

REPORT FOR CONSIDERATION AT PLANNING APPLICATION SUB COMMITTEE

Reference No: HGY/2006/2070

Ward: Tottenham Green

Date received: 20/10/2006

Last amended date: N/A

Drawing number of plans 6811/PL 400, 402, 005E, 401, 005D

Address: Unit 7B Tottenham Hale Retail Park, Broad Lane, N15 4QD

Proposal: Creation of an internal mezzanine floor providing an additional 929sqm of floorspace to be used for retail purposes (A1). Alterations to elevations including insertion of fire exit door to front elevation.

Existing Use: Non food retail

Proposed Use: Non food retail

Applicant: Britel Fund Trustees Ltd

Ownership: Private

PLANNING DESIGNATIONS

Road – Classified

Officer Contact: Stuart Cooke

RECOMMENDATION

GRANT PERMISSION subject to conditions

SITE AND SURROUNDINGS

The application site comprises Unit 7b located within the Tottenham Hale Retail Park. Unit 7b is located on the south side of the retail park, and is one of the smaller units at 989 square metres. The unit is currently occupied by Comet Electricals.

Tottenham Hale Retail Park is located at the junction of Ferry lane and Broad Lane, close to the major transport interchange at Tottenham Hale. It is currently undergoing a major facelift to improve the attractiveness of the estate.

Retailers within the estate include a mix of national food and non-food operators e.g. Argos, Lidl, B & Q, Currys, PC World and Burger King.

The site is within the Tottenham International Strategic Regeneration Area identified in the London Plan and the Unitary Development Plan 2006, in strategic policy G12 Priority Areas and policy AC2 Tottenham International.

These policies recognise the area as being identified in the sub-regional context for significant regeneration and development.

The Tottenham Hale Masterplan will elaborate on the Tottenham International Development Framework. The masterplan will be an essential tool to guide development in the area over the next five to ten years, so that it takes place in a co-ordinated way and to the highest standards possible. It will set out the vision for the transformation of the area, with the creation of a new high density, urban centre focused around an enhanced public transport interchange and a high quality public realm. The Masterplan will also seek to improve access to the Lee Valley Regional Park with its waterways, wildlife and wide range of leisure activities.

PLANNING HISTORY

The retail Park was originally consented in the 1980's. Since then, its appearance has become dated resulting in a major programme of upgrading and improvements to increase its attractiveness. Planning permission was granted for these works were granted planning permission in 2005 and 2006.

DETAILS OF PROPOSAL

This proposal comprises the addition of 929 square metres of extra retail floorspace by way of a mezzanine floor to be inserted within the existing structure. There will be no material external changes. There are no additional parking spaces proposed as part of the development.

The applicant states the development will create 4 additional jobs.

CONSULTATION

Ward Councillors
Transportation – referred on to TfL.
Units 1-12 Broad Lane

RESPONSES

Ward Councillors – no responses received

Transportation – referred on to TfL.

TfL have responded as follows:

"Transport for London (TfL) does not object to this application, as we believe it does not represent any additional risk to the safe operation of the Transport for London Road Network (TLRN)."

Building Control – Proposals acceptable for Fire Brigade access for fire fighting.

Units 1-12 Broad Lane – no responses received.

RELEVANT PLANNING POLICY

In May 2006, the Town and Country Planning (General Development Procedure)(Amendment)(England) Order 2006 came into effect, which requires planning permission to be sought for mezzanine floors for retail use over 200 square metres. Circular 01/2006 Guidance on Changes to the Development Control System gives guidance to Local Planning Authorities on how to assess such proposals.

This advice states,

“Section 55 of the 1990 Act (as amended by section 49 of the 2004 Act) and the newly inserted article 2A of the GDPO provides detailed provision on the application of the measure.

Background

112. From the coming into force date, internal floorspace increases, such as mezzanine floors, of 200 square metres or more in buildings used for retail purposes (other than for the sale of hot food), are classed as development and as such will require planning permission.

113. This measure is not intended to halt mezzanine development; rather it is intended to bring mezzanine development and other internal floorspace increases within planning control and thus subject to the same considerations as other retail extensions.

