

23 July 2015

Delivered by email

Mr Neil Crowther
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Dear Mr Crowther

**A/23/15/OUT LAND SOUTH OF NEW ROAD (A259) AND EAST OF BROOK LANE, ANGMERING
REPRESENTATIONS ON BEHALF OF ROPEMAKER PROPERTIES LTD**

We write on behalf of our client Ropemaker Properties Ltd in respect of application Ref: A/23/15/OUT which proposes the following development at the above site.

'Full Planning Permission for a retail unit (Class A1) comprising 1,487sqm (1022sqm ground floor and 465sqm mezzanine) with associated access, car parking, servicing, landscaping & associated works. Outline Planning Permission for a public house (Class A4) comprising 581sqm at ground floor level'.

It is understood that the intended occupier of the proposed retail unit is M&S Simply Food.

Our client is the freehold owner of the Waitrose Store situated on Avon Road in Littlehampton. This Store is soon to be vacated following Waitrose's decision to relocate to alternative premises in Rustington.

The Waitrose Store is situated to the rear of High Street which is the main focus of retail activity within Littlehampton. Under current adopted policy (Arun District Local Plan 2003) the Store falls within the 'Principal Shopping Area'. The Council is currently in the process of preparing a new Local Plan (currently undergoing examination) and has published a new set of Policy Maps. Map 4 refers to Littlehampton and shows the Waitrose Store designated within the Secondary Shopping Frontage. Together with the primary shopping frontage, these areas define the Primary Shopping Area for the purposes of the NPPF.

In policy terms therefore, the Waitrose store may be defined as 'in-centre' and, in sequential terms therefore, the most preferable location for retail development.

We have reviewed the Applicant's Retail Policy Response (July 2015) and correspondence from M&S (letter dated 4th July), in addition to the response from the Council's retail consultant (DPDS) set out within the Addendum Report (June 2015). There are references in these documents to a Feasibility Study

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carried out by M&S in 2011. This information has not been released for reasons of confidentiality and we are not therefore in a position to verify the comments attached to this evidence.

Our client is concerned that the Applicant has failed to properly assess the suitability of the Waitrose Store in accordance with the Sequential Test as set out within Paragraph 24 of the NPPF. This is the 'gateway' test in retail policy terms (NPPG Reference ID: 2b-001-20140306) and the NPPF is clear that where an application fails to satisfy the sequential test, it should be refused.

It is common ground between all parties that the Waitrose Store is available and is currently being actively marketed by our client. The concern raised by our client relates to the Applicant's assertion that the Store is not 'suitable' for the proposals on the basis of its scale and location. We deal with each of these points in turn below.

Scale

The proposed M&S Simply Food Store comprises 1,022 sqm footprint and 465 sqm storage mezzanine (1,487 sqm gross). Internally the unit will comprise 826 sqm food and drink sales (potentially including a café of c.50 sqm) and 10 sqm of general merchandise.

The Waitrose Store comprises 2,375 sqm arranged over two floors (1,760 at ground and 617 at first floor).

The Applicant argues that the Waitrose Store is too large and would result in a highly inefficient store which would be entirely inconsistent with M&S' business model and therefore not suitable for the proposed development.

In justifying this argument, the Applicant cites 'Dundee' and 'Zurich' judgements. However, there is a clear distinction between these cases, both of which would have predicated alterations to the 'proposals' in order to accommodate the development on a sequentially preferable site; and this case, which requires no 'alteration' to the proposals. But what both the Applicant and DPDS have failed to take into any consideration is the extent to which the Waitrose Store (as a sequentially preferable site) may be altered to accommodate the proposal. This is a fundamental flaw in the Applicant's assessment.

