

Appraisal of Planning Application

Proposed Farm Shop

Vacant Building

Rustington Golf Club

Golfers Lane

Angmering

Application No. A/120/11

Prepared for

Arun District Council

Prepared by

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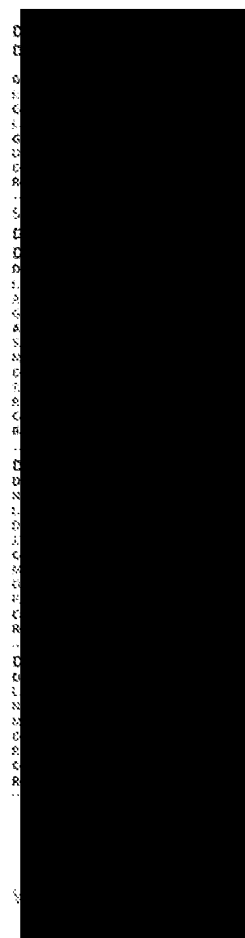
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1.0 Introduction

1.1 This report has been prepared by DPDS Consulting Group on instruction from Arun District Council (ADC) to review and assess the retail evidence submitted in support of a planning application to ADC for retail development. The application relates to the following:

- Application A/120/11 prepared by Strutt & Parker on behalf of Rustington Investments Ltd and Maplewell Ltd at Vacant Building, Rustington Golf Centre, Golfers Lane, Angmering, for 'Change of use of vacant building from family activity centre (D2) to farm shop (A1)'.

1.2 In accordance with our instructions, this report has been undertaken to provide ADC with the following outputs:

- A review and assessment of the soundness of the retail evidence submitted as part of the Economic Development Assessment (July 2011) submitted in support of the planning application in the context of PPS4 and adopted Plan policy;
- Recommendations to inform and assist ADC in its assessment of the planning application and the decision making process.

1.3 As part of this review, the report considers whether the submitted information accords with the relevant planning policy framework, and whether there is a requirement for further information or clarification from the applicant's to address issues raised in this report. This report is concerned with an appraisal of the retail policy issues only. It is recognised that ADC will consider wider planning considerations as part of the determination process which are not addressed in this report.

The Proposal

1.4 We understand from the applicant's statement that the proposal relates to the change of use of a vacant D2 building, which totals 1,568 sq. m gross and also includes a mezzanine of 325 sq. m, to A1 use with ancillary A3. Based on the floorspace

information provided at paragraph 2.1 of the Economic Development Assessment, the subject building provides 1,893 sq. m of floorspace.

- 1.5 No details of the proposal floorspace are provided in the Strutt & Parker statement. We have therefore had regard to the details provided on the submitted planning application form which identifies a proposed change of use of 1,812 sq. m (gross internal floorspace), comprised of the following uses:
 - A1 (farm shop) - 960 sq. m
 - A3 (cafe) – 319 sq. m
 - Other (unspecified) - 533 sq. m
- 1.6 At the outset, we consider that further details of the floorspace identified as ‘other’ should be provided to ADC, given that it accounts for over 29% of the total proposed floorspace.
- 1.7 We understand that the proposed A1 element relates to a farm shop that will sell a range of products, to include fruit and vegetables; meat; poultry; fresh dairy products; bread and bakery products; and seasonal flowers and shrubs. At paragraph 3.1, Strutt & Parker state that ‘...*the majority of which will be sourced from local and regional farms and suppliers*’. It is unclear from the applicant’s statement whether the shop would involve the sale of any on site grown produce (although we consider this to be unlikely)
- 1.8 In order to better understand the implications of the product range, we consider the applicant’s should provide ADC with further details of the proposed product range, and the floorspace associated for these products to ensure details of product overlap with nearby centres is fully understood. Similarly, in the absence of the definition of a ‘farm shop’ and the likely absence of any on site produce sales, evidence of suppliers and local farms which will supply the proposed farm shop should be provided to ADC and we would typically expect an applicant would provide the LPA with a suggested condition to demonstrate a commitment to control product ranges. By way of comparison, we note the applicant’s refer to Roundstone Farm Shop (paragraph 7.4),

which in our opinion represents a traditional 'farm shop', and which we understand is restricted by product range to that grown on the farm.

