

Recommendation Report for Planning Permission

REF NO: A/130/15/PL

LOCATION: Unit 1 Manor Retail Park
Land south of A259 and West of Mill Lane
Rustington Angmering

PROPOSAL: Installation of mezzanine floor

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	768sq.m
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	To be considered as a reserved matter A/131/15/RES
SITE CHARACTERISTICS	Flat rectangular site with the A259 immediately to the north and the railway line immediately to the south of the site. The application site forms part of a new retail park where development has yet to commence on the building. Site has been cleared and part of the new access road has been completed, To the east construction has commenced on the BMW/Mini dealership.
CHARACTER OF LOCALITY	The area is rural in character with the main neighbouring uses ranging from golf course to the north, A259 between the golf course and the site; the site to the west beyond the trees and hedges has recently been to committee where it was minded to grant consent for the M&S Simply Food unit and public house; to the south of the site there is the railway line beyond which is an industrial estate; there are retail uses to the east of the site, separated by the Mill Lane road bridge. The main views of the site are from the A259. The recent removal of a number of trees along the southern boundary of the site has resulted in the site becoming more visually integrated with the industrial site to the south of the railway line and eroding its rural character. The adjoining site to the east is currently being constructed for a new car show room for

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Chandlers BMW/Mini.

RELEVANT SITE HISTORY

A/125/13/OUT - Hybrid planning application for the development of the site to provide in outline with all matters reserved apart from access and landscaping up to 3,365 sq.m A1 retail use (including parking) and full planning for 3947 sq.m and Sui Generis vehicular floorspace (including ancillary facilities, landscaping and parking) including workshops, MOT facility, car valeting & car storage and a new access from A259.

Approved Conditionally 13-06-2014

A/131/15 - Application for approval of Reserved Matters following Outline Approval of Hybrid Application A/125/13 for the development of the site to provide up to 3365 sqm A1 retail use (including parking). Reserved matters consent is being sought for Appearance, Landscaping, Layout and Scale of development.

REPRESENTATIONS

Representations received:

Angmering Parish Council

Rustington Parish Council

Angmering PC has no objections to the proposal.

Rustington PC has no objections to the proposal.

Comments on Representations received:

None

CONSULTATIONS

Engineering Services Manager

Engineers (Fluvial Flooding)

Engineers (structural)

Highways England

WSCC Strategic Planning

Environmental Health

Consultations responses received:

ADC Flooding - No comments to make.

Highways England - No Objections

WSCC Highways - No Objections

The proposal to increase the floor space of the proposed Next retail development, and provide a 768sqm mezzanine floor with A1 retail and cafe use, has been considered by WSCC as the Local Highway Authority. No objection is raised subject to any conditions attached.

The previous planning applications relating to the granting of planning permission for this use, has been based on a parking layout for 190 cars. WSCC has considered the impact this increase in A1 floorspace would have on the number of trips to the site. It is considered that although there may be a slight increase in trips, it is thought that most of the customers using the cafe will already have been accounted for and these additional trips are likely to be combined with

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other trips to the rest of the retail development.

The accumulation survey submitted as part of planning application A/125/13, provides evidence to show that during peak operation the car park is still only 75% of its full capacity. WSCC car parking standards indicate that based in the additional floorspace provided there could be a demand for another 39-55 spaces. However as per my comments regarding the combined nature of most of these trips it is not considered this will be the case.

No objection raised.

ADC Structural Engineer - No Objections - Structure will be considered through Building Regs application.

Environmental Health - No Objections

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN7</u>	The Form of New Development
	<u>DEV26</u>	Criteria for Retail Development
	<u>GEN12</u>	Parking in New Development
	<u>GEN15</u>	Cycling and Walking
Publication Version of the Local Plan (October 2014):		RET DM1 Retail Development
		D SP1 Design
		SD SP1 Sustainable Development
		T SP1 Transport and Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Assessment

The principle of retail development has already been established in relation to the application site, (A/125/13 permitted 3365 sq.m of A1 retail floorspace Approved Conditionally 13-06-2014).

The reserved matters application A/131/15/RES provided the detail design and layout for the development of the western part of the new 'Manor Retail Park' to the south of the A259. The layout proposed one food unit and 2 non-food units. The current application seeks the construction of a mezzanine floor within Unit 1 of the non-food floorspace to create an additional 768sq.m net (854sq.m Gross) floorspace. Unit is shown to be let to Next and the additional mezzanine floorspace is to be used as additional A1 retail use and ancillary cafe.

In addition to this application for additional mezzanine floorspace, the applicant has submitted A/142/15/DOC for the discharge of the landscaping condition on this site and A/131/15/RES. These applications are directly relevant as they are all linked to the finalised proposals for this application site. These two applications were approved in advance of the determination of the mezzanine application.

As the principle of retail development has already been established the determining issues are:

- The detailed design and layout of the building; and
- Retail Impact

Arun District Local Plan Policy DEV26 is relevant in the assessment of this application. It sets out criteria for the assessment of retail developments. The policy requires:

- (i) A high standard of design, materials and layout, and has due regard to the character of the site and its surroundings;
- (ii) It is easily accessible by public transport;
- (iii) It includes provision for access by cycle and on foot;
- (iv) It includes appropriate provision to enable access for people with disabilities;
- (v) The design incorporates crime prevention measures.

The following sections on Design & Layout; landscaping and retail impact address the criteria of DEV26 and the requirements set out in the NPPF.

