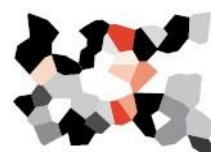




Report to Arun District Council

**Land at Rustington Golf Centre Angmering -
Proposed New Retail Unit with Mezzanine
together with Associated Car Parking and Service
Road - Application A/84/17/PL**

On behalf of Arun District Council



January 2018

C10291



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1.0 Background

- 1.1 This report has been prepared by DPDS for Arun District Council and considers the Retail Assessment (RA) prepared by RPS/CgMs (RPS) for application A/84/17PL dated April 2017. The application is by Rustington Golf Centre Ltd. We have also examined other application documents including the Design and Access Statement, Site and Location Plans (Drawing Nos 16/160022-PL36 and 16/160022-PL41), the RPS response to representations on the application emailed to the Council on 2nd August and its Summary of Key Issues dated 12th Dec 2017. We only consider the documents as they relate to retail planning policy and its implementation.
- 1.2 The proposal is for a retail unit (Class A1) comprising 3807 sq m GIA. Plans PL-34 and 35 indicate the ground floor will be 2414 sq m and the mezzanine 1393 sq m. The amount of ancillary floorspace is shown as very limited in these plans and amounts to about 200 sq m. The intended occupier is named as Go Outdoors.
- 1.3 In essence, the retail unit is proposed in place of 9 five-a-side football pitches permitted as part of a much larger development for a mix of uses including trampoline/laser tag centre, hotel, pub/restaurant, forest adventure kiosk, nursery, sub-station & associated infrastructure & car parking permitted under application A/77/16/PL. The Centre already has a 9 hole golf course, driving range, gym, bowling alley, and children's play 'out of bounds' activity centre. The Centre is located on the north side of the A259 at its junction with Mill Lane.
- 1.4 The Retail Assessment suggests that there is a lack of interest in the 5 a-side pitches and that as a result of this, the retail development is necessary to make the overall development viable. This seems unlikely. The five-a-side pitches would have been unlikely to generate a value on a par with a large retail unit and the wider development includes a number of uses which would generate considerable value. However, more to the point, the applicant has not submitted any viability assessment to establish the claim. We therefore consider that little weight should be given to it.
- 1.5 Go Outdoors is a retailer selling a wide range of outdoor clothing and footwear, camping gear, bicycles as well as more specialist climbing and riding equipment. Go Outdoors stores are widely distributed across the country but concentrated in main population centres rather than the main outdoor leisure areas. The company was bought by JD Sports in November 2016. JD Sports also owns Millets and Blacks. The nearest Go Outdoors stores to the site are in Southampton and Tonbridge, but there are outdoors stores in the town centres of Chichester, Bognor Regis and Worthing. RPS states that Go Outdoors typically requires in excess of 3000 sq m to display the full range of its products.
- 1.6 The applicant proposes a condition to limit retail sales to bulky goods. This condition would allow the sale of a wide range of goods including furniture and floor coverings, electrical goods, DIY and gardening goods and goods more orientated towards Go Outdoor's offer including outdoor clothing and footwear (limited to 20% of floorspace). We will examine the retail assessment in the context of this condition.
- 1.7 The site is about 4 km from Littlehampton Town Centre and 1.6 km from Rustington shopping centre. It is clear that the expenditure available in the Littlehampton area on the specialised goods which Go Outdoors sells is not sufficient to support a store of this size and it could be expected to trade from a considerably wider catchment area. Bognor Regis is about

16km to the west and Worthing about 11 km to the east. There are a number of retail developments to the south of the A259 but these do not form a defined centre and the application site is clearly out-of-centre.

- 1.8 This report has been prepared in the context of retail planning policy at the time of writing, but this can change as a result of Court cases and appeal decisions. If there is a substantial delay in issuing the decision notice, the Council should check with us that the report is still up-to-date.

