject of a planning application. A total of 1250 square metres of mezzanine floor area was approved for units 2, 3 and 4 (now known as Unit 1), of which Unit 1 accounted for 703 square metres. Following approval of a minor amendment which reduced the mezzanine area of this unit to 343.8 square metres and increased it for the neighbouring unit (without altering the overall 1250 square metres of mezzanine), this application now proposes an increase of 211.2 square metres from the area previously approved as an amendment to give a total of 555 square metres of mezzanine floor area. 445 square metres is proposed as sales area and 110 square metres is proposed for storage purposes.

2. APPLICANT'S DESIGN AND ACCESS STATEMENT

The applicant's statement is summarised below:-

"Background
Planning permission (referenced WB/06/0974/FULL) was granted to Norwich Union Life and Pensions for 'Refurbishment and extension of retail park including the extension of an exiting 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.

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.

Access considerations
The design and access requirements of the site have evolved from an appraisal of the site's context, against the background of its location situated within an established retail location.

The acceptability of this site as a retail warehouse is already established by the presence of the existing structure, granted in 2006. By virtue of the nature of the products sold, the building and the additional floorspace proposed need to be conveniently located on a strategic highway network to be readily accessible by the motorist for the transportation of bulky goods, along with good access for other non car-borne customers.

The site's relative prominence and location of the A27 ensures that the site is highly accessible by those accessing the retail park for both bulky and non-bulky goods. This allows for linked trips to be made, so that a number of shopping purchases can be made in a single trip. Due to the store's immediate proximity to other retailers, there is the ability for shoppers to make a number of linked trips in one visit, thus reducing the need to make trips to a number of separate centres and making wasted journeys. This is particularly relevant in relation to the bulky electrical market. The site will also benefit from the planning contribution paid as part of the 2006 application which will go towards local transport accessibility improvements and a study into the scope for improved pedestrian and cycle linkages.

The amount of development on the site is appropriate for its size and a small scale addition to that already approved. The proposal seeks to install a mezzanine floor of an additional 211.2 square metres and is qualitatively driven in order to allow for a more user friendly shopping environment, so that customers can view and experience products in a more spacious and aspiration way (e.g. to view wide screen plasma TVs). Accessibility will be improved due to the more spacious and customer-orientated showroom space and the development will incorporate both stepped and lift access from the existing ground shop floor to ensure it is readily accessible by all visiting members of the public. Staff will be on hand to advise customers and to cater for those with particular mobility needs. The floorspace will allow for the more generous display of products in a more permeable shopping environment.

Design issues
Due to the additional floorspace being fully contained within the existing building, there are no design issues from the public realm which are relevant, as there will be no change to the built environment. Internally, the mezzanine will be designed to integrate effectively with the existing building and will be incorporated into a wider store refurbishment to ensure the resultant product is of a high quality.

The floorspace will be fully accessible to all members of the public and include a public lift adjacent to the new customer staircase. The floorspace will be easy to navigate through the grouping of products, with each group being clearly labelled. The qualitative improvements sought through the application are both customer and design driven and lead to improvements to customer

orientation, enhanced product display and general improvements to the shopping experience.

Sustainability issues
The development utilises an existing structure and does not involve the uptake of any additional land. The development therefore makes the most sustainable use of land and a more efficient use of the building. Currys will avoid the need to provide or develop an additional outlet in the immediate locality through the provision of additional internal floorspace.

Energy use associated with the construction of the development is minimal. The development incorporates the relatively straightforward provision of an internal steel frame to provide a gallery mezzanine. The development therefore makes considerable savings in the use of materials compared with the alternatives outlined above.

In terms of post-construction energy use, the additional floorspace will not result in significant additional energy uptake. No additional heating will be required within the building, only the provision of some additional low energy lighting. All mechanical and electrical installation will be provided in accordance with the latest standards and regulations. The development therefore makes the very best use of the existing land and an existing modern building.

Currys' products make a considerable contribution towards energy efficiency. Products sold typically have a lengthy replacement cycle whilst the vast majority of white goods sold by the applicants have an 'A' rating. As a consequence, the products provide for energy savings to customers and their energy bills through the utilisation of 'A' rated refrigerators, washing machines and energy efficient light bulbs, etc. Also, Currys offer a free recycling service for customers' existing appliances."

3. CONSULTATIONS

The **Executive Head of Health, Housing and Community Safety** raises no objections.

The **Strategic Planning and Regeneration Manager** has commented as follows:-

"BE 1: Good standards of design and materials.
TR 9: On site parking provision

The site (Unit 4) does have a current permission to provide 343.5m2 of mezzanine as an amendment to planning permission WB/06/0974. This was part of a submission to alter the previously agreed mezzanine provision between units 2 3 and 4 – albeit the total mezzanine floor space for the three units remained unchanged at 1250 m2

In terms of assessing impact of new development PPS 6 states that local planning authorities should require applicants to demonstrate;

1) The need for development

2) That the development is of an appropriate scale

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

4) That there are no unacceptable impacts on existing centres

5) That locations are accessible

The needs assessment has been effectively dealt with in the original application and in terms of the scale, certainly with respect to the mezzanine provision there do not appear to be any major issues. The actual increase in the mezzanine floor space for Unit 4 is 211.2 m2 and half of this will be for storage.

Although PPS6 states that the sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document, this proposal relates to a mezzanine floor in a relocation from an existing site to an adjacent one within an established trading area.

In the case of extensions to existing development, which is the case in this application I believe, then the need for further floor space should relate specifically to the class of goods proposed to be sold. The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200 square metres. Technically this proposal exceeds that figure but only by 11 square metres and I would suggest that this amount of space is not a material consideration.