- 1.9 In PPS4 terms, the application site occupies an out of town location whilst the A1 and A3 use elements represent main town centre uses in accordance with PPS paragraph 7.

2.0 Relevant Planning Policy

National Retail Planning Policy Tests

2.1 Planning Policy Statement 4: Planning for Sustainable Growth (December 2009) sets out the government's objective for sustainable economic growth, that includes core objectives, which amongst others seek to achieve to:

- deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change
- promote the vitality and viability of town and other centres as important places for communities, based on:
 - Focus economic growth and development of main town centre uses in existing centres, offering a range of services and to remedy deficiencies in provision;
 - Retailer competition to enhance choice to meet the needs of the entire community; and
 - Conserve the built environment of centres.

2.2 In respect of development management, PPS4 Policy EC17 relates to the consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan. This is applicable to the current application.

2.3 Policy EC17.1 effectively sets two 'tests' for such planning applications, and states that they should be refused planning permission where:

- a) *the applicant has not demonstrated compliance with the requirements the sequential approach (policy EC15); or*
- b) *there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed development'.*

- 2.4 Policy EC14 identifies the supporting evidence required for planning applications for main town centre uses. Policy EC14.3 states that a sequential assessment (Policy EC15) is required for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan. The requirements of the sequential approach are well known and we discuss these considerations in section 3.
- 2.5 Policy EC14.4 requires that an impact assessment (in accordance with Policy EC16.1) is undertaken for planning applications for retail developments over 2,500 sq. m gross, or any local threshold (as set under Policy EC3.1.d), not in an existing centre and not in accordance with an up to date development plan. The current proposal involves main town centre uses totalling 1,279 sq. m (excluding the 533 sq. m identified as 'other') which fall below the national threshold whilst no locally set threshold is applicable. In the current case, technically there is no requirement to address the impacts of Policy EC16.1 (as the applicant's have adopted). We comment on this issue in section 4.
- 2.6 Specifically Policy EC16.1 states that a relevant application should be assessed against the following impacts on centres:
- Impact on existing, committed and planned investment (public or private) on a centre, or its catchment area;
 - Impact on vitality and viability, including local consumer choice and the range and quality of the comparison and convenience offer;
 - Impact on allocated sites outside the town centre;
 - Impact on trade and turnover, with regard to current and future expenditure capacity;
 - Scale of a proposal if located in, or on the edge of a town centre; and
 - Any locally important impacts on centres.

- 2.7 Policy EC10 is applicable to all planning applications for economic development. The policy advocates the adoption of a positive and constructive approach towards planning applications for economic development by local planning authorities, including the favourable treatment of applications which secure sustainable economic growth (Policy EC10.1). The policy further outlines a number of impact considerations (Policy EC10.2) against which all planning applications for economic development should be assessed with regard to impact on climate change, accessibility, design, regeneration and local employment. We discuss impact considerations in section 4.
- 2.8 We note that the Strutt & Parker statement refers to a number of PPS4 Policies which are not relevant to the determination of the current proposal. These include Policies EC4 and EC6, both of which relate to plan making policies. Similarly, the same statement makes reference to Policy EC13, and specifically criteria (d) of the policy relating to farm shops, although the policy is concerned with the determination of planning applications affecting shops and services in local centres and villages. The current proposal is not in a local centre or village.
- 2.9 Practice Guidance has been issued with PPS4 and sets out detailed advice on assessing need, impact and the sequential approach. The advice has been followed in preparing this review.

Local Planning Policy

- 2.10 ADC will be familiar with the appropriate local planning framework, particularly the preliminary stages of the Core Strategy, and the saved policies of the adopted Arun Local Plan (2003), primarily with regard to Policy DEV26, DEV27 and DEV31. Given the adoption date of the Plan which cannot be considered an up to date development plan, and the early emerging status of the LDF, ADC will need to have regard to national guidance and the key tests as contained in PPS4.
- 2.11 Policy DEV26 (Criteria for Retail Development) is clear in that it seeks to maintain the hierarchy of retail centres in the district. The supporting justification to the policy states that it is important to maintain and improve shopping facilities within the town centres and to maintain the existing hierarchy of centres in the district, with Bognor Regis as the major retail centre, and Littlehampton, Rustington and Arundel identified as the other retail centres (paragraph 3.34). The current proposal is not located within a defined centre of the Local Plan.

