

2. Planning Policy Context

Introduction

- 2.1 This chapter provides the national, regional and local planning policy context pertinent to the Proposals.
- 2.2 It is necessary to consider advice contained in Planning Policy Guidance/Statements (PPG/PPS). This in some circumstances these can hold greater weight than development plan policy (for example, where the development plan is not adopted, the PPG/PPS has been issued since the plan was adopted or where the PPG/PPS provides more detailed guidance than the plan).
- 2.3 Further regard is also made to Regional Planning Guidance/Spatial Strategy (RPG/RSS), as this provides overall strategic guidance for a region and represents a 'link' between PPG's/PPS's and development plans. The policies of development plans are required to reflect guidance contained in RPG/RSS. Therefore, RPG/RSS can also override the policies of the development plan, particularly if it has been published after the adoption of the development plan.

National Policy Guidance

- 2.4 In assessing the Proposals, consideration must be given to national policies contained within Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). These documents set out the Government's underlying principles for land use planning. They form the strategic context and set the foundations for formulating development plan policies.
- 2.5 Of particular relevance to the proposal is:
- PPS 1: 'Delivering Sustainable Development'
 - PPG 4: 'Industrial, Commercial Development and Small Firms'
 - PPS 6: 'Planning for Town Centres'
 - PPG 13: 'Transport'
 - PPS 25: 'Development and Flood risk'

PPS 1 - Delivering Sustainable Development

- 2.6 PPS 1 outlines the Government's vision for planning, and the key policies and principles which should underpin the planning system.
- 2.7 The key points are the promotion of:
- Sustainable development
 - Brownfield development
 - Urban regeneration
 - Higher densities
 - Mixed use development.
- 2.8 Planning should facilitate and promote sustainable and inclusive patterns of urban development by:
- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
 - contributing to sustainable economic development;

- ensuring high quality development through good and inclusive design, and the efficient use of resources; and
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

2.9 Under the heading of sustainable economic development, it advises that:

"The Government is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all. Planning authorities should:

- (i) Recognise that economic development can deliver environmental and social benefits;
- (ii) Recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse local impacts;
- (iii) Ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper;
- (iv) Provide for improved productivity, choice and competition, particularly when technological and other requirements of modern business are changing rapidly;
- (v) Recognise that all local economies are subject to change; planning authorities should be sensitive to these changes and the implications for development and growth;
- (vi) Actively promote and facilitate good quality development, which is sustainable and consistent with their plans;
- (vii) Ensure the provision of sufficient, good quality, new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings. The aim should be to ensure that everyone has the opportunity of a decent home; in locations that reduce the need to travel;
- (viii) Ensure that infrastructure and services are provided to support new and existing economic development and housing;
- (ix) Ensure that development plans take account of the regional economic strategies of Regional Development Agencies, regional housing strategies, local authority community strategies and local economic strategies; and,
- (x) Identify opportunities for future investment to deliver economic objectives."

2.10 Sustainable development is a key focus and planning policies should seek to achieve the following specific objectives:

"Promote national, regional, sub-regional and local economies by providing, in support of the Regional Economic Strategy, a positive planning framework for sustainable economic growth to support efficient, competitive and innovative business, commercial and industrial sectors" (Paragraph 27 (i)).

- 2.11 Achieving the highest quality of design and inclusive design are important objectives of PPS1. The approach taken to designing Oldlands Farm Business park is explained in the Design and Access Statement.
- 2.12 Additionally, PPS1 places great emphasis on community involvement in the planning process. The outcome of ASDA's consultation exercise is explained in the statement of pre-application consultation prepared by Local Dialogue.
- 2.13 The proposed business park and retail development accord with the guidance in PPS1 as it is a high quality, well designed and sustainable development.

