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22 August 2017

David Innes
Planning Services & Economic Regeneration
Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Dear David

**LAND SOUTH OF NEW ROAD AND EAST OF BROOK LANE – RUSTINGTON
REVISED PLANNING APPLICATION FOR RETAIL AND PUBLIC HOUSE DEVELOPMENT
PLANNING APPLICATION REF: A/23/15/OUT & A/11/17/OUT**

As you are aware, we act on behalf of SDB Investments Ltd and Commercial Development Projects Ltd who are joint applicants with Marks and Spencer in respect of the above applications.

Thank you for providing us with the report prepared by DPDS dated June 2017 which provides advice to the Council principally in relation to matters of retail policy. It is a response to our Retail Statement dated March 2017 submitted to accompany both applications.

You have invited a response to the DPDS assessment. Accordingly, we have firstly commented on the analysis of the retail policy tests (sequential and impact) and then turned to the issue of material considerations and the planning balance.

Retail Policy Tests

In accordance with Paragraph 26 of the NPPF and Policy DEV27 of the Local Plan it is necessary to address the sequential and impact tests in respect of proposals for retail development in out of centre locations. We comment on DPDS's analysis in this regard below with reference to our March 2017 assessment and new information which has become available.

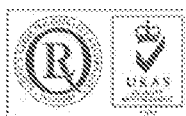
Sequential Test

i) St Martins Car Park

DPDS 3.15 - We note that DPDS agree with our conclusion that the St Martins Car Park site can be discounted from the sequential test on the grounds of availability. Accordingly it is not necessary to consider this further.

ii) The Former Waitrose (Avon Road, Littlehampton)

DPDS 3.18 - It is identified here that there is no indication of the freeholder's current intention for the site. However, we are aware that there have been pre application discussions regarding the redevelopment of this site and its replacement with a residential and care home development and retail units. DPDS have not been party to this subsequent information, which supersedes elements of their report.



Whilst these proposals are at an early stage, and there are a number of matters to be addressed in finalising the scheme, this pre-application process confirms that the site owner is considering alternative options for the site in the form of residential led proposals, in the absence of any occupier interest in the existing building. Given the history of the existing site we anticipate that any retail element would be in the form of smaller unit shops for a range of A1/A3 occupiers for which there is a known demand.

The activities of the landowner clearly reinforce the point made at Paragraph 6.41 of our March 2017 assessment that the future of the site lies in a more diverse offering through redevelopment. The landowner has clearly recognised that the existing building is not suitable for its intended purpose as a foodstore and is actively considering alternative options. This is a significant material consideration in respect of the sequential test.

DPDS 3.19 – DPDS consider that we have relied heavily on the specific requirements of M&S in considering suitability of the Avon Road site. That is clearly not the case. Firstly the site was assessed for general foodstore retailing. It was then considered in respect of premium food retailing which is the subsector which M&S operate within. Only once the site had been clearly discounted on the basis of these two “retailer blind” scenarios was an assessment made in relation to M&S real world requirements (which the Supreme Court has determined are material considerations).

Linked to comments at Paragraphs 3.16 and 3.22 DPDS state that concern over the trading location was not a consideration for the M&S board in 2011. However, the letter issued by M&S on 4 June 2015 quite clearly states that:

“The inappropriate size of the store was a key factor in our 2011 proposal failing to obtain M&S board approval (alongside concerns about its locations and the physical state of the unit). The recent experience of Waitrose in trading for the unit for such a short period confirms both that this location was clearly not viable for Waitrose and that it was not, and is not, a viable site for us.”

Therefore, clearly locational factors were important in 2011 and remain so when considering the suitability/viability of this site. On this basis we remain firmly of the view that the churn of retailers across a range of sub-sectors within the foodstore market and the ultimate departure of Waitrose provides clear evidence that the site is not viable for convenience retailing. This assessment has, apparently, now been corroborated since the only proposals which have been put forward for the site are for residential mixed use development involving relatively small retail units rather than a foodstore of the kind proposed in this planning application.

