

**Application Number**

07/2021/01162/VAR

**Address**

Unit 7  
The Capitol Centre  
Capitol Way  
Walton-Le-Dale  
Preston  
Lancashire  
PR5 4AW

**Applicant**

The Royal London UK Real Estate Fund

**Agent**

Mr Danny Simmonds  
RPS Planning & Development  
20 Farringdon Street  
LONDON  
EC4A 4AB

**Development**

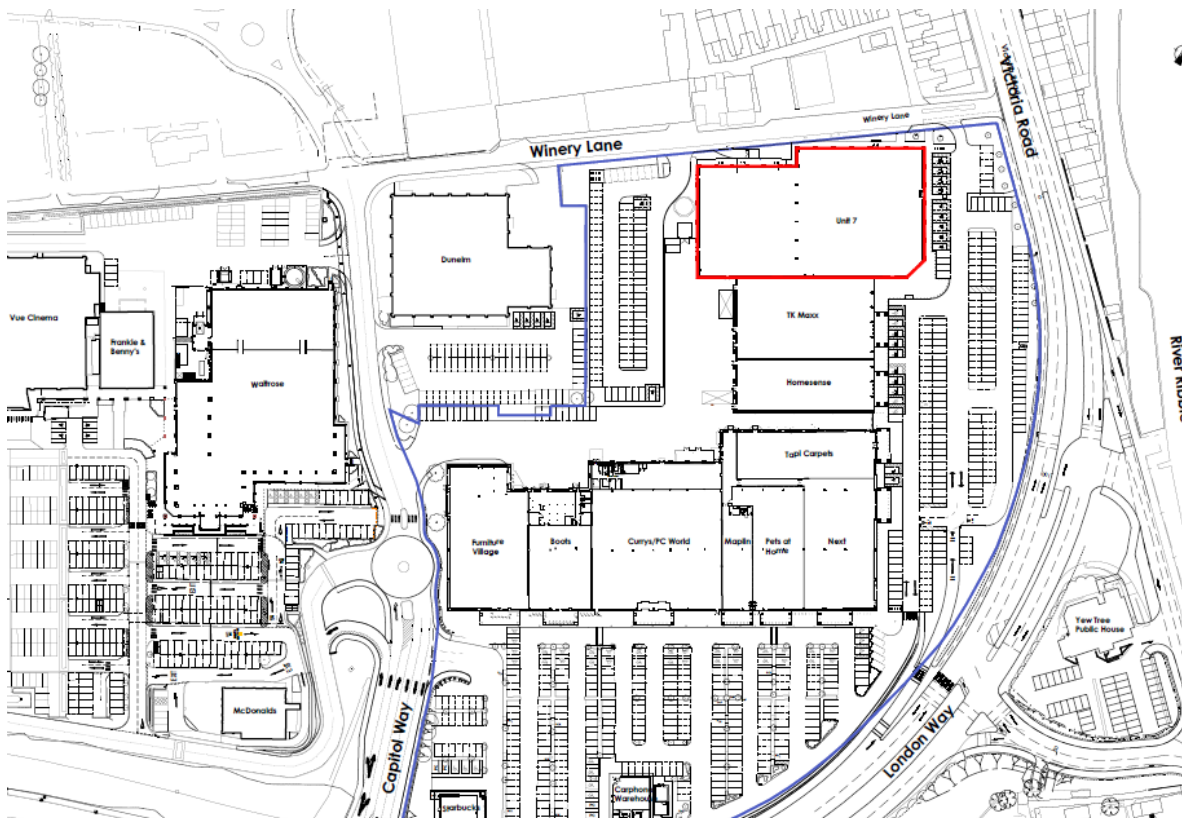
Variation of condition 5 of planning approval  
07/2007/0923/FUL (food retail restriction) to  
allow up to 30% of ground floor area to be used  
for the sale of food

**Officer Recommendation  
Officer Name**

**Approval with Conditions**  
**Mr Chris Sowerby**

Date application valid  
Target Determination Date  
Extension of Time

30.11.2021  
01.03.2022  
N/A



## **1. REPORT SUMMARY**

1.1 The application relates to a 3,268sq m unit within The Capitol Centre retail park in Walton-le-Dale. The unit, which is currently vacant, was most recently occupied by FABB Sofas (vacated June 2018).