2.0 Retail Planning Policy

The National Policy Framework

- 2.1 There is no need to do more than summarise national planning policy here. The National Planning Policy Framework establishes a presumption in favour of sustainable development and, for decision taking, this is defined as granting planning permission for developments which accord with the development plan, and granting planning permission where the development plan policies are absent, silent, or the relevant policies are out-of-date - unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole or specific policies in the Framework indicate development should be restricted.
- 2.2 In relation to the specific policies, Para 23 of the NPPF sets out the objective to ensure the vitality of town centres. Para 24 sets out the sequential test in relation to main town centre uses, and para 26 the requirement for formal impact assessment. There are two arms to the impact test – the impact on the vitality and viability of town centres and the impact on planned investment. Para 27 states that where an application fails either the sequential or impact tests planning permission should normally be refused.

Development Plan Policies

- 2.3 The statutorily adopted plan is the Arun District Plan 2003. Policy DEV 26 seeks to maintain the retail hierarchy in the District. The site is shown as outside the built-up area and not in any of the Principal Shopping Areas. It therefore falls to be considered as an out-of-centre centre development and subject to policy DEV 27.
- 2.4 This policy states that planning permission will be granted for proposals for food and non-food retail provided that:-
- i) the proposal would not affect the vitality and viability of the principal or other shopping areas;
 - ii) the site is accessible from the highway network and by public transport;
 - iii) there is provision for access by cycle and on foot; and
 - iv) there is provision for access for people with disabilities.

The policy requires a full impact assessment and sequential site analysis and applicants are required to demonstrate a need for additional facilities.

Where permission is granted, conditions will be applied as appropriate to restrict the range of goods sold and the minimum size of units (to not less than 1000 sq m) with no further sub-division allowed.

- 2.5 The policies have been saved and, with the exception of the requirement to demonstrate the need for additional facilities, accord with the NPPF.
- 2.6 The Draft Arun District Local Plan 2013 -2031 will replace the adopted Local Plan. Policy SP RET1 seeks to retain the existing retail hierarchy and to make Bognor Regis and Littlehampton the prime locations for retail development. Rustington is intended to maintain its existing role as a centre providing a good range of shops serving the local population. Out-of-centre retail

development is controlled by policy DM1, and this will establish the NPPF impact tests and expresses the sequential test. The retail policies are subject to proposed minor modifications and have been considered at the Plan's Examination.

- 2.7 The development is over the threshold for retail impact assessments in the NPPF and RPS has prepared an assessment.
- 2.8 It is clear from the above that the main retail planning policy issues can be considered under the heading of the sequential and retail impact tests. Matters arising from the Planning Practice Guidance and more detailed consideration of these tests will be considered in the appropriate sections. The vitality and viability of the centres will be considered in the context of the likely trade diversion and retail impact.

3.0 Sequential Assessment

Preliminary Matters

- 3.1 The sequential approach is well understood. LPAs should ensure that sequentially preferable sites are assessed for their availability and suitability and that all in-centre options have been assessed before less central sites are considered. When considering edge-of-centre and out-of-centre sites preference should be given to accessible sites which are well connected to the town centre. This last part of the test, introduced in the NPPF, means in practice, that other out-of-centre sites should be considered in the sequential approach. Where it is demonstrated that there are no town centre or edge-of-centre sites available, applicants and local authorities are expected to have shown flexibility on issues such as scale and format. In determining applications, it is, however, for the local planning authority to judge how much flexibility should be shown in any particular instance, although it must act reasonably in doing so.
- 3.2 The approach to the sequential test and the need to demonstrate flexibility in terms of scale and format was explored, as the applicant notes, in the “Dundee judgment” with which the Council will be familiar. This concerned, in part, the question of what is meant by suitable in the test in the context of alternative sites. The conclusion was that the sites should be suitable for the development proposed by the applicant but that did not obviate the need for applicants to show flexibility.
- 3.3 The Council is also aware of the “Mansfield judgment” (Aldergate Properties Ltd v Mansfield DC and Regal Sherwood Oaks Ltd ([2016] EWHC 1670 (Admin)). This found (para 35) that:
- “Suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer”.*
- 3.4 RPS argues that the proposal is locationally specific and that sites elsewhere would not meet the need identified i.e. to provide a viable alternative use to the five-a-side football pitches to enable the overall development to go ahead. It has already been noted that, at least as far as we are aware, there has been no evidence submitted to support this contention. RPS also argues that the Go Outdoors requirement is specific to the Littlehampton area to maximise the proximity to the South Downs National Park. This is clearly retailer specific and conflicts with the Mansfield principle, but it is also noted that the condition proposed by the applicant would allow trading by DIY, furniture and floorcoverings and electrical goods retailers to which the proximity of the National Park would have no relevance. Finally, given the extent of the National Park, there are many town centre locations which would offer at least similar proximity to the Park.
- 3.5 We have already commented that the Go Outdoors store would have an extensive catchment area, much larger than the Littlehampton/Rustington area, and the area of search should include Bognor Regis and Worthing at least. With regard to flexibility we note that Go Outdoors operates from a wide variety of units, mostly second hand and of varying size. Other outdoor goods retailers operate from standard town centre shop units. We consider that more information would be needed to establish the minimum size of unit that should be considered in the sequential test.