2.12 Policy DEV27 is of direct relevance and relates to retail development outside the Principal Shopping Areas (as defined on the proposal map). The criteria based policy states that retail proposals will be permitted provided that:

- i) *the proposal does not adversely affect vitality and viability of the Principal Shopping Areas and local shopping areas, either as an individual development or cumulatively with similar existing or proposed development;*
- ii) *it is easily accessible by the highway network and public transport;*
- iii) *it includes provision for access by cycle and on foot;*
- iv) *it includes appropriate provision to enable access for people with disabilities..'*

2.13 The policy requires that major applications be supported by an impact assessment and states:

'..Applications proposing retail development on out of centre sites will need to demonstrate that no suitable site can be found, firstly within the existing town centre, or secondly, on the edge of the centre..'

The requirement to demonstrate there is need for additional facilities as part of Policy DEV27 is no longer relevant in light of changes to national guidance.

2.14 We do not consider that the Strutt & Parker statement provides any detailed consideration against the requirements of Policy DEV27 although recognise that a number of the criteria (with the exception of the demonstration of a need for development), broadly accord with PPS4, and as such are discussed in this context.

2.15 Policy DEV31 is relevant although we consider the reasoned justification to the policy clearly establishes the role and function of farm shop proposals. This states that :

' Farm shops can play an important part in providing access to small scale shopping facilities and enable an improved choice for retailing'.

2.16 We do not consider that the current proposal for a farm shop totalling 960 sq. m represents a small scale shopping facility, notwithstanding concerns related to the accessibility of the application site. We discuss this later.

3.0 The Sequential Approach to Site Selection

3.1 It is noted that the applicant's have undertaken a sequential assessment as required by PPS4 Policy EC14.3. The objectives of the sequential approach are known although ADC will need to consider the guidance set out in Policy EC15 and the supporting Practice Guidance. Specifically, Policy EC15.1 states that:

'In considering sequential assessment required under Policy EC14.3, local planning authorities should:

- a. ensure that sites are assessed for their availability, suitability and viability.*
- b. ensure that all in-centre options have been thoroughly assessed before less central sites are considered.*
- c. ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access.*
- d. ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:*
 - i. scale: reducing the floorspace of their development;*
 - ii. format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;*
 - iii. car parking provision: reduced or reconfigured car parking areas; and*
 - iv. the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group or retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals.'*

3.2 In summary, the onus rests on the applicant to demonstrate compliance with the sequential approach in which applicants are expected to demonstrate that they have fully considered the potential of more central sites before selecting out-of-centre sites. They have to show flexibility with regard to scale, format, car parking and the scope for disaggregation. Equally, the LPA has to be realistic in assessing whether potential

alternatives are available, suitable and viable for the development proposed. Where less central sites are selected they should be in locations which are well served by a choice of means of transport, and are acceptable in all other aspects including impact.

- 3.3 In the context of the above, we have identified a number of concerns with the sequential assessment contained in the Strutt & Parker statement.

Area of search

- 3.4 We do not consider that the applicant's have provided any justification for the catchment area adopted in section 5 of the economic development assessment. The supporting Practice Guidance provides advice on the area of search for the sequential assessment, and states at paragraph 6.22 that:

' When considering applications, LPA's will need to consider the extent of the catchment area likely to be served by the proposal, and then to identify alternative sites located in existing centres within the catchment area. This will determine whether sites in other nearby centres may represent more appropriate locations in which to accommodate the scale and form of development proposed'.