1.2 The Capitol Centre has its own policy designation under Policy B5 of the South Ribble Local Plan.

1.3 The application seeks to vary an imposed planning condition on the unit which restricts the sale of food retail to no more than 93sq m of the unit's floor area. The proposal seeks to increase the permitted floor area of food retail up to 980sq m to meet the requirements of a prospective operator.

1.4 The nature of business of the prospective operator (Home Bargains), together with other similar discount/value stores, is wholly different to food retail stores. Officers are satisfied that Home Bargains, or any other discount/value store operating with a restriction up to 30% ground floor area for food retail, would not constitute a food retail outlet. As such the proposed variation of condition does not conflict with Policy B5 of the South Ribble Local Plan and would in fact bring a long-term vacant unit back into use adding to the range and variety of uses within the Capitol Centre site.

1.5 The threshold set in the NPPF for requiring the submission of a Retail Impact Assessment is where the proposed floor area exceeds 2,500sq m, in this case the proposed change relates to an area of 980sq m which is well below the threshold. As such the submission of a Retail Impact Assessment is not required.

1.6 The submitted Transport Assessment concludes that as a result of the proposed variation there would be six additional vehicles movements on the highway network in the weekday PM peak hour (17.00-18.00) and 25 additional vehicles during the Saturday peak hour. County Highways have agreed that the change on the level of vehicle trip attraction would have a *"negligible impact on the operation of the highway network"*. County Highways have also confirmed that the number of car parking spaces available are more than adequate to accommodate the relatively small number of additional customer cars resulting from the variation of the condition.

1.7 Environmental Health have raised no objections to the proposal.

1.8 The proposal complies with Policies B5, F1 and G17 of the South Ribble Local Plan together with Policy 10 of the Core Strategy and the NPPF. The application is therefore recommended for approval.

## **2. APPLICATION SITE AND SURROUNDING AREA**

2.1 The application relates to a 3,268sq m unit within The Capitol Centre retail park in Walton-le-Dale.

2.2 The unit, which is currently vacant, was most recently occupied by FABB Sofas (vacated June 2018), having previously being occupied by Tesco Home.

2.3 The glazed front entrance to the unit faces Victoria Road with service access to the rear from Captiol Way.

2.4 Winery Lane is present to the north with residential properties on Edward Street beyond.

2.5 The Capitol Centre has its own policy designation under Policy B5 of the South Ribble Local Plan.

### **3. SITE HISTORY**

07/2003/0752 – Alterations to existing retail building including side and rear extensions to retail store and modification of car parking, servicing and landscaping. Approved

07/2004/0452 – Modification to planning permission 07/2003/0752 for alterations to existing retail building, including side and rear extensions to retail store and modification to car parking, servicing and landscaping with addition of new access off Winery Lane. Approved

07/2004/1127 – Application for Certificate of Lawfulness for a proposed use or development for the installation of a mezzanine floor within an existing retail unit. Certificate Granted

07/2007/0923/FUL – Reconfiguration of unit together with two storey rear extension. Formation of new vehicular and pedestrian access off London Way and other associated modification works. Modifications to car park and landscaping works. Approved

07/2016/1021/FUL - External alterations, re-configuration of existing mezzanine floor and associated works to retail unit. Approved

### **3. PROPOSAL**

3.1 Condition 5 of planning permission 07/2007/0923/FUL states:

*5. That, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order the use of the unit that is the subject of this application shall be restricted to non-food retail with the exception of a 93m<sup>2</sup> area. The location of this area is to be agreed in writing by the Local Planning Authority prior to the first trading of the extended unit and must not be amended without the prior written authority of the Local Planning Authority. The food retail area shall not be increased in size beyond 93m<sup>2</sup>.*

*REASON: To allow the Local Planning Authority to retain an appropriate level of control over the use of the unit in the interests of the sound planning of the area and to comply with Policy FR2 of the South Ribble Local Plan*

3.2 The applicant is seeking to vary this condition in order to increase the area for which food retail is permitted to 30% of the ground floor area in order to meet the requirements of a prospective retailer that wishes to occupy the unit.