- 3.6 In relation to the more general bulky goods use, it is clear that the retailers generally operate from smaller units – typically around 930 sq m – and the minimum size of 3000 sq m (see RPS para 5.6) considered by RPS is inappropriate. It is also necessary to consider whether there would be any requirement for the proposed floorspace to be provided in one place. Although Dundee has been widely interpreted as meaning that the sequential test should not be interpreted as requiring the disaggregation of the development in assessing sites, it was pointed out in the Mansfield judgment, that the Supreme Court was not approaching its decision on the sequential test with that sort of question in mind; there was only one retailer and one building involved in the “Dundee” case. There are appeal decisions (e.g. APP/T3725/A/14/2218334 in Leamington Spa) where the Inspector found that flexibility required the consideration of the need for units to be connected. In para 19 of the Leamington decision the Inspector found that:

As the appellant has no specific operators in mind, and no reason why the units should be connected, the scope for flexibility here should be greater than otherwise.

This would be the case under the alternative scenario here.

- 3.7 To an extent the applicant is caught between two stools. On the one hand the RPS report relies too closely on the identity of the individual retailer and fails to consider all the locations which would fall comfortably into the retailer’s catchment area. On the other hand, the RPS report risks ruling out sites in a more restricted catchment area which would be appropriate for more general bulky goods retailing. Whilst the Council could consider the application as an exception to the sequential test and balance the proposal’s failure of the test against the desirability of ensuring that the wider scale development could go ahead, the applicant has not demonstrated that the exception to policy is necessary to allow the wider development to go ahead and the proposed condition does not sufficiently reflect this approach.
- 3.8 In para 5.8 RPS sets out the matters it has taken into account. These include the proximity of the proposal to town centres, the accessibility to the road network, land ownership and land assembly, site constraints and the need for flexibility in format without compromising the retail offer. It is not clear what the flexibility in format would amount to or how this is differentiated from flexibility with regard to size. Most retailers can and do operate from significantly different sized units but it would be unreasonable to expect retailers to be unable to sell a significant proportion of its range of goods because of the size of the unit. The difficulty here is in assessing whether the retailer is a general bulky goods retailer or not. In para 5.9 RPS states that the assessment has been conducted with specific reference to availability, suitability and viability. For the avoidance of doubt, the NPPF does not refer to viability in this context, but it can in our view be relevant in assessing the suitability of a site.

The Sites/Units Considered

- 3.9 We shall now comment on the alternatives considered by RPS. RPS considers the following sites:-
- The former car showroom in Ash Lane Rustington;
 - The St Martins Car Park site, Littlehampton; and
 - The former Waitrose building, Littlehampton

The Former Car Showroom, Ash Lane Rustington

- 3.10 We have considered the former car showroom in Rustington previously. The current position is,

we understand, that planning permission exists for an A3 unit of 400 sq m (R/13/16) and that reserved matters applications have been submitted. It is clear that the site could not accommodate a retail unit of anything like the scale of the Golf Centre application and it can be ruled out.

St Martins Car Park Littlehampton

- 3.11 RPS rules the site out for a number of reasons. These are summarised below with our initial reaction on each of these shown in italics

RPS - The site is in multiple ownership and therefore not available.