DPDS 3.20 – The viability of the Waitrose operation at Avon Road has been brought into question. Waitrose contend that viability was not a factor in their relocation from Littlehampton to Rustington. However, in our view the shift to Rustington provides a clear indication that there were viability issues at the Littlehampton store. Indeed the issues must have been sufficiently significant to warrant a shift from one centre to another located only 2km away with all the upheaval associated with that.

DPDS consider that trading below company averages is simply an indicator of competition within a catchment area. However, there was little competition to Waitrose as it was the only store operating within the premium sub-sector of the market. The better located foodstores in any catchment area would be expected to trade more strongly than others. The shift from Littlehampton to Rustington by Waitrose (i.e. closer to its target customer base albeit by only a small distance) emphasises the importance of location to viability in the foodstore market. Again, our assessment of the history is confirmed by the only expressed development intentions which are for residential led mixed use on that site.

DPDS 3.21 – DPDS do not consider that the lack of occupier interest over a long period of unsuccessful marketing can be regarded as an indicator that the site is not suitable for convenience retailing. We maintain that this is one of the clearest indicators that there is no reasonable prospect that the building will be re-occupied for this use. Market indicators have long been used in planning to make provision for appropriate land uses. The site has now been actively marketed for over 2 years without success. Indeed the landowners appear to have accepted these market indicators and are now considering redevelopment for alternative uses to secure a viable long term future for the site.

On the basis of the above analysis, setting aside the consideration of availability, the former Waitrose site is clearly not a suitable nor a viable proposition for foodstore use. This is evidenced by the history of unsuccessful foodstore operations, the long term vacancy and unsuccessful marketing of the property and efforts of the landowner to now consider an alternative form of development. It can therefore be discounted from the sequential test. This is all objective, factual evidence which independently corroborates M&S's own assessment of suitability.

For the reasons set out above we do not accept the conclusions of the DPDS report (para 5.3) that the applicant has not demonstrated compliance with the sequential approach.

Retail Impact

DPDS has identified that the consideration of retail impact is not necessary for a proposal of this scale, being considerably below the NPPF threshold of 2,500sqm. In any event they have reviewed our impact assessment and reached the same conclusion that there would not be a significant adverse retail impact on Littlehampton or Rustington town centres. Subject to those points highlighted in connection with the 'planning balance' below, we have no further comments to make in relation to impact.

Planning Balance

As stated above we do not consider that the proposal fails to comply with the sequential test. We note however that DPDS go on to state (para 5.9) that ***“the weight to be given to failure of the applicant to satisfy the sequential test is not overwhelming in the absence of other retail harm”***. Our clients concur with this assessment that, if Members conclude that the sequential test has not been passed in this instance, they would still be entitled to grant permission on the basis that, on balance, the development plan and other material considerations indicate that planning permission should be granted. We expand upon this analysis below.

Context for the determination of the application

The relevant statutory framework, s70(2) Town and Country Planning Act 1990 provides:

In dealing with [a planning] application the authority shall have regard to: (a) the provisions of the development plan so far as material to the application; (b) any local finance considerations so far as material to the application; and (c) any other material considerations.

Section 38(6) Planning and Compulsory Purchase Act 2004 further states that:

*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**.*

Planning Analysis

It clearly falls to Officers, in advising Members, to identify all relevant development plan policies and material considerations and for Members to weigh these in the planning balance. We do not seek to undertake such an analysis below.

