

<b>Agenda Item</b> A8	<b>Committee Date</b> 19 October 2015	<b>Application Number</b> 15/01014/FUL
<b>Application Site</b> Former Focus Do It All Westgate Morecambe Lancashire		<b>Proposal</b> Demolition of existing building and erection of a retail warehouse with associated access, car parking and landscaping
<b>Name of Applicant</b>		<b>Name of Agent</b> Mr Kirill Malkin
<b>Decision Target Date</b> 12 November 2015		<b>Reason For Delay</b> N/A
<b>Case Officer</b>		Mr Philip Megson
<b>Departure</b>		Yes
<b>Summary of Recommendation</b>		Approval (subject to the submission of amended plans)

## **1.0 The Site and its Surroundings**

1.1 The 0.76 hectare application site is located on the south side of Westgate. It is occupied by a vacant unit (formerly occupied by Focus Do It All) towards the front of the site. The existing former Focus Unit, with maximum dimensions of 85m length x 36m wide x 7.2 m high, is constructed in brick (front elevation) and brick (lower) and corrugated panel (upper) to the side. There is limited car parking to the front and the east side, with the majority of the parking provision at the rear. The site is located within the White Lund Industrial Estate. The surrounding area is predominantly industrial in nature. Immediately to the west, south and east of the building lie various industrial and commercial uses, with a focus on car repair garages and associated uses. To the north of Westgate are residential properties.

## **2.0 The Proposal**

2.1 The proposed development involves the demolition of the existing vacant Focus retail unit (2,620 square metres floor space Gross Internal Area) and the erection of a retail warehouse (Class A1) at Westgate, Morecambe. The proposed development comprises 2,415 square metres of floor space (Gross Internal Area), associated access, parking, servicing and external works.

2.2 The proposed unit would be set back from the road to allow the customer to see the car park and safely park away from Westgate. The store would have would have maximum dimensions of 55m length x 50m width and 7m high except for a sign and entrance tower on principal elevation of the building, which would be 9.2m high. Excluding the entrance tower, the massing would be less than the existing vacant unit.

2.3 The external envelope of the building would be a double portal frame with an external skin of brick piers with render in between at low level to 3.6m and vertical ribbed cladding above on all elevations, except for the sign and entrance tower, which would be predominantly curtain glazing.

2.4 The proposed parking provision is 92 car parking spaces (including four parent and child spaces), six disabled car parking spaces, five motorcycle spaces and 14 cycle spaces. Landscaping is proposed on the Westgate frontage and to the rear of the neighbouring premises to the west.

2.5 The proposal would create 70 full time equivalent jobs.

### **3.0 Site History**

3.1 Relevant site history is set out below:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
1/79/1597	Erection of a building for retail builder's merchants/DIY and garden supplies with car parking	Approved
1/80/190	Erection of a retail builder's merchants building with car parking.	Approved
03/01594/FUL	Variation of Condition 2 (range of goods to be sold)	Approved

3.2 The first two planning consents (reference 1/79/1597 and 1/80/190) contained a condition limiting the range of goods to be sold. This condition was varied in February 2004 (reference 03/01594/FUL) and permitted the following goods to be sold: builders' merchant supplies; DIY supplies and equipment including tools; garden supplies and equipment including tools and accessories and all products ancillary to these; furniture, textiles and appropriate accessories; electrical and gas appliances and equipment including lighting equipment and accessories and all products ancillary to these; carpets, tiles and flooring coverings and all products ancillary to these; decorating supplies and equipment and all products ancillary to these; and pets and ancillary products. Condition 3 of the permission limits the sale of pets and pet related products to no more than 600 square metres, with condition 4 also imposing an additional 600 square metres restriction on the area used for the sale of furniture, home furnishings, textiles and carpets.

### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory and non-statutory consultees:

<b>Consultee</b>	<b>Response</b>
<b>Environmental Health</b>	No objection. Recommends an hours of construction condition
<b>County Highways</b>	No objection. Recommends conditions relating to vehicles entering and leaving site in a forward gear, secure cycle and motorcycle parking and off-site highway works
<b>Lancashire Fire &amp; Rescue</b>	Provides advice on need to meet requirements of relevant building regulations
<b>United Utilities</b>	No objection. Recommends condition requiring submission and approval of scheme for the disposal of surface water.