DPDS – The site is primarily in Council ownership with only the tyre depot in separate ownership. The depot is not essential to a re-development, but in any case single ownership is not a prerequisite for a site to be available and ownership is unlikely to be an insurmountable obstacle to re-development in this case.

RPS - The site is divorced from the main retail circuit of the town centre and the access alongside the Sainsbury store would need remodelling to ensure that the development is well integrated into the town centre.

DPDS - The site is well related to the town centre and whilst remodelling of the pedestrian route might be desirable, it would not be essential to redevelopment of the site for larger retail units.

RPS - The site is in active use as the main town centre car park and therefore not available.

DPDS – More information on car parking in the town centre is needed before this could be considered as definitive. While the Council is probably in the best position to judge this. We agree that the loss of car parking here would be significantly adverse to the town centre unless suitable alternatives are put in place and the onus would be on the Council to demonstrate that it was acceptable.

RPS – The proximity of the former Waitrose store means that any development would have to be comprehensively planned to maximise benefits.

DPDS – The car park site is capable of being redeveloped separately from the former Waitrose building and it is not clear that any benefits of a comprehensive development would be sufficient to justify resisting any development on the car park in isolation.

RPS - The site has been identified as a potential development site for a number of years with no development coming forward and it has been accepted by the Council that it was not sequentially preferable on a number of occasions.

DPDS – The Council's previous conclusions were on its suitability for a foodstore and the occupation of the former Somerfield/Co-op building by Waitrose was seen as making the site unsuitable for a foodstore. There has been very little retail development in towns the size of Littlehampton in recent years and the failure of the site to attract investment does not establish the site as unsuitable. The purpose of the sequential test is to focus retail development in town centres and this objective would be undermined if a failure to attract investment was taken as a measure of sites' unsuitability.

- 3.12 We conclude that the main objection to this site as a sequentially preferable alternative is the

question mark over the loss of car parking and the lack of identified suitable alternatives. The Council is probably in the best position to judge whether this is a significant objection or whether it could be overcome.

- 3.13 However, we understand that the Council accepts that there is no immediate prospect of the site coming forward for development and overall, we consider that it would be difficult to persuade an Inspector that the site represented a realistic alternative to the proposed development within a reasonable time.

The former Waitrose building

- 3.14 In relation to the unit's availability, we conclude that the unit has been actively marketed and that the building is available. The reference by RPS to the failure of the leaseholder and potential tenants to agree terms suggests that this is accepted by the applicant.
- 3.15 RPS rejects the building primarily as too small for Go Outdoors, noting that it is some 1423 sq m smaller. However, as noted the condition proposed by the applicant would allow the sale of a wide range of bulky goods and the building would be suitable for a retailer selling bulky goods even if it were accepted that it was not large enough for Go Outdoors. We conclude that the sequential test has not been met in respect of this opportunity.

Vacant Retail Warehouses and Extant Permissions

- 3.16 RPS considers the permitted development at Oldlands Farm, Bognor Regis. RPS notes that the development is for up to 4366 sq m which is some 556 sq m larger than its proposed store and considers that the development is speculative in nature. It notes that Go Outdoors would be able to trade under the goods condition. The site is rejected as another out-of-centre site and therefore not sequentially preferable and as remote from the area of search identified by Go Outdoors to serve the Littlehampton area.
- 3.17 However, Oldlands Farm has planning permission but no occupier and the application proposal would create more out-of-centre floorspace contrary to the objective of the planning policy and the sequential test. It is therefore reasonable to consider Oldlands Farm as preferable in these terms. Furthermore RPS would need to establish whether it was less accessible and more poorly connected to a town centre, although our initial view is that there would not be much to choose between them on this score. We have already commented that the aim to serve the Littlehampton area has not been established and that in fact the store's catchment area would need to be much larger for the store to be viable. We are satisfied that a Go Outdoors store in Bognor Regis would serve the Littlehampton area given its proposed size and the existing provision in the area.
- 3.18 Finally RPS notes that Oldlands Farm would not address the specific need in relation to the viability of the consented leisure scheme at the Golf Centre. This need has not however, been demonstrated so far as we are aware.
- 3.19 RPS has not considered other retail warehouse units elsewhere in the proposal's likely catchment area. This in particular covers the Worthing area where there are a number of retail warehouse parks. We are not aware of what units might be available or retail permissions which have been granted here.

