



Date: 1st July 2015

Your Ref: A/23/15/OUT

Our Ref: 9349

21 Garlick Hill
London EC4V 2AU
Tel: 020 7332 2118
Fax: 020 7248 4743
Email: sp@dwdllp.com
www.dwdllp.com

Mr N. Crowther
Development Control
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Dear Mr Crowther,

REPRESENTATIONS: A/23/15/OUT – LAND SOUTH OF NEW ROAD AND EAST OF BROOK LANE

We write to provide further representations in respect of application reference A/23/15/OUT. Our previous representations highlighted some concerns with the retail information put forward by the applicant. The Council's retail consultant has since issued a report on the retail information submitted and the applicants have in turn prepared what they refer to as a 'retail policy response'. Elsewhere our client has provided confirmation that the site referred to by the applicants as the 'Mill Lane site' will include food and non-food goods. The assumptions within paragraph 2.14 of the retail policy response are therefore incorrect.

Sequential Test

We note in paragraph 3.17 of DPDS report, that DPDS consider that the applicant has failed to satisfy the sequential test and recommends that the applicant be invited to review the report. We await with interest DPDS' comments on the Policy Response document. In our opinion the revised sequential assessment does not appear to address in sufficient detail the issues that DPDS raise. As DPDS highlight the St Martin's Car Park site has previously been discounted for a food store owing to the proximity of the Waitrose store. Waitrose are now moving from the site and the applicant contends that the site will be taken by a non-food operator. The policy response does not appear to respond to this query. Notwithstanding this observation we consider that most serious deficiency in the retail policy response relates to the suitability of the soon to be vacated Littlehampton Waitrose site.

Partners
A M Davis FRICS IRRV
N P Draper FRICS IRRV
N M Fennell BSc MRICS
R J Greeves BSc Hons MRICS
A R Holden BSc Hons FRICS

G Bullock BA Hons BPI MRTPI
M Power BSc MSc CHE MRICS MRTPI

Senior Associates
G Denning B Eng Hons MSc MRICS

Associates
N Carter BSc Hons MRICS
S Isaacs BA Hons Pg Dip MRICS
A Knight BSc Hons MSc MAAT MRICS
T Lodeiro BA Hons MSc MRICS
B Murphy BA Hons MRUP MRTPI

Consultants
K Dalton FRICS
P Speechley MRICS



In the retail policy response Montagu Evans consider that the site is available but not suitable. However, whilst it is clear that M&S has considered and evaluated the site back in 2011, it seems that the site has not recently been considered in light of new circumstances, nor that flexibility has been used in considering the site. In paragraph 3.8 of the DPDS report it was indicated that the reasons put forward for the unsuitability of the former Co-op store did not demonstrate sufficient flexibility. We agree with DPDS in full, and we consider that the same criticisms apply to the manner in which the Waitrose Littlehampton site has been considered. The Waitrose store measures 2,377 sq metres according to the agent brochure. The application proposals relates to a total floor area of 2,533 sq metres including the public house. The Waitrose unit is therefore 156 sq m smaller (approximately 6%) than the proposed floorspace and therefore is considered suitable in terms of size for example. We note that the Council's retail consultant expressed concerns regarding the parameters of the sequential test particularly the requirement for pass by trade. It is therefore unclear upon what basis the Waitrose site is being discounted on suitability terms.

Retail Impact

Our client was pleased to note the comments of DPDs at paragraph 4.2 regarding the management of Rustington town centre and its vitality and viability. Whilst we do not disagree with DPDS, we wish to stress that the centre is still vulnerable to out-of-centre retail development. In particular subsequent to DPDS sending their response to the Council we noted that the agents for Waitrose wrote to express their concerns about the development and the potential implications this could have for their future in the catchment. Our client continues to play an active role in maintaining the vitality and viability of Rustington town centre, and is very pleased that the centre is performing well in terms of many indicators of vitality and viability. We are however keen that the potential impacts on Rustington are not overlooked.

At paragraph 4.3 DPDS consider that the vitality and viability of Littlehampton needs to be assessed in light of the relocation of Waitrose, amongst other matters. Within the policy response the agent has not considered this issue in much detail, simply asserting that the unit is likely to be re-occupied by a non-food retailer and therefore any detrimental impacts would only be temporary. The Secretary of State has recently dismissed an appeal by Sainsbury's at Braintree (APP/Z1510/A/14/2219101). The Secretary of State agreed with the Inspector's conclusions regarding impact on the nearby town centre of Braintree. In this instance although Braintree performed well in many respects against the indicators contained in guidance the Inspector noted that the centre had been exposed to a number of events which undermined the convenience goods offer in the town centre, the effects of which had not had time to materialise. At paragraph 547 the Inspector states:

"The health of Braintree town centre is standing up well to the pressures it is facing. There are no serious signs of poor health or fragility but I recognise that the challenges to it are very large and several are of relatively recent origin and will take time to have a noticeable effect."

We consider, particularly with the relocation of Waitrose and several recent out-of-centre permissions that there are parallel concerns for the centre of Littlehampton. However, in the case of Littlehampton the Council's retail advisors appear concerned that the centre does not perform well against the traditional vitality and viability indicators and therefore the centre is in a comparably worse position to that of Braintree. In the instance of Braintree no specific planned or committed investments were identified as being at risk by the Inspector, whereas the Council's retail consultants have highlighted the potential impacts on town centre investment sites. The Braintree case highlights the importance of taking into account very large and recent impacts on town centres. We do not consider that the health check update provided in response to DPDS' concerns, adequately addresses the queries raised in respect of the health check. Clearly it is difficult to understand what the implications will be for the departure of Waitrose from the town centre, however, it does not seem to be satisfactory to rely on the assumptions made by Montagu Evans, particularly as it has been demonstrated that their assumptions elsewhere have been incorrect.

In summary we consider that the impact and sequential assessments are insufficiently detailed. In particular the cumulative impact exercise, and analysis of town centre vitality and viability appears to be lacking in depth and does not appear to address many of the very valid issues raised by DPDS.

Yours sincerely



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Dalton Warner Davis LLP