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Richard Canovan
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2005/22

23 May 2005

Dear Mr Canovan

PLANNING CONTROL OF MEZZANINES AND OTHER INTERNAL FLOORSPACE ADDITIONS
Consultation paper – March 2005

The Institute is pleased to have the opportunity to comment on the above consultation paper, read at www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_035694.pdf. We have consulted our regional Branches in England, and the members of our Development Control Panel, as a result of which I can offer you the following comments.

GENERAL COMMENTS

1. The Institute is not impressed by the Government's proposed amendment to the GDPO. The case for the amendment is not based on sound evidence, nor its need proven; the wording is flawed to the extent that there are likely to be perverse effects; and the amendment comes too late in time to address effectively the problem the Government perceives there to be. In addition, the proposal might be seen as anti-competitive, when it has hitherto been generally understood that it is not the role of the planning system to constrain competition.
2. A further concern is the indication that the Government has probably already pre-judged the outcome of this consultation. *Paragraphs 3.29 and 3.31 of PPS 6 – Planning for Town Centres*, published just after this consultation paper was issued, specifically refer to "mezzanines" and proposed internal floorspace extensions exceeding "200 square metres". It seems unlikely that this is only coincidence.

DETAILED COMMENTS

Policy context

3. The principal objective of the change is to support *“the Government’s key objective for town centres which is to promote their vitality and viability and the planning policies set out in PPS 6”*. That being the case, the proposed amendment should specifically exclude the application of the Order to defined town centres.
4. The consultation paper expresses the view that town centre developments generally do not have the facility to extend retail floorspace through the insertion of mezzanines. While this may be true of much traditional town centre development, it is less so of recent major redevelopments. It would better serve the Government’s policy objective, and leave less to chance, if town centres were excluded from the present proposal.

Cumulative effects

5. The wording of the amendment, as it stands, does not appear to guard against the cumulative addition of mezzanine floorspace additions that individually are below the threshold figure. Assuming a threshold figure of 200 sq m, there appears to be no reason why successive additions of, say, 195 sq m should not be developed – each of which the operator may consider large enough to be economically worthwhile. This loophole should be closed before it arises.

Threshold

6. The Institute acknowledges that pitching the threshold at the right level is a tricky exercise. Too low a figure will involve developers/operators and LPAs in the costs of making/determining planning applications for what are little more than minor internal alterations. Conversely, too high a threshold is likely to negate the object of the exercise. On balance, we can accept the argument for a threshold of 200 sq m, provided that the issue of cumulative impact is addressed.

Timing

7. The consultation paper explains that the proposed provision is likely to impact mainly on those of out-of-town shopping developments built before 1995/96. Since that date, LPAs have generally used their powers to control additional floorspace through conditions on planning permissions. If this is the case, and on the assumption that most developers/operators who found it expedient to take advantage of this “flexibility” will already have done so, the Institute questions whether the current proposal has any real value, and whether it is not a case of “shutting the stable door after the horse has bolted”.

If any of the Institute’s comments require clarification or elaboration, please do not hesitate to contact me.

Yours sincerely,

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