### **5.0 Neighbour Representations**

5.1 At the time of writing one representation in support of the proposed development has been received citing the removal of an eyesore.

### **6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)  
Paragraph 14 Presumption in favour of Sustainable Development  
Paragraphs 18 and 19 Building a strong competitive economy  
Paragraphs 24, 26 and 27 Out of centre proposals

6.2 Development Management DPD Policies  
DM1 Town Centre Development  
DM15 Employment Land and Premises  
DM20 Enhanced Accessibility and Transport Linkages  
DM22 Vehicle Parking Provisions  
DM23 Transport Efficiency and Travel Plans  
DM35 Key Design Principles

Appendix B Car Parking Standards

- 6.3 Lancaster District Core Strategy Policies  
SC1 Sustainable Development  
SC5 Quality in Design  
ER2 Regeneration Priority Area  
ER3 Employment Land Allocations  
ER4 Town Centres and Shopping  
ER5 Retail Development  
ER7 Renewable Energy  
E1 Environmental Capital  
E2 Transportation Measures
- 6.4 Lancaster District Local Plan  
Saved Policy EC5 Existing Employment Areas.
- 6.5 Emerging Land Allocations DPD  
Draft policy EMP2 White Lund Employment Area  
Draft policy RPA1 Regeneration Priority Areas

**7.0 Comments and Analysis**

- 7.1 The main material considerations arising from the development are:
- The principle of the development
  - Sequential testing
  - Retail impact

7.2 Background

- 7.2.1 The applicant is to redevelop the currently vacant unit to provide a new, purpose built Home Bargains store that will satisfy the retailer's commercial requirement for additional representation in the Morecambe and Lancaster area. Home Bargains currently has stores in Morecambe Town Centre (Euston Road) and Lancaster City Centre (Marketgate Shopping Centre), which are in the smaller 'in centre' format. The proposed Westgate store would be significantly larger than the 'in centre' format aimed at car borne customers. Home Bargains has confirmed their intention to retain the existing town centre store, and trade two stores within the Morecambe catchment area. The proposed development will give rise to up to 70 new full time equivalent jobs and local investment in excess of £5 million.

7.3 The Principle of Development

- 7.3.1 White Lund has been identified as an area for general employment uses (Class B uses and those sui generis uses of an employment nature) for a number of years. The thrust of emerging policy (Land Allocations DPD Preferred Options), is to retain White Lund as an area for general employment purposes and a Regeneration Priority Area.
- 7.3.2 Policy DM15 states that *"proposals which involve the use of employment land for alternative uses will only be permitted where...The re-use of employment land meets the wider regeneration objectives set out in the Local Plan or where the benefits of the proposal outweighs the loss of the site for employment purposes"*.
- 7.3.3 The site has been in a retail use for over 30 years with the range of goods on offer restricted by condition to specified types of non-food goods. The existing vacant Focus store closed in May 2011 when the retailer entered administration, resulting in the loss of 25 local jobs, and has remained vacant since that time. The proposed development therefore offers an opportunity to bring the site back into active economic use, contributing positively to the local economy.
- 7.3.4 The proposed development is, in policy terms, in an out of centre location. Therefore the key to whether the proposed development is acceptable is whether a proposal can pass the requirements of the sequential test. Provided that there are no sequentially preferable sites, the proposed development is acceptable in principle.