PPS 6 - Planning For Town Centres (March 2005)

- 2.14 Planning Policy Statement 6 (PPS6) sets out the Government's approach to the provision of town centre uses. The key objective of PPS6 is to promote the vitality and viability of town centres, both by planning for the growth of existing centres and by promoting and enhancing existing centres. This can be achieved by focusing development in such centres and encouraging a wide range of services in a good quality environment, which are accessible to all.
- 2.15 The Statement sets out further objectives which should be addressed as a means by which to achieve the overall key objective:
 - Enhancing consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially excluded groups;
 - Supporting efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity; and
 - Improving accessibility, ensuring that existing or new development is, or will be, accessible and well served by a choice of means of transport.
- 2.16 Given these key objectives, paragraph 1.7 confirms that the objectives of PPS6 should not conflict with the interests of business. It states that:

"It is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation."
- 2.17 Section 3 of PPS6 sets out the considerations which should be taken into account by Local Planning Authorities in determining planning applications for all proposals relating to main town centre uses.
- 2.18 Paragraph 3.1 of PPS6 confirms that the considerations apply to the redevelopment of existing facilities as well as to the development of new facilities and at 3.4 that applicants should be required to demonstrate the following:
 - (a) The need for the development;
 - (b) That the development is of an appropriate scale;

- (c) That there are no more central sites for the development;
- (d) That there are no unacceptable impacts on existing centres; and
- (e) That locations are accessible.

2.19 Paragraph 3.7, however, highlights that:

"The level of detail and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal."

2.20 These requirements are considered in more detail below. Further details are contained within the Planning and Retail Statement submitted as a separate document alongside this planning application.

a) The need for the development

2.21 PPS6 requires that need must be demonstrated for any application for a main town centre use which would not be in a town centre location and which is not in accordance with an up-to-date development plan document.

2.22 In the case of retail development, need assessments should relate directly to the class of goods to be sold from the development. We outline below that the proposals accord with an up-to-date development plan and in Section 6 that there is a quantitative need for the type of goods proposed to be retailed from the application site.

2.23 In assessing the need and capacity for additional retail development, greater weight should be placed on quantitative need for additional floorspace for the specific types of retail development proposed. PPS6 does however acknowledge that account should also be taken of qualitative considerations. We demonstrate in Section 8 of the Planning & Retail Statement that there is a quantitative and qualitative need for a new store of the size proposed.

2.24 In summary, the proposal will result in an improved range and choice of grocery floorspace within Bognor Regis, substantially reduce outflows of trade to Chichester and Littlehampton, provide residents with lower prices and thereby assist in social regeneration. All of these benefits were recognised and welcomed by residents at the consultation event.

b) The scale of development

2.25 The guidance states that the scale of development proposed should relate to the role and function the centre will play within the wider hierarchical network of centres. Scale should also relate to the catchment population that the development proposes to serve.

2.26 PPS6 acknowledges that some larger retail proposals will not be appropriate in smaller local centres. In particular, paragraph 2.42 comments:

"Given their characteristics, local centres will generally be inappropriate locations for large-scale new development, even when a flexible approach is adopted."

2.27 We consider that the retail proposals will be of a scale appropriate to the retail hierarchy in Bognor Regis and will enhance the retail provision in Bognor Regis to the benefit of the local community. This is addressed in

more detail in the Planning and Retail Statement accompanying the planning application.

c) The sequential approach to site selection

- 2.28 PPS6 requires that a sequential approach to site selection should be applied to all development proposals for main town centre uses for sites that are not in an existing centre, nor allocated in an up-to-date development plan document.
- 2.29 The sequential approach requires that locations are considered in the following order:
- First, locations in appropriate existing centres, taking account of an appropriate scale of development in relation to the role and function of the centre; and then
 - Edge-of-centre locations, with preference given to sites that are well-connected to the centre; and then
 - Out-of-centre sites, with preference given to sites which are or will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre."
- 2.30 The sequential analysis set out in Section 9 of the Planning & Retail Statement demonstrates that there are no suitable, viable or available sites for a foodstore development of the scale and type needed to deliver the much needed benefits to residents. The scope for a foodstore to be provided in the schemes under consideration for Hothampton or The Regis Centre are also considered.