We note however that a substantial number of benefits arise from the proposed development which substantively achieve the key principles of sustainable development as set out in the NPPF, and should be considered sufficiently material to justify approval even if the Council conclude that the requirements of the sequential test have not been met. For example, in their earlier consideration of planning application ref. A/23//15/OUT Officers advised Members that ***“the NPPF places weight on the need to support economic growth through the planning system. The need for planning to respond positively to sustainable economic growth and prosperity that will support local economy and create employment opportunities . . . are material considerations that count heavily in favour of this application.”***

Furthermore the Planning Statement submitted with the planning applications has already detailed the policy justification for granting permission and we have highlighted some of the most pertinent points (particularly relating to sustainability) below:

Economic: Provision of a premium food retailer will significantly enhance the attraction of the area to shoppers. More importantly, it is estimated that the development will provide 110 permanent jobs, comprising a mixture of full and part time positions, together with a considerable number of additional employment opportunities during the construction phase of development.

Social: The development will serve the local population by extending the range of commercial facilities available in the area, which will be accessible to all and provide a socially inclusive environment with dedicated facilities for disabled users and those with other mobility challenges. The majority of jobs created by the development will also be filled by the local workforce, where employees will benefit from the proposed operators' dedicated training and development programmes. These elements accord with criteria (ii) (iii) and (iv) of the Arun District Plan policy DEV 26.

Environmental: As well as being designed and constructed to modern standards of energy efficiency to make the best use of natural resources, the provision of a retail development in this location would reduce the need for M&S customers to travel to locations further afield including Worthing and Chichester to meet their shopping needs. Footpath and cycleway connections including a linkage to the bus stop within the Mill Lane Site will also encourage alternative modes of travel. These elements are therefore accord with criteria (i) and (v) of policy DEV 26.

Although it is acknowledged that the development may have some minor adverse impact on the centres of Littlehampton and Rustington (as recognised in the accompanying Retail Assessments), when considered in the context of these benefits this adverse impact should not be regarded as significant.

As already highlighted, the statutory framework gives a wide discretion to Councillors to approve a planning application where an assessment of it against planning policy and material considerations concludes that there are factors pulling in different directions, so long as any decision is justified. The Planning Practice Guidance is explicit that Members are entitled to use their own judgment when determining how much weight to afford competing considerations:

“Provided it has regard to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight”¹

This guidance reflects case law, and provided a decision is not found to be ***‘irrational’*** – then it is long established that ***“challenges [should not be] used as a cloak for what is, in truth, a rerun of the arguments on planning merits”²***.

¹ Paragraph 009, Planning Practice Guidance (Ref ID: 21b-009020140306)

² Newsmith Stainless Ltd v Secretary of State for the Environment, Transport and the Regions [2001] EWHC Admin 74 at paras 6 - 8

In the present case, it is clear that the material benefits of the development would outweigh any potential harm arising, even if members conclude that the sequential test would not be met (contrary to our opinion set out above about the former Waitrose site).

If Members, having weighed all these matters carefully, are minded to grant permission, we are therefore confident that such a decision would be both lawful in relation to the Section 38(6) test and appropriate, as a matter of planning judgment.

Conclusion

On the basis of the above assessment we have demonstrated that the application proposal passes the sequential and impact tests in compliance with the Development Plan and the NPPF and that the proposal would meet the local and national policy objectives in all other respects. Therefore the statutory and national policy presumption in favour of granting planning permission applies.

In the event that the Council considers that the proposals fails the sequential test, we have demonstrated that there are countervailing material considerations relating to economic and social advantages which would outweigh any disadvantages of a policy breach and that there would be an absence of actual (as opposed to policy) harm arising from the proposed development. Accordingly a decision by Members to approve planning permission would be both lawful and appropriate as a matter of planning judgement.

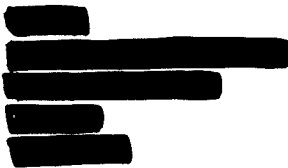
We look forward to discussing matters again with you in due course.

Yours sincerely



EDWARD LEDWIDGE
Partner
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Your Ref:

Our Ref: PAA/51/16/

Please ask for: [REDACTED]

01903 [REDACTED]

6 June 2016

Dear [REDACTED]

Pre-Application Advice

Pre-application advice to create a new high quality mixed use development comprising approx 56 residential units (Use Class C3), two retail units (flexible Use Class A1/A3) & a 72 room care home (Use Class C2)

Former Waitrose Store Avon Road Littlehampton

I write regarding the above matter and your enquiry received on 16th March 2016.