Design & Layout

The outline proposal sought permission for two separate retail buildings on the application site. The reserved matters application proposes 3 retail units in one building. The one building approach provides a more efficient use of the site and the ability to separate the shared service road alongside the southern boundary with public car parking on three sides of the proposed retail units. A total of 224 car parking spaces and a revised 30 cycle spaces and 8 motorcycle spaces are provided. The proposal exceeds the required level of car parking for this level of retail floorspace which would be 176 spaces.

The main access is from the A259 which will be shared between Manor Retail Park and Chandlers BMW/Mini. A segregated cycle path and pedestrian footpath alongside the A259 will also access the site from the north. The main vehicular access will be from a left in/left out junction directly on to the A259.

The A259 road corridor between Littlehampton and Rustington is going through a significant change with major development at Courtwick Lane which will have 2 large modern B1 units in an elevated position by the A259; The recently approved M&S retail consent to the west of the application site; The BMW/Mini showroom to the east of the site currently undergoing construction; and also to the east, the large elevated Sainsbury's store with car parking underneath.

The proposed 3 retail units will have a mix of building materials. The two non-food units - one will be anchored by Next (where it is proposed to add the additional mezzanine floor, application reference A/130/15/PL), the other has no named operator at present. These two units will have very large frameless glazing frontages to the A259, under a colonnade which is finished in white render over a dark grey brickwork plinth with glazed white brickwork detailing. The Food unit is shown on the drawings to be occupied by Aldi, it retains the dark grey brick plinth, a band of glazing, and white metal wall panels above. The entrance is lower key than the 2 storey height glazing but this stems from the design principles of the operators. The design and materials will

provide a link between the other new commercial developments along the A259 and will not appear out of character.

The single building group will obscure views to the rear of industrial units along Brookside Avenue which are more prominent with the loss of tree screening alongside the railway line.

The scale and height of the proposed buildings are appropriate to the local context and will relate well to the approved development on adjoining land that is being constructed. The buildings are appropriately designed to allow the best possible inclusive access including provision for the disabled and those with other mobility problems. The development is of high quality design and materials befitting of a modern retail scheme. This proposal will make a positive visual contribution to the A259 which is a key transport corridor.

The addition of the mezzanine floor requires no external changes to the design of the building with the exception of a new roof light which is located behind the parapet. All construction changes are within the confines of the approved building.

Highways

The additional mezzanine floor space does not have implications for car parking or cycle parking. The floor space on its own would require an additional 39 - 55 spaces but due to the proposed car parking and the assessment that there will be linked/combination vehicle trips no additional car parking is required. The development has a layout of 190 spaces and the accumulation survey suggests a 75% of its full capacity at peak.

Retail Impact

A retail addendum (RIA) has been provided by the applicant, it has been included to support the combined retail proposals. There is an increase in the number of units from two to three and also through a separate application; the addendum addresses the increase in the level of retail floorspace, with the addition of a mezzanine floor, introduced to the Next unit. The RIA addendum takes account of the split in retail floorspace now that the development proposal has moved forward from the outline stage and can more accurately predict turnover levels within the development now that two of the occupiers of the three retail units are known. The addendum specifically relates to both the reserved matters and the separate mezzanine application.

The scope of the addendum has been discussed and agreed with ADC retail consultant's prior to submission. In particular it was agreed that the retail impact assessment necessitates a reassessment on the estimated turnover based on the known occupiers and the revised floor space figures - in the event that the estimated turnover is less than previously tested no further impact work would have been required.

The original application for Manor Retail Park estimated a turnover figure of £21.05m [the breakdown being £13.4m Food; £5.2m Non Food (clothing and footwear); £2.45m non food bulky goods]. The council's retail consultant had estimated £21.43m. The retail addendum indicates revised estimate based on two known operators for the three units. This indicated a revised development turnover of £18.9m based on ALDI, Next and the third unit which has a 523sq.m turnover. On the basis of the figures there is no additional impact from the revised proposal as it remains below the initial £21m assessment approved by the council.

The sequential assessment included is limited to the additional floorspace being sought for the

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Next proposal and provides an update on the availability and suitability of each of the sites and the applicant's conclusions in relation to each sequential site. The addendum concludes that there are no available and suitable sequential sites that would be available to accommodate the Next store, nor for the Manor Retail Park development on a cumulative basis.

In relation to the various sequential sites assessed by the applicant the St Martin's Car Park site and the former Waitrose site both in Littlehampton are the most obvious alternatives. It is stated by the applicant that St Martin's car park is not suitable for comparison goods retail. The council's retail consultant does not fully agree with this conclusion but does agree that it is unlikely to be available in a reasonable timescale. The car park has been discounted as a sequential site in relation to the outline application established the principle of retail development in this location, ref A/125/13/ and was also discounted in the M&S Simply Food application, ref A/23/15. The site is therefore not sequentially more acceptable. The former Waitrose store in Littlehampton was previously considered to be unsuitable when assessed as part of the outline planning application which has established the principle for retail development at Manor Retail Park. This reserved matters application does not provide an opportunity to reassess the principle of retail development at the application site.

In summary, the proposal would not have a significant adverse impact on Littlehampton or Rustington town centres. The Council's retail consultant concurs with the submission.

Conclusion

The proposed development is located on an urban edge site in close proximity to other retail developments. The principle of retail development has been established on the site with the hybrid outline consent A/125/13/. The proposal is not considered to conflict with the character of the area, and will not have an adverse effect in retail impact terms.

It is therefore considered that the proposal is consistent with the proper planning and sustainable development of the area, and is recommended for approval.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
STORE18832 17M
STORE18832 18L
6165 100 A - Site Location Plan
6165 101 B - Site Plan
6165 102 A - Existing Ground Floor Plan
6165 106 A - Proposed Ground and Mezzanine Plan
6165 105 B - Existing and Proposed Sections

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.