- 3.5 It remains unclear from applicant's statement how the catchment area has been defined other than the adoption of 2km distance from the application site (paragraph 7.2). We note at paragraph 5.2.1 that the applicant's outline the centres assessed as part of the sequential analysis which is focused on Rustington centre, various local centres together with a number of 'edge of centre' sites and two garden centres all (identified at Map 1 of the Strutt & Parker statement). We are surprised that the 'edge of centre' sites and garden centre sites have been assessed in the statement given that all of the sites are considered out of centre in PPS4 terms and do not represent sequentially preferable locations. Certainly the sites identified as 'edge of centre' do not accord with the definition provided in Annex B (Definitions) of PPS4 (for retail purposes, a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area.

- 3.6 Notwithstanding our comments relating to the justification for the catchment area (based on a 2km area), it is noted that despite the proximity of the application site to Littlehampton – the largest of the defined retail centres in the local area, no sequential assessment of Littlehampton town centre is provided.
- 3.7 In summary, we consider that further information should therefore be provided by the applicant's on this issue, and would recommend that the traditional retail planning approach would be to adopt a drive time isochrone from the application site. Given that we consider such facilities represent specialist destinations in their own right, coupled with the scale of the current proposal and likely trade draw, in our opinion a 15 minute drive time isochrone would be realistic. We are concerned that relevant centres are likely to be omitted from the sequential assessment and would therefore require all defined centres within the realistic (and defined) catchment area to be assessed.

Assessment of sites

- 3.8 In accordance with the requirements of Policy EC15.1, the sequential assessment fails to provide adequate supporting information with regard to the assessment of sites. Further evidence is required to allow ADC to fully appraise the sites discussed to demonstrate the adequacy of the sequential assessment. For example, paragraph 5.3.1 identifies three vacant units in Rustington town centre but provides no further evidence. We would recommend that information be provided from e.g. agent's marketing details, site plans, maps and photographs, to assist with and to justify the approach to site assessment, including on what basis sites are discounted i.e. on suitability, availability or viability grounds.
- 3.9 We have already commented that the area of search is considered insufficient and that other centres (including Littlehampton) should be assessed. In addition, we do not consider the commentary provided at section 5.5 of the Strutt & Parker report is relevant as it relates to sites titled 'edge of centre' that are clearly out of centre locations in PPS4 terms. Similar comments apply with regard to the two garden centre sites discussed at section 5.6 of the economic development statement although we note that these sites have been included following discussions with ADC. In relation to the garden centre sites, we are aware that both benefit from recent

consents for redevelopment, to include food sales, which in the case of the Country Fayre Garden Centre involves a significant level of floorspace for convenience goods sales (2,800 sq. m). Given that these out of centre sites form part of the applicant's catchment area, and involve food sales, a case could be made that the current proposal should take account of the likely cumulative effect of these recent consents, in accordance with Policy EC17.1b. We discuss this later.

- 3.10 The only comments provided in relation to disaggregation is provided in paragraph 5.3.1 of the Strutt & Parker statement (as part of the assessment of Rustington centre), and states:

'..Moreover the scheme would not benefit from being split and accommodated in two or three units as the concept behind the scheme is to provide everything under one roof ..'

This statement fundamentally fails to address the issue of disaggregation and simply dismisses the scope for disaggregation without any further explanation.

- 3.11 This is directly relevant to the A3 element (319 sq. m) which forms part of the current proposal given that the applicant's provide no evidence to investigate the scope for disaggregation of the A3 use in accordance with Policy EC15.1d(iv). We consider the sequential assessment needs to be undertaken on this basis, given that the proposed A1 and A3 elements are two distinct main town centre uses, or that evidence needs to be provided to ADC to demonstrate why the scope for disaggregation has not been considered.
- 3.12 In view of the above comments, we consider that the applicant's have failed to demonstrate compliance with the requirements of Policy EC15, as required by Policy EC17.1a, and consider that the proposal has not adequately demonstrated that there are sequentially preferable alternatives in accordance with the requirement of saved Local Plan Policy DEV27.
- 3.13 As a key policy consideration, in any circumstance where ADC were to propose to refuse any main town centre use application on the basis of the sequential approach (Policy EC17.1a), the Practice Guidance advises that it should be on the basis that ' it

considers there is, or maybe, a reasonable prospect of a sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet..' (paragraph 5.7).