- 7.3.5 The Home Bargains business model means that for a product to be sold it has to be between 10% and 30% cheaper than elsewhere. As such approximately, 70% of the retailer's stock is regular lines, while the other 30% changes continually.
- 7.3.6 The company's core product range is focused on the following: household goods; home furnishings; furniture and furnishings; health and beauty products; toys and games; baby products; seasonal products (including Christmas decorations); and ancillary ambient food and drink products. Whilst there is some overlap with the range of goods which is permitted by the existing planning permission, the range of goods to be sold from the proposed store is more diverse: health and beauty products, toys and games, baby products, food and drink, and some clothing products would form part of the offer.
- 7.3.7 Food and drink would be limited to no more than 30% of the proposed floor space (724 square metres) with non-food products being sold from the remaining 70% of the proposed floor space (1,691 square metres).
- 7.4 Sequential Testing
- 7.4.1 Paragraph 24 of the NPPF states that Local Planning Authorities "*should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre*".
- 7.4.2 Policy DM1 of the Development Management DPD requires applicants to demonstrate that the sequential test has been applied to development proposals for main town centre uses which are not located in town centre locations, as set out in paragraph 24 of NPPF.
- 7.4.3 Home Bargains business model is to devote 70% floor space to non-food items and 30% floor space to food and drink. The applicant contends that this complete product range is necessary to attract customers to the store; that it is not possible to disaggregate the product range between alternative smaller units as it would not provide the required critical mass of products within the store; and that it is not viable to exclude any of the above goods from being sold at the retail unit.
- 7.4.4 A recent Secretary of State decision on the interpretation of what "suitable" means in practice is relevant to the proposed development (APP/G2815/V/12/2190175). The Inspector noted that "*if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach*". The same decision also addressed whether there is a requirement to assess the scope for disaggregation of the scheme. The Inspector stated that "*there is no longer any such requirement stated in the NPPF... had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. It is too large a point to rest on implication. If it had been intended to carry on with the requirement then all that would have been required is the addition of the word "disaggregation" at the end of NPPF [24]*".
- 7.4.5 The applicant's agent undertook a survey of all vacant units within and on the edge of Morecambe Town Centre on 10 June 2015. The survey demonstrated that there were no vacant units that were suitable to accommodate the proposed development within the centre or in the edge of centre locations.
- 7.4.6 The Lancaster Retail Park (Sunny Cliff Retail Park) at Mellishaw Lane is located out of centre. The survey demonstrated that there were no vacant units that were suitable to accommodate the proposed development within that retail park.
- 7.4.7 The Bay Shopping Park, adjacent to the existing Morrison's store in Morecambe is currently under construction. This is likely to be open in Spring 2016. This retail park will offer 7,500 square metres of unrestricted retail floor space. For the purposes of the sequential test this site is not available. It is understood that a direct competitor to Home Bargains has secured space within the retail park, which has resulted in a commercial restriction on any other national non-food discount retailers occupying space.
- 7.4.8 It is considered that the application site complies with the requirements of the sequential approach

as set out in paragraph 24 of the NPPF.

## 7.5 Retail Impact

7.5.1 The Local Plan does not set a threshold for the assessment of retail impact. The amount of retail floor space proposed (2,415 square metres) falls below the threshold of 2,500 square metres where a retail impact assessment is required (paragraph 26 of NPPF). Notwithstanding, the applicant has provided a high level assessment of impact that is proportionate to the scale of development proposed.

7.5.2 Consistent with an accepted like-for-like approach to trade diversion, the store would attract a bulk of its turnover from other large format retailers that are capable of providing a similar product range within their stores, such as large food stores and discount food stores, and mixed goods discount retailers of a comparable scale and offer. The proposed store would attract 20% of its trade from two nearby Aldi stores, 45% from Sainsbury's, Morrison's and a number of retailers at Central Drive Retail Park, 25% from existing retailers within Morecambe Town Centre and 10% from other similar provision beyond the Morecambe core catchment area. The impact on Morecambe Town Centre, with a 1.1% trade diversion in 2018, would not represent a significant adverse impact, but through appropriate use of conditions this impact can be minimised.

## 7.6 Other matters

7.6.1 The proposed car parking provision complies with the City Council's Car Parking Standards, though the applicant has not brought forward advice provided at the pre-application stage regarding its layout and landscaping and therefore both elements are conditioned accordingly. Likewise advice provided on design has not been brought forward, with the submitted plans being unacceptable in design terms. Amended plans are being sought in this regard and a condition is recommended regarding materials and finishes.