The retail industry is continuing to experience change in response to market trends which has seen a general reduction in floorspace requirements from many retailers, including foodstore operators as highlighted by M&S in their letter. Whilst the Waitrose Store is currently being marketed as a single retail unit, our client is now considering sub-division of this unit on the basis of agent's advice. Indeed most enquiries regarding occupation of the unit have been for a sub-divided space and we enclose correspondence from our client's agent on this matter. Our client has therefore started preparing feasibility plans for its sub-division alongside associated external enhancements which we also include.

Contrary to the Applicant's assertions, it is demonstrated that there is a clear and realistic prospect that the proposed development can be accommodated within the Waitrose Store. There are therefore no grounds on the basis of 'suitability relating to scale' to dismiss this town centre unit in sequential terms.

Location

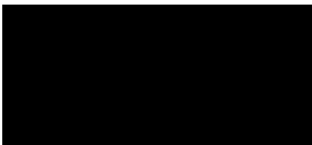
With reference to the Waitrose Store, it is asserted by the Applicant that *'there are critical underlying issues concerning the viability of convenience retailing from this location'* (para 2.20 of Retail Policy Response). However, this conclusion appears to rely solely on the decision made by previous operators, most recently Waitrose, to relocate from the Site. No further evidence is presented to demonstrate practical difficulties for M&S to operate from this location (with the exception of scale which is resolvable as highlighted above).

The Waitrose Store is situated in a town centre location and it is a fundamental purpose of the sequential approach, in seeking to support the viability and vitality of town centres, to place such locations at the foremost in both plan-making and decision-taking (Reference ID: 2b-008-20140306). To approve this application on the basis of M&S' 'preference' to locate out-of-centre is to undermine the Government's commitment to ensuring the vitality and viability of town centres.

On the basis of the above, we call into question the Applicant's sequential assessment and the, somewhat weak, conclusions drawn by DPDS that the Applicant *'has just about demonstrated that the unit is unsuitable as a sequentially preferable opportunity'* (para 2.7 of the Addendum Report). We duly request that the Council gives consideration to our client's willingness to work with and provide a realistic proposition for M&S to accommodate the retailer within Littlehampton, in a location where it would provide a positive contribution to the overall vitality and viability of the town centre in accordance with the objectives of the NPPF.

Should you have any questions or queries on any of the above, please do not hesitate to contact me at these offices.

Yours sincerely



Susie Rolls
Associate Director



Encs.

Our ref: PJC/asb/150720L1

Tuesday, 21 July 2015

G Warriner Esq
Turley
The Charlotte Buildings
17 Gresse Street
London W1T 1QL

Dear Graeme,

LITTLEHAMPTON – FORMER WAITROSE, ANCHORS PRINGS/EAST STREET

I confirm that Green & Partners have been retained by Ropemaker Properties Limited in respect of the subject property which is shortly to become vacant following Waitrose's re-site to Rustington.

Whilst the lease held by Waitrose, which is to be assigned to Store Property, does not expire until December 2020 my client is rightly concerned about the property being vacant and has asked that Green & Partners explore demand from alternative occupiers. Store Property for their part have retained Colliers to seek an alternative occupier either by way of assignment or subletting. Marketing has been undertaken by both practices for their respective clients since early April 2015.

The nature of the property as currently configured restricts the number of potential occupiers and whilst Aldi did consider the store their preference was for a new build store on the new Store Property retail scheme near Rustington Retail Park south of the A259. Other food store operators such as Sainsbury's and Lidl are already in the town centre whilst other operators such as Tesco and Morrison have large stores on the outskirts of Littlehampton.

Over the period of marketing it has become apparent that demand for the store as configured is extremely limited and we have, therefore, explored subdivision opportunities to provide two smaller stores where expressions of interest have been made by Poundland and Poundworld of a store of between 7,000 to 10,000 sq. ft. Whilst marketing of the subdivision option is at an early stage it is clear that the subdivision of the store is a realistic proposition and one we will need to pursue to provide a larger market audience.