Conclusions on the Sequential Test

3.20 We conclude that the Retail Assessment fails to satisfy the sequential test.

4.0 Retail Impact

The Study Period

- 4.1 RPS have estimated the impact in 2021. This allows for a construction period and a period to establish a mature trading pattern. It follows the advice of the Practice Guidance which states that the mature trading pattern is usually taken as the second full calendar of trading.

The Study Area

- 4.2 RPS states that the Go Outdoors store would have a catchment area of a 20 minute drive. In broad terms, this would include Bognor Regis and Worthing, Arundel and Findon. In our view, bearing in mind the size of the shop and the provision for the specialist goods sold, this is a relatively conservative assessment of the likely catchment area of the store operating as a Go Outdoors outlet.
- 4.3 However, the condition proposed by the applicant would allow a much wider range of bulky goods sales. There is already significant provision for these goods in Bognor Regis and Worthing and the catchment area under this scenario is likely to be more restricted – basically concentrated on Littlehampton and Rustington.

The Turnover of the Proposal

- 4.4 RPS estimates the turnover of the proposal at £8.99m in 2021. This is based on a net sales area of 3046 sq m and a sales density of £2952/sq m. The sales density is not available from published sources but does not seem unreasonable given the type of goods sold. The net sales area is calculated as 80% of the gross but the floorplans submitted with the application indicates ancillary of floorspace of about 5%. On this basis the turnover would be about £10.68m in 2021.
- 4.5 As general bulky goods retailer/s a higher turnover is not unlikely particularly if it included electrical goods sales, and this should be tested in view of the proposed condition.

The Growth in Retail Expenditure

- 4.6 RPS identifies considerable growth in comparison goods retail expenditure in Arun District. This is largely immaterial to the impact assessment because the range of goods sold from the Go Outdoors store would form a very small subset of this total expenditure and the market share of the relevant town centres is also small. Furthermore RPS does not take the increasing sales density in existing floorspace, the growth of internet retailing and existing planning permissions for additional retail floorspace into account. When all factors are taken into account the 2016 Retail Study Update found that the floorspace requirements were negative in all years up to 2021 in all centres except Arundel - where a requirement of 21 sq m emerged by then.

The Turnover of Town Centres

- 4.7 The 2016 Retail Study Update estimated the comparison goods turnover of the town centres in Arun District as:

Arundel	£2.51m
Bognor Regis	£58.95m
Littlehampton	£22.17m
Rustington	£16.80m

RPS has sought to update the estimates to 2018 taking account of commitments which have been built out but it is not clear how this has been done. Considerably more explanation would be required before figures could be accepted. In particular, but not exclusively, the relationship between the centre turnover figures in RPS Tables 2 and 4 needs explanation and it needs to be possible to follow the calculations through from beginning to end.

- 4.8 It is however clear from the estimated turnover of the proposal that it has the potential to have a significant impact on the town centres depending on how widely the trade diversion would be dispersed. We will return to this matter having commented on the trade draw RPS has applied to this turnover.

