

Bronte Welham

From: Amanda Scholes on behalf of Planning.Responses
Sent: 25 April 2018 10:31
To: Planning Scanning
Subject: FW: Application A/11/17/OUT Land S of New Road and E of Brook Lane

From: Claire Potts
Sent: 25 April 2018 09:49
To: Planning.Responses
Subject: FW: Application A/11/17/OUT Land S of New Road and E of Brook Lane

Please could the additional Retail Advice be uploaded to the file above and A/23/15/OUT.

Kind regards

Claire

Claire Potts BSc MSc MRTPI | Strategic Development Team Leader, Directorate of Place, Arun District Council | First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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Sent: 11 April 2018 13:02
To: Claire Potts; Michael Eastham
Subject: Application A/11/17/OUT Land S of New Road and E of Brook Lane

Dear Claire

Following our discussion I am writing to clarify the last paragraph of my report. I concluded in para 5.6 that the sequential test was not passed and that planning permission should be refused unless other material considerations indicate otherwise. I went on in para 5.9 to comment that in carrying out any overall balancing exercise it would be reasonable for the Council to give relatively limited weight to the failure to comply with the sequential test.

In its letter of the 15th August on behalf of an objector, DWD refers to my comment in "in the absence of other retail harm". For clarity, this refers to the fact that I have concluded that the impact tests are passed in this case. Paras 5.8 and 5.9 of my report do not suggest that the sequential test should be ignored in the absence of an impact objection but that the Council might reasonably regard it as of less significance if material considerations outside of retail planning policy were considered as important.

In relation to DWD's letter I also confirm that there is nothing in the letter that leads me to reconsider my conclusion (paras 4.25 and 4.26) that requesting the applicant carries out a full household survey to support its impact assessment would be excessive.

DWD also comments, in relation to the former Waitrose building that the board decision by M&S not to proceed was in 2011 and that the retail environment has changed considerably since then. However, the letter from M&S was written in 2015 and clearly referred to its position in 2015. I am not aware of any later submissions by M&S which cover the former Waitrose unit.. (The document from Lichfields dated April 2017 sets out its site requirements in general but does not refer to the site). I also note that M&S's comment about the viability of Waitrose on the Avon Road site was contradicted by Waitrose. While Waitrose may well have its own reasons for commenting, I do not think

it is possible to conclude on the evidence available that the location, or the town centre, is not viable for a foodstore development and note that it is up to the applicant to demonstrate this.

I also confirm that the ME letter of 22nd August contains nothing which leads to reconsider my conclusion on the sequential test. ME refers to pre-application discussion with the landowner on a redevelopment scenario. This does not surprise me, but this was some time ago and there no clear indication of the landowner's current intentions or any later proposals before the Council. I do not think that significant weight can be given to alternative uses for the site on the basis of the evidence I am aware of.

ME contests that its latest assessment is still orientated towards the requirements of M&S but I gave specific reasons for the conclusion in my report and I still consider that read as a whole the assessment is unduly reliant to on M&S requirements to reject the former Waitrose store to be Mansfield compliant.

The remainder of ME's letter is concerned with other material considerations. The planning balance is primarily a matter for the Council but I note that the case focuses on the social and economic benefits in NPPF terms. These would arise from any retail development and it is difficult to see in which circumstances the sequential test and particularly NPPF para 27 would apply if those general benefits were given overriding weight. Quite simply the NPPF would have omitted the test. In my view there needs to be advantages from the specific proposal in the context of the area which would give the proposal greater than general benefits, but the letter contains no evidence of any such benefits.

I trust you find these comments helpful.

Regards

Duncan

Duncan McCallum
Consultant
DPDS Ltd

[REDACTED]