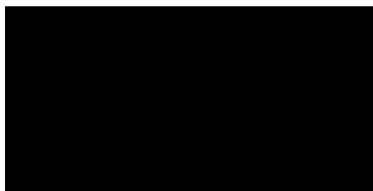
I have seen the emerging plans for subdivision and I consider that Unit 1 could accommodate the simply food format and that Unit 2 would be attractive to certain occupiers such as Poundland or Poundworld.

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Turley

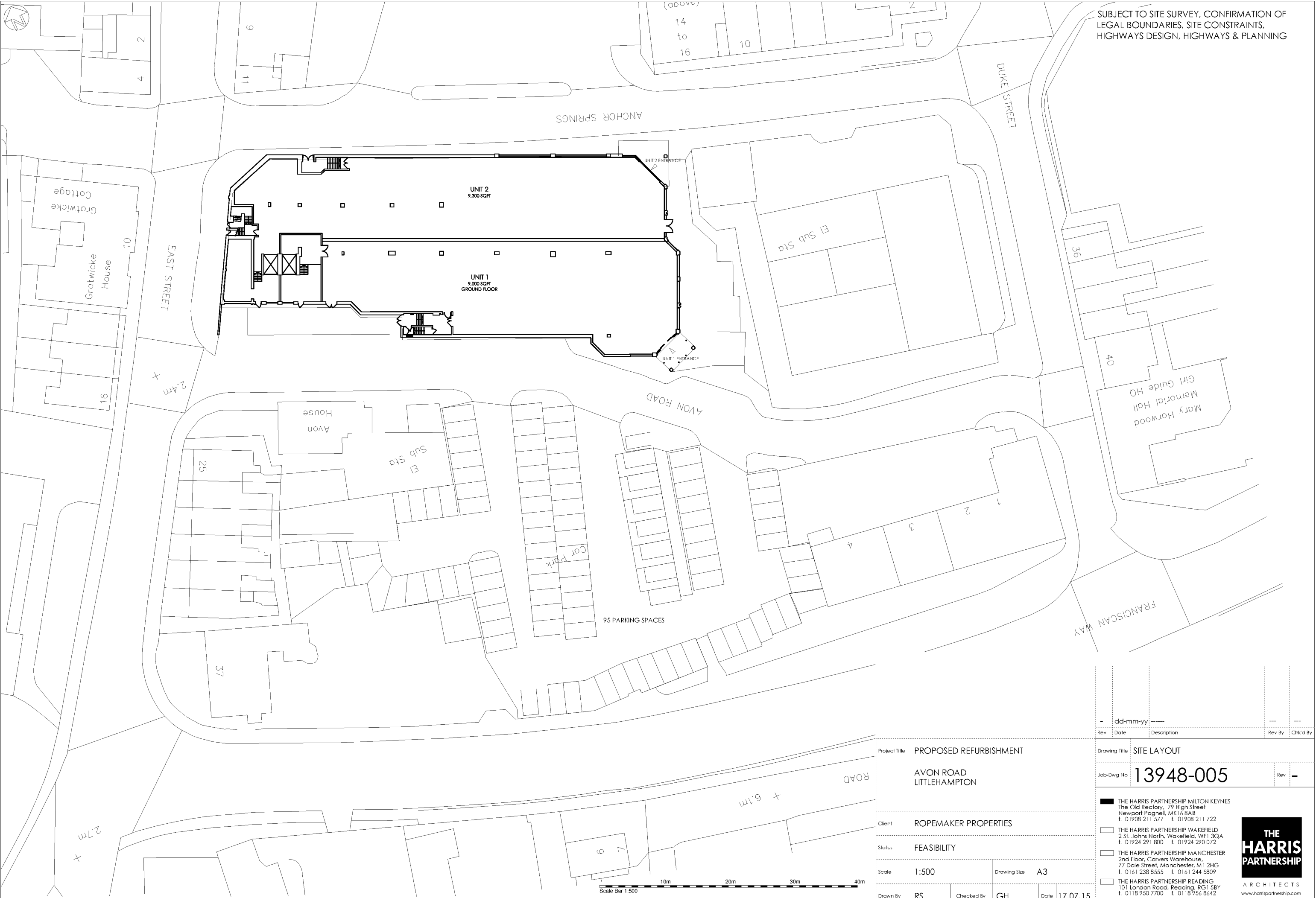
Tuesday, 21 July 2015

I am happy to discuss any of the aspects raised above.