Description Of Proposed Development

From the details submitted, I understand that you propose to redevelop the former Waitrose store and associated car park to create 56 apartment dwellings, 2 retail units and a 72 room care home over 4 floors in 2 separate blocks. No detailed floor plans or elevations have been submitted with your proposal.

Description Of Site

The application site comprises a 2 storey vacant retail business with brick elevations and car park situated to the (north) rear. The site is gently sloping and there are no trees affected by your proposal. Bus stops are located along the southern boundary.

Description Of Locality

Built-up Locality

The area is part of Littlehampton town centre with mixed uses predominantly retail and residential uses.

Planning Issues

The following issues have been identified for consideration.

Principle

Design

Neighbour Amenity

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Amenity Space Provision
 Affordable Housing
 Highways, Transport and Parking
 Sustainability
 Sustainable Construction
 Flooding/Drainage
 Impact on the setting of Listed Buildings
 Impact on the setting of the Conservation Area
 Loss of retail unit

Relevant Planning History

LU/541/84	Construction of proposed supermarket together with access routes & parking for supermarket & industrial units	ApproveConditionally 12-12-1984
LU/555/84	Layout of proposed car park & service road incorporating Field Place & Avon Road modifying LU/541/84	ApproveConditionally 12-12-1984
LU/562/81	Change of use part of former bus garage	Refused 02-12-1981

Relevant Policies - the following policies are considered relevant to your proposal:

Arun District Local Plan:	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN22	Buildings or Structures of Character
	GEN32	Noise Pollution
	GEN33	Light Pollution
	DEV17	Affordable Housing
	DEV26	Criteria for Retail Development
	AREA2	Conservation Areas
	AREA19	Primary Shopping Frontages
	ERETSP1	RET SP1 Hierarchy of Centres
	ERETDM1	RET DM1 Retail Development
	EHSP2	H SP2 Affordable Housing
	EDDM1	D DM1 Aspects of Form and Design Quality
	EDDM2	D DM2 Internal Space Standards
	EDDM3	D DM3 External Space Standards
	EDSP1	D SP1 Design
	EHEDM1	HER DM1 Listed Buildings
	EHEDM2	HER DM2 Locally Listed Buildings or Structures of Character
	EHEDM3	HER DM3 Conservation Areas
	EHERSP1	HER SP1 The Historic Environment
	EQEDM1	QE DM1 Noise Pollution
	EQEDM2	QE DM2 Light Pollution
	NPPG	National Planning Practice Guidance
Planning policy guidance	NPPF	National Planning Policy Framework

Principle

Inside Built-up area boundary : The site lies in an urban area where the principle of development is

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considered acceptable. Planning policy supports effective and efficient use of land for sites such as this but also advises that new housing is well integrated with and complements neighbouring buildings and local area in terms of scale, density, layout and access.

Design

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(ii) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore new development should be well integrated with and complement the local area in terms of, for example, layout.

The site currently comprises a prominent and unattractive building of significant proportions, size and bulk which bears no relation to its surroundings and is visually obtrusive. It is considered that if it is used as a base for any development it is unlikely to result in a scheme of architectural merit. Any development of the site would benefit from demolition of the existing building and its replacement with a building(s) of greater visual interest.

The proposed development is considered unacceptable by reason of conflict with policies and advice because the increased height of the existing supermarket building and increased massing would adversely affect the visual amenities of the locality. The existing building already dominates the road frontage and strongly contrasts with the scale and design of adjoining development. The increased prominence and additions to the mansard shaped roof would emphasise what is an inappropriate design feature in the area and would be out of keeping with the adjoining mainly pitched roofs and domestic scale. The general bland flat sided block shapes of the proposed units would lack any vertical visual separation, staggering of elevations or splitting into smaller units which are design elements more commonly found in the locality. The structures would have a harmful monolithic appearance and would detract from the character of the area and the setting of the adjoining Conservation Area and adjacent Listed Buildings.