Trade Draw

- 4.9 The trade draw of the proposal is shown in RPS table 4. This refers to the predicted trade draw of the proposal operating as a Go Outdoors store and, for instance, indicates that 30% of the proposals turnover is expected to be diverted from Worthing, 10% from retail warehouses in Bognor Regis and 1% from Bognor Regis Town Centre. There is no indication where these figures come from or any supporting justification. It is hard to believe that 10% of the turnover would be diverted from the retail warehouses in Bognor Regis bearing in mind there is no direct “like for like” competitor in them. There is however a Mountain Warehouse shop in Bognor Regis town centre. The predicted trade draw does not appear to have any relationship to the provision of competitor outlets and little reliance can be placed on these figures in the absence of some justification.
- 4.10 The town centre’s turnovers identified in the table are also not fully explained or justified. We have already commented that there needs to be a better explanation of the link between RPS tables 2 and 4 and this covers the data derived from DWD’s February 2015 report. Centres and locations are shown in Table 4 appear which are not shown in Table 2. While they are derived from the DWD report of February 2015, those are not up-to-date, or compatible with the 2016 Retail Study Update figures. It is not in our view adequate to require the public to examine other documents prepared by other consultants, particularly where the other document is basically an amendment to a previous document to take into account a proposed variation of the condition. It is also necessary to set out exactly which commitments have been taken into account in adjusting the town centre turnover estimates to 2018.
- 4.11 It is, however, in our view, unlikely that the proposal, trading as a Go Outdoors outlet, would have a significant impact on the town centres. The direct competition in the centres is limited and although there is a degree of more general competition, for instance in clothing and footwear, there is only one outdoor shop in Bognor Regis, one in Littlehampton (specialising in camping stoves, heaters and lighting) and none in Rustington. Furthermore in our view the trade diversion is likely to be more dispersed.

- 4.12 However, these considerations would not apply to the unit operating under the proposed condition. Operated by more general bulky goods retailers the trade draw is likely to be very different and much more concentrated on the nearer centres and retail parks and it must be concluded that the assessment does not establish that the impact of proposal as applied for would be acceptable.
- 4.13 There is also a failure by the applicant to consider the cumulative impact of the proposal. Although the town centre turnovers have been adjusted to take account of commitments in 2018, these commitments according to RPS would have substantial trade diversions from Littlehampton and Rustington centres (7.6% and 9.3% respectively). The proposal trade diversion would be on top of that, but the effect of this has not been considered.

The Impact on Investment

- 4.14 RPS sets out its assessment of the possible impact on town centre investments in paras 6.13 - 6.19 of its report. It considers possible investments in Littlehampton and Rustington. We agree that the planned investment in the former car showroom at Ash Lane would not be affected. Current proposals are, we understand, for an A3 use with residential above, and the planned building is relatively small.
- 4.15 The main realistic opportunities are the St Martin's Car Park site and the former Waitrose building. RPS comments that the application proposals are *"so qualitatively and quantitatively different to the vision for the car park"* that the proposal would therefore not *"in any way prejudice the site coming forward in the future"*. RPS comments that similarly the application proposal would not harm the prospect of the former Waitrose building being re-occupied or redeveloped. In view of the lack of any clear plans, it is unclear that this view can be reached with regard to the St Martin's site. However, in our view any development proposals that there are for the site are not at a stage when they could be considered material under the Practice Guidance (ID 2b 016- 201403 06). With regard to the former Waitrose building the building has been marketed and is clearly a planned investment and considerably more information is required before that view could be accepted. It is a large building and on the face of it, any potential occupier could be put off by a large scale bulky goods retail development at the Golf Centre.
- 4.16 Given the proposal's catchment area and predicted impact on Worthing we consider that recent and planned investment in Worthing should be considered. RPS has not addressed this.
- 4.17 In conclusion, we consider that the applicant has failed to demonstrate that the proposal complies with the impact test, but that is not to say that it could not do so. In part it has failed because it has assessed the impact on a much narrower range of goods than the proposed condition would allow. It has also failed to provide any justification for its trade draw assumptions even in that very narrow scenario and finally failed to supply sufficient information to allow the calculations to be followed to establish that a coherent and consistent assessment process has been followed. It has failed to demonstrate that the proposal would not adversely affect planned investment in the Waitrose building or to consider investment in centres other than Littlehampton and Rustington.
- 4.18 The onus is on the applicant to demonstrate compliance with the impact test (Practice Guidance ref ID 2b-015-20140306). It has failed to do so and para 27 of the NPPF indicates that planning permission should be refused where the test is not met.