7.6.2 The Highways Authority has requested improvements to local bus stops and the introduction of unspecified traffic calming measures. In the applicant's opinion these measures are unnecessary having regard to the limited impact of the proposed development compared to the previous use. The Highways Authority maintains that improvements to the bus stops are necessary and that an automatic speed survey should be undertaken by the developer to inform whether or not "speed reducing features" are a necessary element of the off-site highway works.

7.6.3 The proposed development is expected to generate approximately 96 two-way trips in the weekday afternoon peak period and 118 two-way vehicle trips in the Saturday peak period. Compared to the previous use (former Focus Store) the proposed development is expected to result in a small reduction in vehicular trips (11 trips) in the weekday afternoon peak and a small increase in vehicular trips (3 trips) in the Saturday peak period. It is considered that impact of the proposed development would be broadly neutral compared to the former use. It would not have a material impact upon the safety or operation of the surrounding local highway network.

7.6.4 In these circumstances it is considered that improvements to the nearest bus stops, while desirable, are not necessary to make the development acceptable in highways terms. The Highways Authority has not evidenced the need for speed reduction measures and, therefore, not necessary for the development to proceed.

7.6.5 In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. In order of priority, drainage options are an adequate soakaway or infiltration system, then a watercourse, and then a sewer.

7.6.6 The applicant is proposing to drain surface water into a main sewer. The drainage options available to deal with surface water appear to be limited, however, the Applicant will need to satisfy the Local Lead Flood Authority that no alternative means of means of surface water drainage is practicable. It is proposed to deal with the means of surface water drainage by condition.

## 8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application. However, the developer would need to enter into a section 278 agreement with Lancashire County Council to secure the

delivery of the required off site highway works.

## **9.0 Conclusions**

- 9.1 The proposed development will give rise to up to 70 new full time equivalent jobs and local investment in excess of £5 million in a Regeneration Priority Area. Application of the retail sequential test demonstrates that there are no suitable alternative sites available in Morecambe centre or edge of centre locations. As such, the proposed development is acceptable in principle. The impact of the proposed development on Morecambe Town Centre, with a trade diversion of 1.1% in 2018, is not significant.
- 9.2 The assessment of the proposed development has recognised that the site has been in a retail use for over 30 years with the range of goods on offer restricted by condition to specified types of non-food goods. The assessment has taken into account the business model of Home Bargains and that the format would be complementary to the existing 'in centre' format of the operational Home Bargain stores. White Lund has been identified as an area for general employment uses (Class B uses and those sui generis uses of an employment nature) for a number of years. Emerging policy proposes a continuation of these uses at White Lund.
- 9.3 To avoid the policy position at White Lund being diluted and any town centre being more adversely impacted, it is considered that the total amount of floor space should be limited by condition to 2,415 square metres of floor space (Gross Internal Area) and the proportion of food, drink and clothing to be limited by condition to no more than one-third of the total floor space. Should the occupier vacate the site in the future, the Council would then be able to control future development at the site.

## **Recommendation**

Subject to the submission of amended plans that satisfy the design concerns raised, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development in accordance with the list of approved plans
3. Hours of construction – 0800-1800 Mon to Fri and 0800-1400 Sat only  
Hours of deliveries – 0730 and 1900 Monday to Saturday and 1000 to 1600 Sundays and Public Holidays
4. Hours of opening - 0700 to 2200 Monday to Saturday and 1000 to 1800 Sundays and Public Holidays
5. Highway condition relating to vehicles entering and leaving site in a forward gear, secure cycle and motorcycle parking
6. Submission and approval of surface water drainage scheme
7. Restriction on the amount of total amount of floor space 2,415sq.m (Gross Internal Area) and restrict the amount of food, drink and clothing to no more than one-third of the net sales floor space
8. Landscaping scheme and maintenance
9. Notwithstanding plans - materials and finishes to be agreed
10. Notwithstanding plans – car parking layout to be agreed

## **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm that, for the reasons stated in the report, this proposal departs from policies within the Development Plan. However, taking account of other material considerations which are presented in full in the report, it is considered on this occasion these outweigh the provisions of the Development Plan, and in this case the proposal can be considered favourably.

In reaching this recommendation the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted subject to conditions.

## **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **Background Papers**

None.