3.3 Condition 5 is therefore proposed to read:

*5. That, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order the use of the unit that is the subject of this application shall be restricted to non-food retail with the exception of a 980m<sup>2</sup> area. The location of this area is to be agreed in writing by the Local Planning Authority prior to the first trading of the extended unit and must not be amended without the prior written authority of the Local Planning Authority. The food retail area shall not be increased in size beyond 980m<sup>2</sup>.*

*REASON: To allow the Local Planning Authority to retain an appropriate level of control over the use of the unit in the interests of the sound planning of the area and to comply with Policy B5 of the South Ribble Local Plan*

3.4 The applicant has advised the following within the submitted Planning and Retail Statement:

*“The purpose of the application is to allow an empty unit to be occupied by Home Bargains. Home Bargains is a mixed goods national discount (or value) retailer. Home Bargains does sell a range of food and drink. However, Home Bargains does not fulfil the same role and*

*function as a food store / supermarket. However, it requires the flexibility to set aside 30% of its ground floor area for the sale of food. Accordingly, this application seeks to vary the current goods condition relating to Unit 7, so as to allow up to 30% of the ground floor, which equates to 980sq m, to be used for the sale of food. It is not necessary to amend any of the other conditions of the November 2007 permission."*

3.5 In regards to retail impact, the applicant states:

*"Highly relevant to the matter of retail impact is Government advice, as set out in the NPPF.*

*Paragraph 90 of the NPPF explains that when assessing retail applications outside town centres, not in accordance with an up to date plan, local planning authorities should require an impact assessment if the development is over a proportionate locally set floorspace threshold. In this case, neither the Central Lancashire Core Strategy nor the South Ribble Local Plan set a floorspace threshold for the purpose of assessing retail impact. Paragraph 90 goes on to state if there is no locally set threshold, the default threshold is 2,500sqm of gross floorspace."*

3.6 The application is accompanied by a Planning and Retail Statement and a Transport Statement.

#### **4. REPRESENTATIONS**

None received.

#### **5. CONSULTATION REPLIES**

**County Highways** have raised no objections to the proposal, stating:

*"The application is supported by a transport statement that provided estimated traffic generation for the proposed change and a carpark accumulation study.*

*The transport statement indicates that if 30% of Unit 7 was to be used for food retail instead of non-food retail, it is estimated that there will be six additional vehicle movements on the highway network in the weekday PM peak hour (17:00-18:00) which equates to one additional vehicle movement every 10 minutes. On a Saturday, there is estimated to be up to 25 additional vehicle movements on the highway network, which is one additional movement every two to three minutes. The statement concludes that this change on the level of vehicle trip attraction would be expected to have a negligible impact on the operation of the highway network. I have no reason to question the traffic generation and the conclusion is not unreasonable.*

*With regard to car park accumulation the Transport Statement summarises that, there is estimated*

*to be a peak car parking demand of 576 spaces for a weekday and 884 spaces on a Saturday, which represents an occupancy of 42% and 64% respectively within the Capitol Centre car parking provision. The statement concludes that this demonstrates that there is sufficient car parking capacity within the Capitol Centre to accommodate the proposed change of use at Unit 7. Again this is not an unreasonable conclusion.*

*The unit is currently vacant and the proposed development will result in the increase traffic attraction to the site, however, the site access junction is of a good standard and there would appear to be adequate parking to accommodate any increased level of traffic attraction. I am therefore of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site."*

**Environmental Health** have raised no objections to the proposal.

**Preston City Council** have raised no objections to the proposal, having considered that the proposal *“would not have a significant adverse impact on any particular store in the City Centre or on the vitality and viability of or investment within the City Centre as a whole”*. Preston City Council have recommended conditions to restrict the floor area of food retail to that applied for and to prevent Unit 7 from being amalgamated with other units or sub-divided to form separate units (this is already covered by Condition 6 on the previous permission which is to be carried forward).

## **MATERIAL CONSIDERATIONS**

6.1 As the application is only for the variation of a condition on the previously approved planning application, the principle of the development and any other matters not relevant to Condition 5 of planning approval 07/2007/0923/FUL, cannot be reconsidered. The Local Planning Authority can only consider any impact relevant to the variation of Condition 5.

### **Policy Considerations**

#### **6.2 i) NPPF**

6.2.1 In regards to retail impact the NPPF advises:

*“When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:*

*a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

*b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).” (para. 90)*

6.2.2 In regards to highway impact the NPPF advises *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” (para. 111)*

#### **6.3 ii) Core Strategy Policy Considerations**

6.3.1 Policy 1 of the Core Strategy is entitled ‘Locating Growth’ and encourages the focussing of growth and investment in the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble.

6.3.2 Policy 10 of the Core Strategy is entitled ‘Employment Premises and Sites’ and highlights the need to protect sites last used and allocated for employment for future employments use.