PAUL J COOPER BSc MRICS





SUBJECT TO SITE SURVEY, CONFIRMATION OF
LEGAL BOUNDARIES, SITE CONSTRAINTS,
HIGHWAYS DESIGN, HIGHWAYS & PLANNING

Rev	Date	Description	Rev By	Chk'd By
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Drawing Title: SITE LAYOUT

Job-Dwg No: 13948-005

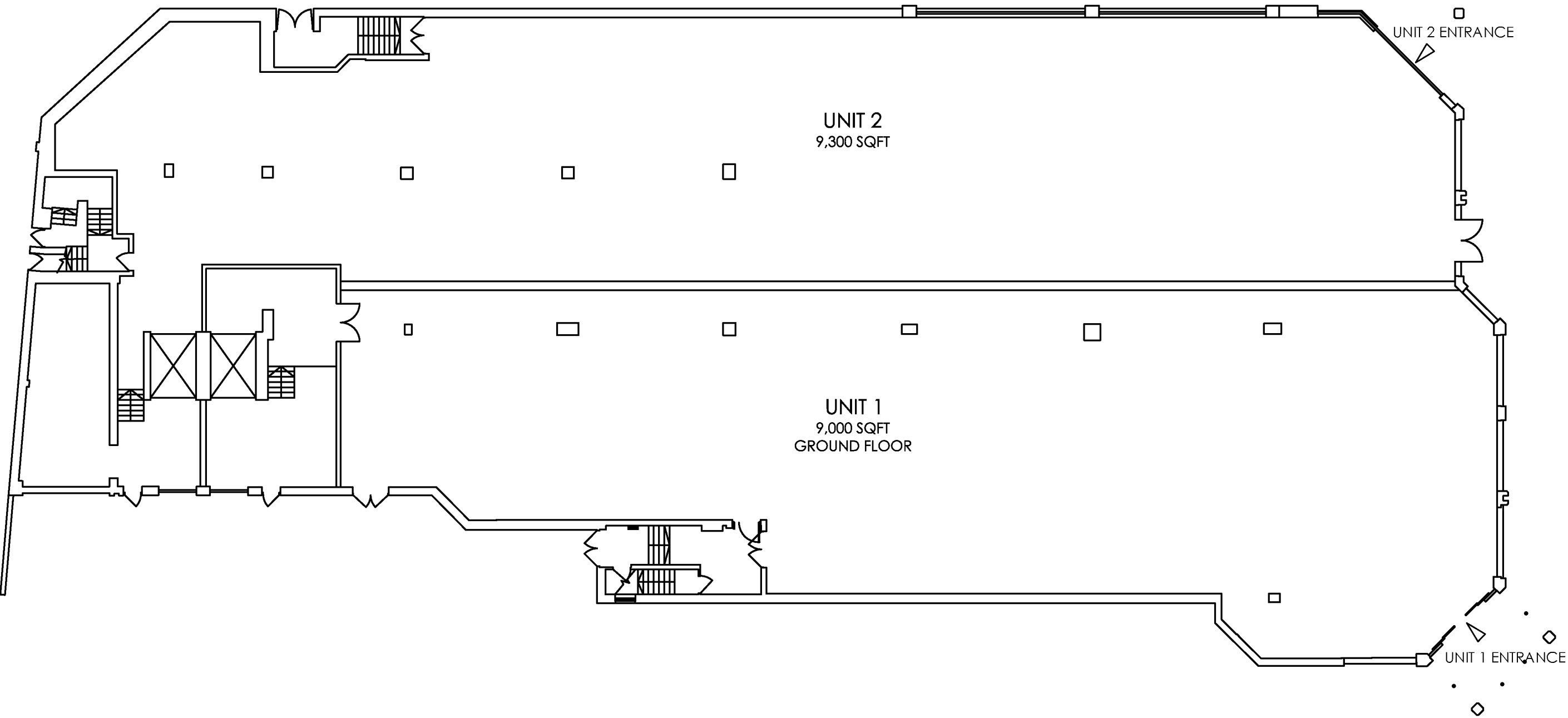
- THE HARRIS PARTNERSHIP MILTON KEYNES
The Old Rectory, 79 High Street
Newport Pagnell, MK16 8AB
t. 01908 211 577 f. 01908 211 722
- THE HARRIS PARTNERSHIP WAKEFIELD
2 St. Johns North, Wakefield, WF1 3QA
t. 01924 291 800 f. 01924 290 072
- THE HARRIS PARTNERSHIP MANCHESTER
2nd Floor, Carvers Warehouse,
77 Dale Street, Manchester, M1 2HG
t. 0161 238 8555 f. 0161 244 5809
- THE HARRIS PARTNERSHIP READING
101 London Road, Reading, RG1 5BY
t. 0118 950 7700 f. 0118 956 8642