4.0 Impact Assessment

- 4.1 ADC will be aware that the requirements of Policy EC17.1 state that a planning application for main town centre uses not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where one of two tests are not met. This includes Policy EC17.1b where *'...there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments'*.

Policy EC10.2 – Impact Assessment

- 4.2 The applicant's have provided an assessment of the current proposal against the requirements of Policy EC10.2, which is required for all planning applications for economic development. We comment on the information provided with regard to the five impact considerations below.

a) Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions and minimise vulnerability and provide resilience to, climate change

- 4.3 Whilst it is accepted the proposal seeks the reuse of a vacant building, the applicant's provide brief details of the environmental initiatives associated with the proposal. We would consider that more detailed information be provided to demonstrate the commitment to sustainability objectives, and to demonstrate that the proposals will limit carbon dioxide emissions and minimise vulnerability yet provide resilience, to climate change. ADC may reconsider there is a requirement for further technical advice on this issue.

b) The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured.

- 4.4 PPS4 requires that all planning applications for economic development be assessed against their accessibility by a choice of means of transport including by walking, cycling and public transport. The Practice Guidance (paragraph 6.1) further states that only if town centre or edge of centre sites are not available, will out of centre locations be likely to be appropriate in policy terms, provided that they are well served by alternative means of transport (and are acceptable in all other respects).
- 4.5 The issue of accessibility is considered in the Transport Assessment (TA) prepared by Motion Transport Planning in support of the application. The site is recognised to be out of centre in PPS4 terms and in our opinion, we consider the site represents a car borne destination reflecting its location, and the physical barriers associated with its location to the north of the A259 (dual carriageway). The site does not promote a pedestrian or cyclist friendly environment whilst the nearest bus services are limited to those serving the Rustington Retail Park, approximately 700m to the south east. Information provided in relation to the frequency of bus services (Table 3.1 of the TA) further confirms a limited level of services, including routes B,C,D,E,F,G which provide one service per day (based on specific named days). The TA states at paragraph 3.2 that Angmering rail station is located approximately 1.3km (1300m) to the south east.
- 4.6 In summary, we do not consider that the application site is accessible to a choice of means of transport, other than private car, and fundamentally disagree with the applicant's statements that the proximity of the site to Rustington makes '*...it ideal for top up shopping*' (paragraph 6.3.2) and '*...it will provide valuable top up shopping with fresh local produce in a convenient location*' (paragraph 7.7). By its very nature, top up shopping facilities are intended to be accessible to all sections of the community for day to day needs. Similarly, in light of our comments, we do not consider that the proposal accords with criteria (ii) – (iii) of saved Policy DEV27.
- 4.7 We do not comment on the technical highways (traffic levels and congestion) implications of the proposal although recognise that ADC will likely obtain separate advice to assess and validate these elements of the proposal.

- c) *Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions*

4.8 We do not comment on this impact consideration given the existing nature of the building.

- d) *The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives*

4.9 The applicant's provide limited commentary on this issue other than the benefits associated with the reuse of a vacant building and new development for the local area. In our opinion, the proposed site does not represent an accessible location for all sections of the community and therefore does not support wider social inclusion objectives, whilst we do not consider that it would serve a traditional top up role.

- e) *The impact on local employment*

4.10 The applicant's state that the proposal will create 45 – 50 FTE jobs, increasing to 60 FT jobs after one year. We question the level of job creation and consider this to be a high number of jobs in view of the nature and scale of the proposal. Further justification and evidence for this level of job creation should be provided by the applicant's. Notwithstanding this further evidence, it is accepted that the proposal offers a net increase in employment over the existing situation.

Policy EC16.1 – Impact Assessment

4.11 We have commented at paragraph 2.5 of this report that the current proposal falls below the national 2,500 sq. m gross threshold, and in the absence of any local thresholds, the applicant's consider there is no requirement for an impact assessment in accordance with Policy EC16.1 (as required by Policy EC14.4).

4.12 PPS4 accepts that there will be circumstances where an assessment of impacts in Policy EC16.1 is necessary for proposals below the national threshold where it *'...would be likely to have a significant impact on other centres'* (Policy EC14.5).