114. It is important that local planning authorities aim to determine planning applications in a timely manner as part of the quality service that they provide. For increases of 200 square metres the timeframe would usually be 8 weeks and for larger proposals of 1,000 square metres or more a decision could normally be expected in 13 weeks.

115. Mezzanines can be a quick, usually straightforward and flexible method of increasing floor space within a building. Additional floorspace within buildings can enable businesses to make better use of buildings and increase productivity from the same footprint, so making more efficient use of land. In the right locations, such development can contribute to the planning policy objectives set out in PPS6: Planning for Town Centres of promoting vital and viable town centres and supporting efficient, competitive and innovative retail activity with improving productivity.

116. But some such development could act against the objectives of planning policy for town centres. This might occur, for example, where mezzanine or other development is proposed which has the effect of increasing gross floorspace in an out-of-centre location where there isn't a need for additional retail floorspace or sequentially preferable opportunities for development exist. Such proposals might also have a negative impact on the vitality and viability of neighbouring centres.

117. Local planning authorities will need to have regard to the guidance set out in PPS6, as well as to the provisions of their development plan, when considering applications involving mezzanines or other internal floorspace increases.

118. In this context, the location of the proposal is important. Applications for development within primary shopping areas are unlikely to conflict with the key objective of PPS6 to promote the vitality and viability of centres, although they may raise other issues such as access requirements and the need for additional car parking. Where a local planning authority believes that developments involving additional internal floorspace would promote the vitality and viability of its town centre, they may wish to consider making a Local Development Order (LDO). LDO's permit development of the type specified in the LDO and thereby remove the requirement for a planning application. Local planning authorities could therefore make an LDO that defines clearly the area within which development of this sort would be permitted. If they so wished, the local planning authority could further refine what is permitted by specifying a threshold above which planning permission would still be required. It should be noted though that LDO's can only be made to implement a policy contained in one or more development plan documents.

119. The intended use of the mezzanine is also important. If the mezzanine is intended for an ancillary use, e.g. storage, display, or staff facilities, it is unlikely, by itself, to prejudice town centre objectives. However it may release floorspace elsewhere which can be used for retail purposes, which could act against town centre objectives where it is not within the primary shopping area. Where appropriate, planning authorities should consider limiting the use of mezzanines to specified ancillary uses by imposing suitable conditions on any permission and/or limiting the amount of floorspace within the building that can be used for retail trading purposes.”

Policy AC2: Tottenham International

The Lea Valley and the areas linked to Stansted Airport and Central London will be improved as a key regeneration, open space and recreational corridor in North London.

There should be the creation of a new urban focus centred around Tottenham Hale Station. Development should have regard to the development framework for the area which:

- a) creates a comprehensive mixed use development including appropriate retailing, such as a small food store and development of a cinema and hotel; supports the London Plan designation as a Major Development Opportunity and Strategic Employment location suitable for a business park, potentially achieving 5,000 new jobs and a minimum of 200 new homes.

Tottenham Hale is identified as an Opportunity Area in the Mayor's London Plan and is located within the London-Stansted-Cambridge-Peterborough Growth Corridor. It provides a major opportunity to create a thriving, sustainable urban centre with a significant number of new homes, together with an integrated mix of employment, retail and leisure uses, focused around an enhanced, fully accessible transport interchange with rapid access to Central London, Cambridge and Stansted International Airport.

Policy TCR2: Out of Centre Development

Proposals for new retail development outside the identified town and local shopping centres should demonstrate that:

- a) there is a need and the sequential approach as advocated by Government guidance has been appropriately applied (see paragraph 6.28);
- b) it will not have a demonstrably harmful effect on the vitality and viability of any nearby centres;
- c) the amenity and environment of occupiers of adjacent and nearby properties are not adversely affected;
- d) it is, or can be made, readily accessible by a choice of means of transport, including by bike and foot; or
- e) the proposal complies with an adopted Planning Framework.

Policy UD2: Sustainable Design and Construction

This policy is primarily concerned with the environmental/natural resource aspects of sustainable development. (The social and economic aspects of sustainable development are addressed elsewhere in the UDP). The Council would prefer, all things being equal, that all development in the borough is designed in a way that maximises the potential of the site without causing any unnecessary local nor global environmental consequences.