#### **6.4 iii) South Ribble Local Plan**

6.4.1 The unit is within the policy designation of The Capitol Centre, Walton-le-Dale (Policy B5) in the South Ribble Local Plan.

6.4.2 Policy B5 seeks to protect the vitality and viability of nearby existing centres, stating:

*“Within the area defined on the Policies Map at the Capitol Centre, Walton-le-Dale, but excluding the land at the Park and Ride facility, new development, re-development or change*

*of use will be permitted to provide non-food retail, leisure, recreation and tourism facilities, provided that the development would not:*

- A) Individually or together, with other recent or proposed development, harm the vitality and viability of any existing town or district centre; and*
- B) Significantly reduce the range and variety of uses on the site.*

*Conditions may be imposed to restrict the range of goods sold from retail outlets to prevent changes which could have an adverse impact on the vitality and viability of existing centres.*

*There is an existing food retail outlet on the Capitol Centre site. However the Council does not encourage further food retail outlets on this site”.*

6.4.3 The proposed variation of condition would allow up to 30% of the ground floor area of the unit to be used for food retail, with intended end user being Home Bargains. The nature of business of Home Bargains, together with other similar discount/value stores, is wholly different to food retail stores. Officers are satisfied that Home Bargains, or any other discount/value store operating with a restriction up to 30% ground floor area for food retail, would not constitute a food retail outlet. As such the proposed variation of condition does not conflict with Policy B5 of the South Ribble Local Plan and would in fact bring a long-term vacant unit back into use adding to the range and variety of uses within the Capitol Centre site.

6.4.4 The threshold set in the NPPF for requiring the submission of a Retail Impact Assessment is where the proposed floor area exceeds 2,500sq m, in this case the proposed change relates to an area of 980sq m which is well below the threshold. As such the submission of a Retail Impact Assessment is not required.

## **6.5 Highway issues**

6.5.1 The submitted Transport Assessment concludes that as a result of the proposed variation there would be six additional vehicles movements on the highway network in the weekday PM peak hour (17.00-18.00) and 25 additional vehicles during the Saturday peak hour. County Highways have agreed that the change on the level of vehicle trip attraction would have a “negligible impact on the operation of the highway network”.

6.5.2 County Highways have confirmed that the number of car parking spaces available are more than adequate to accommodate the relatively small number of additional customer cars resulting from the variation of the condition.

## **6.6 Noise and Disturbance Issues**

6.6.1 Environmental Health have raised no objections to the proposal, with the increase in the area of unit used for food retail not expected to have a material impact in terms of noise and disturbance.

## **7. CONCLUSION**

7.1 The proposed variation of condition 5 falls below the threshold of requiring a Retail Impact Assessment and would bring a long term vacant unit back into use adding to the range and variety of uses within the Capitol Centre site. The proposed variation would not have a detrimental highway or residential amenity impact. There are no objections to the proposal from any statutory consultees. The proposal complies with Policies B5, F1 and G17 of the South Ribble Local Plan together with Policy 10 of the Core Strategy and the NPPF. The application is therefore recommended for approval.

## **RECOMMENDATION:**

Approval with Conditions.

## **RECOMMENDED CONDITIONS:**

1. That, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order the use of the unit that is the subject of this application shall be restricted to non-food retail with the exception of a 980m<sup>2</sup> area. The location of this area is to be agreed in writing by the Local Planning Authority prior to the first trading of the extended unit and must not be amended without the prior written authority of the Local Planning Authority. The food retail area shall not be increased in size beyond 980m<sup>2</sup>.

REASON: To allow the Local Planning Authority to retain an appropriate level of control over the use of the unit in the interests of the sound planning of the area and to comply with Policy B5 of the South Ribble Local Plan

2. That the unit that is the subject of this application shall not be divided or sub-divided without the prior written consent of the Local Planning Authority.

REASON: To allow the Local Planning Authority to retain an appropriate level of control over the use of the unit in the interests of the sound planning of the area and to comply with Policy B5 of the South Ribble Local Plan

## **RELEVANT POLICY**

**10      Employment Premises and Sites (Core Strategy Policy)**

**POLB5          The Capitol Centre, Walton-le-Dale**

**POLF1 Car Parking**

**POLG17        Design Criteria for New Development**

**NPPF   National Planning Policy Framework**

## **Note:**

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