In terms of disaggregation the developer has highlighted the fact that the mezzanine is needed to display the entire range of goods of the company. They already have a smaller store in the town centre that provides an outlet for some of its range of goods. The mezzanine is needed to display the heavier end of their product range. PPS 6 does state that

"A single retailer should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregation has been demonstrated. It is not the intention of this policy to seek the arbitrary sub-division of proposals."

Notwithstanding the above, there do not appear to be any planning reasons why the mezzanine cannot be extended."

The **Highway Authority** raises no objection and their advice is summarised as follows:-

"The proposal is for the provision of mezzanine floor to provide 555m2 floor space at Currys Unit 4 Downlands Retail Park. Access will be onto Lyons Way. This proposal may result in a modest intensification of use of the existing access onto Lyons Way. However, from inspection of the supporting plans, there appears to be no apparent visibility issues at the point of access onto Lyons Way. There are a number of on-site car parking spaces, however the layout of which does mean that a number of them are not independently accessible. The current available customer car parking provision would be adequate for what is being proposed. I have also checked the most recently available verified accident records, which reveal that there have been no personal injury accidents in the vicinity of the existing point of access onto Lyons Way. Evidence suggests that developments of this type are unlikely to result in increased access or safety concerns."

4. REPRESENTATIONS

One letter of representation has been received from the South Downs Joint Committee whose comments are as follows:

"I have no objection to the proposals. I would, however, question the statement that post-construction, 'the additional floorspace will not result in significant additional energy uptake' (page 2 of the Design and Access Statement). Elsewhere it is stated that part of the mezzanine space will be used for display of plasma televisions, and that this would allow for full review and testing, compared to stacked or shelved items. If this means more televisions are to be displayed working, then there will surely be a greater energy demand? This is not a point of objection, but if your authority determines that additional renewable energy provision is necessary as a result, we would welcome the opportunity to comment on any such proposals."

5. PLANNING ASSESSMENT

The main issues raised by this proposal are: the justification for further retail development at this out of centre location; and parking and access. As such the application should be principally considered against Saved Local Plan policy TR9, BE1, and H18 and South East Plan policies SP3, CC1, CC4, CC6, CC7, BE1, SCT1, TC3 and T4. Local Plan policy S15 which relates to retail warehouse extensions was not saved. Government policy in PPS6: Planning for Town Centres and recent consultations and PPG13: Transport is also particularly relevant.

The Governments key objective in PPS6 (paragraph 1.3) is to promote the vitality and viability of town centres by planning for the growth and the development of existing centres and promoting and enhancing existing centres by focusing development in such centres, and encouraging a wide range of services in a good environment which is accessible to all. This excludes existing out-of-centre retail parks, such as Downlands Retail Park, which are not designated as centres in the Development Plan.

Policy TC3 of the South East Plan 2009 relates to out of centre shopping and states that:-

"No need has been identified for any further out-of-centre regional or sub-regional shopping centres or large scale extensions to existing centres during the period to 2026. The role and regeneration of town centres should not be undermined by an intensification of such development."

Certainly, the Downlands and adjacent out of centre sites have seen significant retail development in recent years which have cumulatively increased floorspace, though these have generally been restricted to bulky and like goods only. At the same time, the Council has been developing the town centre masterplan to protect and boost the centre in the face of competition and comparatively declining offer and some concerns have previously been raised over the impact of out of centre retail growth on this.

However, the issues of need, scale, sequential testing, impact and accessibility were assessed in detail as part of the previous application for the extension to the retail units at this site. The Development Control Committee considered that there were no other realistic sequentially preferable sites available within the short term and that the impact on the town centre would be acceptable bearing in mind the prospective occupiers and the nature of the goods proposed to be sold. It was also considered that the development was compatible with the existing out of centre retail parks, being a modest extension to existing units and upgrading the appearance of the centre. Subject to suitable conditions, including restricting the nature of the goods sold and a suitable planning obligation including securing necessary improvements to local transport accessibility, the proposal was considered acceptable and compliant with local and government policy and so planning permission was granted on that basis.

The 2006 approval allowed 703 square metres of mezzanine floorspace for this unit and the subsequent amendment reduced this to 343.8 square metres with the total mezzanine floor area of all units remaining at 1250 square metres. These factors are material in the determination of the current proposal which represents an increase of mezzanine floor area of 211.2 square metres, of which 110 square metres are proposed for use as storage. Having regard to the relatively modest increase, when compared with the 2006 approval for an extension of more than 2500 square metres, it is considered that the assessment of need was effectively dealt with in the previous application and no policy objection has been raised. The additional floor space would enable Currys to display their range of goods, avoiding the need to divide the business into another unit. As highlighted in the Strategic Planning and Regeneration Manger's comments PPS6 states that:-

"A single retailer should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregation has been demonstrated. It is not the intention of this policy to seek the arbitrary sub-division of proposals."

In light of the comments from the Strategic Planning and Regeneration Manager, the modest scale of the proposal, and that the Highway Authority consider that the car parking provision approved in 2006 would be adequate to serve the proposed development, the proposed increase in mezzanine floorspace to allow a total of 555 square metres is considered acceptable and would not undermine the role and regeneration of the town centre.

6. RECOMMENDATION

Planning permission be granted subject to the following conditions:

1. C1AREV Revised Standard Full Condition
2. No additional mezzanine floor area without approval
3. Sales restricted to bulky goods in line with previous permissions.

7. BACKGROUND PAPERS

Observations of the Highway Authority
Observations of the Executive Head of Health, Housing and Community Safety
Observations of Strategic Planning and Regeneration Manager
Letter of Representation from a Member of the Public

2nd June 2009