Policy M10: Parking for Development

The Council will apply its parking standards to restrain car use, to reduce congestion, to improve road safety, to give priority to essential users and people with disabilities, to improve the environment, to improve local accessibility and to encourage sustainable regeneration.

ANALYSIS/ASSESSMENT OF THE APPLICATION

This proposal must be considered in the light of i) the advice in the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 and Circular 01/2006 Guidance on Changes to the Development Control System, and ii) the advice in PPS6.

The new Circular identifies two areas to be considered when assessing the introduction of mezzanine floorspace into an existing development in terms of the retail impact, viz.

- i. the location of the unit and,
- ii. the intended use of the floorspace.

The Circular also advises Local planning authorities to have regard to the guidance set out in PPS6, as well as to the provisions of their development plan, when considering applications involving mezzanines or other internal floorspace increases.

i) The location of the unit

Unit 7b is located within Tottenham Hale Retail Park. Whilst not a town centre site within the definition contained in PPG6, Tottenham Hale is a well established retail location within an Area of Change identified in the Unitary Development Plan 2006. Policy AC2 recommends this area provides a major opportunity to create a thriving, sustainable urban centre with a significant number of new homes, together with an integrated mix of employment, retail and leisure uses, focused around an enhanced, fully accessible transport interchange.

ii) The intended use of the floorspace

The mezzanine is intended to be used for additional non-food retail floorspace in conjunction with the ground floor rather than storage or display. However, mezzanine floorspace is generally recognized as trading at lower business turnover per square metres. The consultants report submitted with the application assesses the impact of the additional floorspace in terms of need for additional floorspace in line with advice in PPS6.

PPS6

PPS6 requires applications for significant retail floorspace to be assessed in terms of need for the proposal, a sequential assessment of site selection and an estimate of the net effect of any diversion of trade or 'impact' on the retail 'health' and 'vitality and viability' of other centres within Haringey.

Need

Need is assessed in terms of both 'quantitative' and 'qualitative' need. Quantitative need is assessed in terms of expenditure capacity. The Chesterton Study commissioned by the Council in 2003 informs the Council's policies on retail development in the borough. This study concluded that Tottenham Hale is an important destination within the borough, but despite this, significant retail expenditure was leaking out of the borough to other retail parks and the West End. Apart from the new retail floorspace in Green Lanes, this position is largely unchanged and therefore it may be concluded that a quantitative need for additional retail floorspace still exists in the borough.

In terms of qualitative need, three elements are relevant. First, Tottenham Hale is an established retail centre in the borough capable of attracting additional customers and therefore 'clawing back' some of the trade currently lost to the borough. Second, there is high demand for floorspace here from retail operators. Third, there is confidence in the development market for the need for additional floorspace in this location. Taken together, these three elements indicate a strong qualitative demand exists at Tottenham Hale.

Sequential test

It is necessary to apply a 'sequential' test approach to additional retail floorspace of this size. To this end, the applicant has considered 13 alternative sites in existing Town Centres, Edge of Centre sites and Out of Centre sites, in terms of their suitability, viability and availability. As a result of this assessment, none of the sites considered met all three criteria and was suitable.

Trade diversion

The application study also includes a 'health check' of the existing centres relative to this proposal. The study finds that all the centres surveyed are both 'vital' and 'viable' and that the limited diversion of trade likely to occur as a result of the additional floorspace proposed as part of this application will have a minimal effect on the vitality and viability of any of these centres.

Unitary Development Plan 2006 Policies

The retail policies in the Unitary Development Plan 2006 reflect and support the advice set out in PPS6 in terms of retail policy for the borough.

Policy AC2: Tottenham International identifies Tottenham Hale as an Opportunity Area in the Mayor's London Plan and is located within the London-Stansted-Cambridge-Peterborough Growth Corridor. It provides a major opportunity to create a thriving, sustainable urban centre with a significant number of new homes, together with an integrated mix of employment, retail and leisure uses, and it is considered that this proposal is appropriate to the location and will contribute to this policy objective.

Policy TCR2: Out of Centre Development sets out the requirement for the sequential tests and trade diversion assessments as specified in PPS6. the results of these tests are considered satisfactory.