The proposal offers an opportunity to improve the street scene to Anchor Springs, East Street and Avon Road, but based on the submitted information the proposal fails to positively contribute to an active and attractive site frontage. The site lies within the town centre in an area designated as a Principal Shopping Area in Arun District Local Plan and as a Secondary Retail Frontage in the emerging local plan.

The existing building is of little architectural merit and it is suggested that demolition and rebuilding of the existing building is considered. It maybe that a replacement building with a slight increase in height if of sufficient architectural quality would be an acceptable alternative.

Neighbour Amenity

Arun District local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. In this case, it is considered that the proposed development would be acceptable on the residential amenities of neighbouring properties in terms of overbearing impacts because of the distances involved, but based on the information submitted any overlooking impacts cannot be fully assessed at this stage.

Amenity Space Provision

Policy GEN7 of the Arun District Local Plan indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. On this basis, well designed and adequate amenity space provision for residents is considered essential to meet the policy requirements of the local plan and Central

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Government Advice.

In terms of the residential amenity of potential occupiers of the flats the Local Planning Authority would look for compliance with the internal and external space standards as set out in the emerging local plan, Publication Version dated October 2014, policies DDM2 and DDM3. Outside amenity space requirements for flats include open space, patios and balconies directly connected to the apartment.

Since the development includes in excess of 50 flats the Supplementary Planning Guidance of Arun District Local Plan relating to Open Space and Recreation Standards adopted in October 2000 is relevant. Paragraph 6.2 states Developments of 50 flats or more should provide a Local Equipped Area for Play(LEAP) play area with an appropriate buffer area. Careful attention will be paid to the siting and design of the play area, and the type of equipment provided, to minimise disturbance to residents. These facilities should be sited according to the guidance in 'Siting of LAPs, LEAPS and NEAPs' in the guidance. There are no standards for general recreational open space for flats. A commuted sum for maintenance will also be required (£750 per annum for 16 years). There are no requirements for developments of 49 flats or less.

Affordable Housing

The Council's Housing Strategy and Enabling Manager has commented:

He recommends that the Council's Affordable Housing Policy requirements are applied to both the 56 Use Class C3 residential units and the 72 Use Class C2 care home units. 30% affordable housing on-site for all residential units would be the Council's preference but a combination of on-site affordable housing and a commuted sum planning obligation may also be an option.

The applicants are recommended to contact the Council's Housing Strategy and Enabling Manager to discuss the affordable housing aspects of the proposed development.

Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a Conservation Area, the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990. The proposed development is likely to be unacceptable due to the impact on the setting of the designated Conservation Area and adjacent listed buildings.

The Council's Conservation Officer and Historic Building Adviser have made the following comments:

The NPPF provides some important first principles which should inform any development that affects a heritage asset and its setting. In this instance there are the settings of a number of listed buildings and the Conservation Area, as well as the Conservation Area itself.

Paragraph 131 of the framework requires that 'local authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness.' Whilst paragraph 137 requires that: 'Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.'

It would seem reasonable to suggest that from an initial site assessment the existing store building falls short of these aims as they stand now. Paragraph 28 of the 'Heritage Statement' provided with the pre-application refers to the detrimental impact of the building's scale, mass and architectural character within the townscape, which anyone would have to agree with. Given this it is difficult to see how altering the building to create even greater scale, bulk and mass is going to overcome existing and potential further harm.

As with many buildings of this type, the scaling up of vernacular features to try and mitigate impact rarely fully succeeds. Large gables, half-hips and dormers all appear over-sized as do the eaves

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details. Due to the nature of the site which is sloping, there has been some attempt to control scale, especially at the northern end. Unfortunately, any potential attempt to change this with a huge mansard roof covering bulked up elevations is unlikely to be an improvement. Furthermore, the existing brickwork is unlikely to be properly matched and where new fenestration is required, the cutting out of windows is likely to cause more issues with the existing envelope. One can see a solution to this being that the whole building becomes rendered which could be a further issue.