5.0 Other Matters

Objections

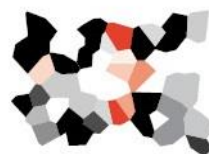
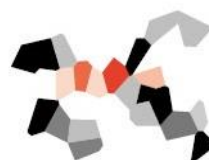
- 5.1 Both Angmering and Rustington Parish Councils have objected to the application and RPS has responded in a note sent to the Council on 2nd August 2017. Rustington PC has expressed concern that, if the intended tenant did not move in, the building could be used for food sales. The condition proposed by the applicant would prevent food sales, but we have noted that there has been no assessment of other alternative occupiers.
- 5.2 We are reliant on RPS's response for Angmering Parish Council's views. We agree that a requirement to demonstrate a need for the development is not part of national policy. While it is part of policy DM27 of the adopted Local Plan, this pre-dates the current national policy and this part of the policy cannot be considered up-to-date.
- 5.3 With regard to impact, we are aware of the characteristics of the shops in Angmering village and consider that any impact on these would be negligible with the proposed unit operating as a Go Outdoors outlet or under the wider bulky goods condition.

Employment

- 5.4 The applicant gives a figure of 50 employees on the application form, of which 16 would be full time and 34 part-time. This estimate appears high and we note, for instance, that Aldi give an estimate of 40 full and part-time jobs and Lidl 20 FTE jobs in recent applications for new stores. Obviously a lot depends on how many hours part time workers are employed for and it is possible that the number of part time workers is high because sales peak very heavily at weekends, but if this is the case the number of full-time equivalent jobs would be significantly lower.
- 5.5 It also has to be borne in mind that number of net additional jobs in the retail sector is significantly below the headline number. This is primarily because when trade is diverted, the number of hours worked in existing shops is reduced, either through a reduction in hours or by job losses (this usually through the non-replacement of staff when they leave). There is a recognised method of estimating the net increase in jobs set out in the HAC Additionality Guides, taking account of this job substitution, leakage (employees from outside the area), and the multiplier effect (jobs created by the additional spending of wages).
- 5.6 We make this point because if weight is to be given the job creation benefits, it is important to assess the additionality so that the benefits can be assessed properly and the weight given can be appropriate.

6.0 Conclusions

- 6.1 The site is not in an identified centre and the key retail planning policy considerations are therefore the sequential and impact tests. These are expressed in both the NPPF and policy DM27 of the Arun Local Plan 2003. Although policy DM27 pre-dates the NPPF it is, with the exception of the requirement to demonstrate need, in accordance with it. The requirement to demonstrate a need for out-of-centre development was specifically taken out of national policy some time ago and the Council should not require a need to be demonstrated if the proposal complies with the sequential and impact tests.
- 6.2 With regard to the sequential test, we conclude that that applicant has not demonstrated that there are no suitable alternative sites available. The applicant has considered sites' suitability only in relation to the named occupier, but the proposed condition would allow a much wider range of goods to be sold and the subdivision of the building. The applicant has not presented sufficient information to rule out the former Waitrose building in Littlehampton and, given the proposal's likely catchment area, the Oldlands Farm site at Bognor Regis and possible opportunities in the Worthing area.
- 6.3 The applicant has argued that alternative sites are unsuitable because they would not meet the applicant's need to make the larger development already permitted viable. We conclude that this is not part of the sequential test, although it can be a material consideration. It would be a matter of planning judgement whether the benefits of the wider development were sufficient to outweigh the failure of the sequential test. However, as far as we are aware, the applicant has not submitted any evidence on the viability of the overall development that would allow the Council to come to such a conclusion.
- 6.4 The applicant has failed to satisfy the impact test because it has assessed the impact on a much narrower range of goods than the proposed condition would allow. It has also failed to provide any justification or explanation for its trade draw assumptions even in that very narrow scenario and failed to supply sufficient information to allow the calculations to be followed to establish that a coherent and consistent assessment process has been followed. It has failed to demonstrate that the proposal would not adversely affect planned investment in the Waitrose building or to consider investment on centres other than Littlehampton and Rustington.
- 6.5 This is not to say that the proposal could not satisfy the test, but it has not done so and the onus is on the applicant to demonstrate compliance. Para 27 of the NPPF states that permission should generally be refused where applications fail either the sequential or impact tests. While it is possible that the benefits of the larger development could also outweigh the failure to satisfy the impact test, in our view the Council does need a clearer idea than the applicant has provided of what that impact would be before making such a judgement.



**Old Bank House
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