Project Title	PROPOSED REFURBISHMENT	
	AVON ROAD LITTLEHAMPTON	
Client	ROPEMAKER PROPERTIES	
Status	FEASIBILITY	
Scale	1:500	Drawing Size A3
Drawn By	RS	Checked By GH Date 17.07.15



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LEGAL BOUNDARIES, SITE CONSTRAINTS,
HIGHWAYS DESIGN, HIGHWAYS & PLANNING



Project Title	PROPOSED REFURBISHMENT		
	AVON ROAD LITTLEHAMPTON		
Client	ROPEMAKER PROPERTIES		
Status	FEASIBILITY		
Scale	1:200	Drawing Size	A3
Drawn By	RS	Checked By	GH
		Date	17.07.15

dd-mm-yy			
Rev	Date	Description	Rev By Chk'd By
Drawing Title		GROUND FLOOR	
Job-Dwg No		13948-006	
		Rev	-

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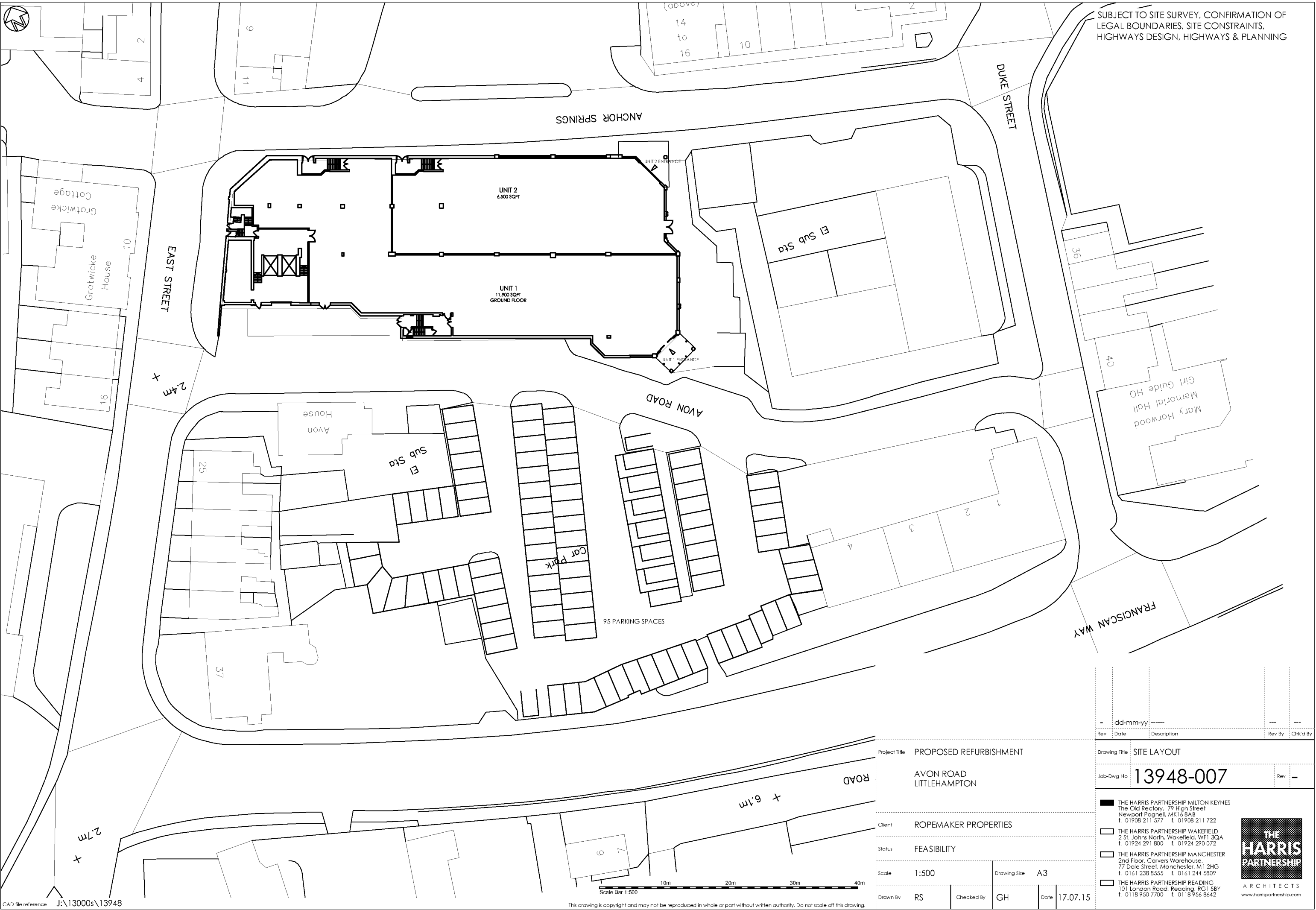
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Rev	Date	Description	Rev By	Chk'd By
-	dd-mm-yy		-	-

Drawing Title	SITE LAYOUT
Job-Dwg No	13948-007
Rev	-

Project Title	PROPOSED REFURBISHMENT		
	AVON ROAD LITTLEHAMPTON		
Client	ROPEMAKER PROPERTIES		
Status	FEASIBILITY		
Scale	1:500	Drawing Size	A3
Drawn By	RS	Checked By	GH
		Date	17.07.15

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SUBJECT TO SITE SURVEY, CONFIRMATION OF
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HIGHWAYS DESIGN, HIGHWAYS & PLANNING

OFF STREET LOADING ONLY

UNIT 2 ENTRANCE

UNIT 2
6,500 SQFT

UNIT 1
11,900 SQFT
GROUND FLOOR

UNIT 1 ENTRANCE



Project Title		PROPOSED REFURBISHMENT		Drawing Title		GROUND FLOOR	
		AVON ROAD LITTLEHAMPTON		Job-Dwg No		13948-008	
						Rev -	
Client		ROPEMAKER PROPERTIES					
Status		FEASIBILITY					
Scale		1:200		Drawing Size		A3	
Drawn By		RS		Checked By		GH	
				Date		17.07.15	