In short, it is highly unlikely that an adaptation of the existing building into residential is going to result in a scheme which contributes to and enhances the surrounding heritage assets. Similarly, the monolithic nature of the proposed new build raises comparative issues and could potentially compound the development as a whole.

Any scheme here needs a fuller historical assessment of the site to better understand the former development, building typology and nature of the landscape here. This should better inform the scheme with a view to enhancing the heritage assets and in turn the town. References made to other modern buildings in the town and the pallet of material needs to be much more considered and relevant to the site and to local distinctiveness. Identifying tall buildings outside of the site does not carry particular weight when the setting of the nearby designated heritage assets is the primary issue and the enhancement of the Conservation Area an important secondary one.

Other Considerations

The Council's Economic Development Officer has stated:

Economic Development would not support this potential application. We would wish to see that all retail options that would bring footfall and a quality offer to the town centre have been exhausted to our satisfaction prior to consideration of moving the building to what is essentially a residential use.

The Littlehampton Town Centre Manager has provided the following comment: 'The loss of retail space will have a significant negative impact on the town centre in regards to current and future offer. Whilst we wouldn't object to a mixed retail, leisure and housing proposal, the loss of this much retail space is unacceptable. Also the placing of the proposed retail space I would suggest adds nothing to the town centre.

Since the closure of Waitrose, businesses in Anchor Spring have reported significant drop in footfall and subsequent drop in turnover. We would want any new proposal to contain retail and/or leisure that would be a significant driver of footfall to the area.

At early informal discussions with the current leaseholders the council explained that it would only support an application that put retail or leisure at the centre of the scheme. Some limited housing would be acceptable if this enabled viability. We would be more flexible if there was evidence that our preferred development options had been thoroughly explored, but we feel that we don't have sufficient evidence of a robust and flexible marketing approach.

The council is still keen to bring forward wider regeneration proposals for the St Martins' Car Park, the adjoining site, and would be pleased to enter into conversations with neighbouring land owners to consider development options that meet the Councils aspiration for this i.e. a mixed retail and leisure development with replacement car park and some residential accommodation.'

Landscape Comments

The Council's Parks and Open Space/Arboricultural Officers have made the following comments :
' As with any new development the proposals must be sympathetic with those existing and the surrounding location. Whilst this site is presently formed of hard surface and existing large building any opportunity for the greening of such areas should be embraced. The proposals put forward do mention the provision of terrace and garden area which would be a welcome addition to this area.'

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These proposals would be requested in plan form in order that the full picture of the proposals could be seen.

Whilst the existing vegetation is sparse any removed vegetation needs to be mitigated for and replaced with an improved scheme to existing. The detail of this needs to be provided in plan form so that the extent and proposals can be clearly appraised. The proposals need to include a varied scheme suitable for location. Species choice should provide a lasting and varied scheme that enhances the landscape quality of the site when viewed from its surroundings. It must allow for habitat formation and be proposed for planting at a suitable size so as to minimise the loss of existing, whilst establishing quickly so as to diminish the impact of the proposals within the shortest space of time. Planting density locations and size at time of planting should be shown on the drawing.

The proximity of the new proposals to neighbouring boundaries would need to be considered from the point of screening for both those viewing the development and the development looking out as this is a particularly prominent location. We would recommend that a landscape scheme be submitted as part of any valid application, which would need to include mitigation planting for any screen planting being removed.