In this context, this proposal meets the sequential criteria set out in PPS6 and Policy AC2. Tottenham Hale retail park is the second most attractive site in the borough. All the other town centres in this borough are regarded as having good "health" in terms of vitality and viability, the tests set out in PPS6. The additional floorspace proposed here will not therefore have a significant adverse effect on the health of those centres. The additional floorspace will also improve the quantitative and qualitative demand for the floorspace existing within the retail park, and so help prevent expenditure "leaking out" of this location to other centres outside of the borough. As such, the proposal will contribute to the objectives of the Tottenham International framework which identifies this area as one where a thriving, mixed use community, including significant retail opportunities is appropriate.

Traffic Impact

The retail park is located on the Tottenham Hale gyratory system close to the Tottenham Hale public transport interchange. This gives good access to Network Rail, London Underground and bus services.

Pedestrian links are relatively good and will be improved as part of the general upgrading of the estate. In particular, a new Toucan crossing is being installed on Broad Lane to improve pedestrian access to the residential area to the west.

Cycle lanes exist as part of the gyratory system which link directly to National Cycle Route 1 which runs along the River Lee towpath at this point. 44 new cycle parking spaces are to be provided as part of the upgrade of the retail park and an additional 3 are proposed as part of this scheme.

The retail park currently has 497 car spaces available for general public parking including disabled and parent/child parking spaces.

The applicant has submitted a traffic Assessment relating to the development which assesses the proposal in terms of

- Walking and cycling
- Public transport and
- Car travel.

The assessment concludes that walking and cycling provision to the retail park is good, taking into account the consented improvements. Public transport provision is also very good. Car parking provision is not fully utilised at present, and therefore the proposed additional floorspace does not warrant additional car spaces.

Transportation Group have forwarded the proposal to TfL for their comments as the application site is located on a trunk road. TfL have responded that they have no objections to the proposal.

Sustainability

The proposal seeks to make a more intensive use of an existing building which is more efficient in terms of the energy consumption of the resulting building. Minimal disturbance and materials will be used as part of the development. No additional land is used for the development and no further car spaces area added, in line with PPG 13, thereby helping to reduce dependence on car travel. Four additional jobs will be created. The proposal is considered to meet the requirements of policy UD2.

SUMMARY AND CONCLUSION

The application site comprises Unit 7b located within the Tottenham Hale Retail Park. Unit 7b is located on the south side of the retail park.

This proposal comprises the addition of 929 square metres of extra retail floorspace by way of a mezzanine floor to be inserted within the existing structure. There will be no material external changes. There are no additional parking spaces proposed as part of the development.

In May 2006, the Town and Country Planning (General Development Procedure)(Amendment)(England) Order 2006 came into effect, which requires

planning permission to be sought for mezzanine floors for retail use over 200 square metres. Circular 01/06 Guidance on Changes to the Development Control System gives guidance to Local Planning Authorities on how to assess such proposals.

The proposal meets the tests for retail need and sequential criteria set out in PPS6 in that both the quantitative and qualitative demand for the additional floorspace exists within this location and the vitality and viability of the other primary centres in the borough will not be adversely affected by the proposal. The scheme also satisfies the guidance for assessment of additional mezzanine floorspace set out in Circular 01/06.

Policies AC2 and TCR2 of the Unitary Development Plan 2006 sets out the Tottenham International framework and identifies this area as one where a thriving, mixed use community, including significant retail opportunities is appropriate, and as such the proposed development is considered appropriate in the area.

The proposal is also satisfactory in transport terms and DoT raise no objections.

In the light of the above, the application is recommended for conditional approval.

RECOMMENDATION

GRANT PERMISSION

Registered No. HGY/2006/2070

Applicant's drawing Nos. 6811/PL 400, 402, 005E, 401, 005D

Subject to the following conditions:

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.
Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.
2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.
Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
3. The mezzanine floorspace hereby approved shall have a gross floor area not exceeding 929 square metres and shall be used for non-food retail purposes only.
Reason: To avoid an excessive provision of floorspace within the site.

REASON FOR APPROVAL

The proposal meets the sequential criteria set out in PPG6 and Policy AC2 of the adopted Unitary Development Plan 2006, and the Tottenham International framework identifies this area as one where a thriving, mixed use community, including significant retail opportunities is appropriate. The proposal is also satisfactory in transport terms.