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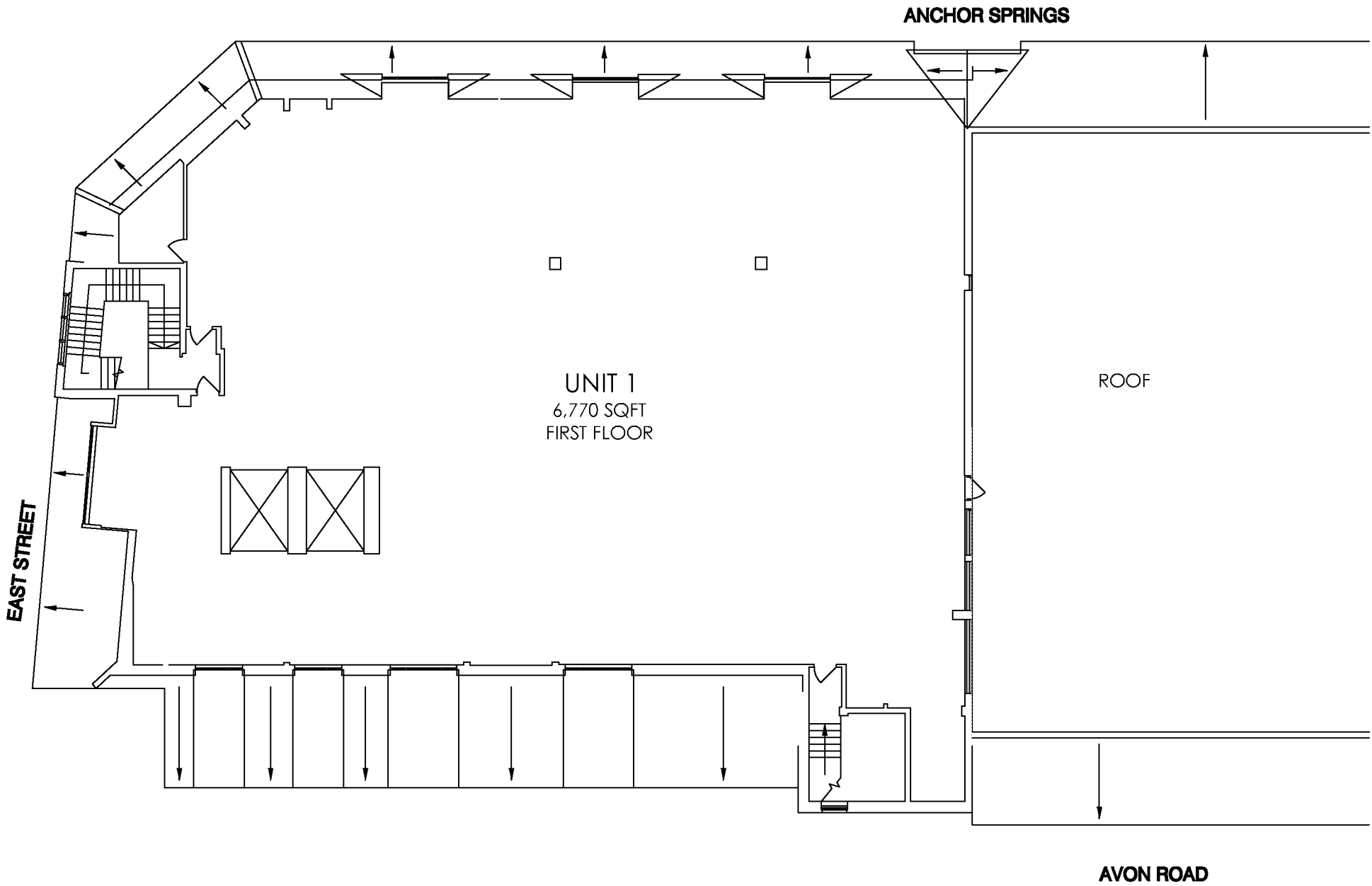


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Project Title		PROPOSED REFURBISHMENT		Drawing Title		FIRST FLOOR	
Client		ROPEMAKER PROPERTIES		Job-Dwg No		13948-009	
Status		FEASIBILITY		Rev		-	
Scale		1:200		Drawing Size		A3	
Drawn By		RS		Checked By		GH	
				Date		22.07.15	

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