Given that the current proposal involves a total gross floorspace of 1,812 sq. m (approximately 72% of the threshold) and involves a use which overlaps with a product range sold in convenience stores in protected centres (the majority of which are local, small scale and focused on meeting day to day and top up needs) – as confirmed in section 7 of the Strutt & Parker report (and particularly in Rustington town centre), a strong case could be made to request an impact assessment in accordance with Policy EC16.1, if ADC are minded to consider that it accords with the guidance contained in Policy EC14.5.

- 4.13 In summary, we have identified concerns related to a number of the impact considerations of Policy EC10.2, particularly with regard to accessibility. We have also identified the potential for ADC to invite a proportionate level of evidence to address the impact requirements of Policy EC16.1, including Policy EC16.1b (vitality and viability) and EC16.1d (in centre trade and turnover), for the reason set out in paragraph 4.12 above. In local plan terms, we do not consider that the proposal fully accords with saved Policy DEV27.
- 4.14 It remains that determination of the current proposal will need to be undertaken in accordance with Policy EC17, including consideration against Policy EC17.1b, which states that planning permission be refused where evidence of a significant adverse impact in terms of any one of the impacts tests of Policy EC10.2 and EC16.1, which also takes account of the likely cumulative effect of recent completions and pipeline activity. This latter issue is considered relevant, in view of the recent consents at the nearby out of centre Haskins and Country Fayre garden centres' respectively, the scale of the proposed convenience floorspace involved (including 2,800 sq. m at Country Fayre), and the cumulative implications this may have for protected centres.
- 4.15 Whilst we do not consider that there will necessarily be clear evidence of a significant adverse impact (as assessed by Policy EC17.1b), for the reasons outlined in section 4 we are not in a position to confirm to ADC whether this will be the case on the basis of the information currently submitted in the Strutt & Parker Economic Development Assessment. Similar comments apply with regard to the criteria set out in part (i) of saved Policy DEV27 whilst we have raised concerns in relation to accessibility which have implications for compliance with criteria (ii) and (iii) of the saved policy.

5.0 Conclusions

- 5.1 In accordance with our instructions, we have reviewed the retail evidence submitted in support of planning application A/120/11, and have focused on the information contained in the Economic Development Assessment prepared by Strutt & Parker (July 2011).
- 5.2 The current application relates to development of a main town centre use not in a centre and not in accordance with an up-to date development plan. As such, the proposal will need to be considered under Policy EC17 of PPS4 and relevant Local Plan policy including saved Policy DEV27.
- 5.3 In relation to the general economic development impact assessment (Policy EC10.2), we have questioned the high level of job creation envisaged by the applicants and have identified concerns in relation to the accessibility of the site by non car modes (Policy EC10.2b). In addition, whilst we do not consider there would necessarily be significant adverse impacts, we consider the absence of information relating to PPS4 Policy EC16.1 and the consideration of cumulative effects of unimplemented consents prevents an accurate assessment of wider PPS4 impact considerations as required by Policy EC17.1b. These comments have implications for compliance with saved Local Plan Policy DEV27 including vitality and viability considerations.
- 5.4 We consider that the applicant's have failed to demonstrate compliance with the sequential assessment requirements of Policy EC15. Under such circumstances, the proposal is contrary to the test of Policy EC17.1a of PPS4, and the guidance clearly states that planning permission should be refused. We further consider that the proposal has not adequately demonstrated that there are sequentially preferable alternatives in accordance with the requirement of saved Local Plan Policy DEV27 and therefore conflicts with the policy.
- 5.5 For the reasons outlined in this report, we consider that the planning application is contrary to saved Policy DEV27 of the Arun Local Plan and Policies EC15.1 and EC17.1a of PPS4, and that the application be recommended for refusal.

- 5.6 In the event that ADC should be minded to grant planning permission, we would recommend that a planning condition is imposed, to restrict the area of A1 retail sales and the area for A3 use. In addition, a planning condition should be imposed to control the range of goods permitted for sale at the site.