Any trees or vegetation that fall within the proposed or periphery of the development, may provide significant aesthetic impact to the location. Whilst there are no significant trees or planting on the site which would be adversely affected by this scheme any trees in particular along the boundaries, which adjoin the site could provide potential valuable screening and should be retained wherever possible. Any considered tree removal from this site should be agreed with Arun District Councils Tree Officer. Root protection Areas (RPA) should extend into the development site and to those neighbouring. Before construction, a tree protection scheme must be in place for any retained trees including trees any whose root protection areas fall within the construction zone from neighbouring land. This should be in accordance with BS 5837:2012 "Trees in relation to construction"

Drainage Engineers Comments

The Council's Drainage Engineers have made the following comments:

Engineers advice on surface water drainage:

Any proposed surface water drainage scheme will need to consider the use of sustainable drainage principles (SuDS).

SuDS Selection

The design will need to follow the hierarchy of preference for different types of surface water drainage systems as set out in Approved Document H of the Building Regulations and the Sustainable Urban Drainage System (SUDS) Manual produced by CIRIA. This means that the developer must first consider the discharge of surface water into an infiltration device (eg. soakaway, basin, swale, permeable paving etc) before considering any other method.

Infiltration Drainage Design

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SUDS or soakaway design will need to include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. Supplementary guidance

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notes are also enclosed for information.

Suggested External Consultees:

Environment Agency	planningSSD@environment-agency.gov.uk
WSCC Strategic Planning	SU.Local.Development@westsussex.gov.uk
Southern Water Planning	developerservices@southernwater.co.uk

Conclusion

Based on the above comments I conclude that were an application for planning permission to be refused for reasons relating to loss of retail space and lack of a retail viability appraisal, unacceptable impact on visual amenity and character of the area.

If redevelopment of the site is considered and the other matters can be addressed the Local Planning Authority would be happy to discuss proposals further.

It is suggested that a more detailed proposal would benefit from being placed before the Design Review Panel.

Follow Up Meeting

If you require a follow up meeting to discuss this pre-application and advice, you will need to forward a written request together with a fee for £200 made payable to Arun District Council if not already included in the fee you have already paid.

Making an Application

If you decide to proceed with making an application you will need to quote the reference number for this advice in the pre-application advice section of the relevant application form. This will ensure that the application receives priority and a speedy validation process.

You will also need to submit the following documentation/information:

Fully completed and signed Application Form with full description of the proposal.
Ownership Certificate and Agricultural Land Declaration
Design and Access Statement
Correct Fee
Location Plan (1:1250)
Site / Block Plan (1:500)
Elevations (Existing and Proposed)
Floor Plans (Existing and Proposed)
Roof Plans

Additionally the following documents will need to be provided:

Please note that the Council introduced a new Local Validation Requirements List in July 2013 which you should refer to before submitting your application. Failure to provide the required documentation and to complete the Validation Checklist and the Biodiversity Checklist will result in the application being treated as incomplete and delay the validation of the planning application.

Having looked though the Local Validation Requirements List, I would suggest that the following additional documents will be required:

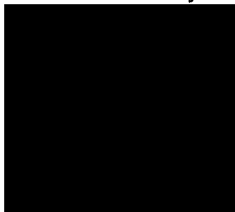
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Affordable Housing Statement
Economic Development Statement
Retail Impact Assessment
Foul and Surface Water Drainage Statement
Flood Risk Assessment
Bin Storage and Collection Provision
Parking Plan
Plannning Application Summary
Street Scene
Transport Statement

You should be aware that any advice given by the Council in relation to pre-application advice will be based on the case Officer's professional judgement and will not constitute a formal response or decision of the Council with regard to any future planning applications. Any views or opinions expressed are given without prejudice to the consideration by the Council of any formal planning application which will be subject to wider consultation and publicity. Although the case officer may indicate the likely outcome of a formal planning application, no guarantees can or will be given about the decision that will be made on any such application. Any further correspondence will be at the Case Officer's discretion depending on the nature of the further enquiry. It may be necessary to submit a further pre-application advice request. Please note this advice only relates to planning and does not relate to any other legislation which may or may not apply such as Building Regulations. You will need to carry out your own checks to determine whether any other consents or permissions are required.

I trust this is of assistance to you.

Yours sincerely



Karl Roberts
Director Planning & Economic Regeneration

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