d) The impact of development on existing centres

- 2.31 Paragraph 3.20 of PPS6 requires that impact assessments are undertaken for any application for a main town centre use which would not be in a town centre location and which is not in accordance with an up-to-date development plan strategy.
- 2.32 An assessment should consider the impact of a proposal on the vitality and viability of an existing centre or centres likely to be affected, taking account of the following:
- The extent to which the development would put at risk the spatial planning strategy for the area and the strategy for a particular centre or network of centres, or alter its role in the hierarchy of centres;
 - The likely effect on future public or private sector investment needed to safeguard the vitality and viability of the centre or centres;
 - The likely impact of the proposed development on trade/turnover and on the vitality and viability of existing centres within the catchment area of the proposed development;
 - Changes to the range of services provided by centres that could be affected;
 - Likely impact on the number of vacant properties in the primary shopping area;
 - Potential changes to the quality, attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community; and
 - The implications of proposed leisure and entertainment uses for the evening and night-time economy of the centre.

- 2.33 It is demonstrated in the Planning and Retail statement that the proposed ASDA store will not harm the vitality and viability of Bognor Regis town centre, with most of the trade to the new store being diverted from the out-of-centre Tesco store at Shripney Road and other stores at Chichester and Littlehampton. Our analysis of the health of Bognor Regis town centre concludes that it is a healthy and attractive centre.

e) The accessibility of locations

- 2.34 The guidance states that, in considering proposed new developments, local planning authorities should have regard to:

- Whether the site is or will be accessible and well served by a choice of means of transport, especially public transport, walking and cycling, as well as by car; and
- The impact on car use, traffic and congestion.

- 2.35 The business park and ASDA store will be accessible to employees and shoppers by a choice of means of transport. Transport matters are addressed in further detail in the Transport Assessment prepared by Cottee Transport Planning.

Other Material Considerations

- 2.36 In addition to the considerations discussed above, PPS6 states that the following material considerations may also be taken into account:

- Physical regeneration;
- Employment creation;
- Economic growth; and
- Social inclusion.

- 2.37 These are relevant to this proposal as:

- (f) physical regeneration – the business park will play an important role in the local economy by allowing local businesses to expand/relocate and for their premises to be refurbished/redeveloped, thereby improving the business sector as a whole;
- (g) employment creation – the first phase of the business park will create a significant number of jobs, around 1,200 direct jobs with further indirect employment, which will be in addition to those created in the ASDA store at various skill levels, thereby achieving a net improvement in the quality and range of local employment opportunities;
- (h) economic growth – the businesses that will come to the business park, as well as the ASDA store, will support the expansion of the local economy, and the wages/salaries earned by employees will be circulated into the local service economy, in particular the town centre
- (i) social inclusion – creating jobs with varying skill levels at the business park and ASDA store and the cheaper prices available at the ASDA store will lead to greater social inclusion.

PPG 13 - Transport

- 2.38 The advice on locating new retail development is reinforced by the Planning Policy Guidance Note on Transport. The key aims of the Guidance are set out in the introductory text, namely to integrate planning and transport at the national, regional, strategic and local level to:

- Promote more sustainable transport choices for both people and for moving freight;
- Promote accessibility to jobs; shopping, leisure facilities and services by public transport, walking and cycling; and
- Reduce the need to travel, especially by car.

- 2.39 Paragraph 35 sets out the guidance relating to shopping development:

"Policies for retail and leisure should seek to promote the vitality and viability of existing town centres, which should be the preferred locations for new retail and travel intensive leisure development. At the regional and strategic level, local authorities should establish town centre hierarchies, taking account of accessibility by public transport, which identify locations for major investment. At the local level, local authorities should adopt a sequential approach to identifying preferred locations and selecting sites for new retail and leisure developments. This means preference should be given to town centre sites, followed by edge of centre and, only then, out of centre sites in locations which are (or will be) well served by public transport. Where there is a clearly established need for such development and it cannot be accommodated in or on the edge of existing centres, it may be appropriate to combine them with existing out of centre developments, provided that improvements to public transport can be negotiated."

- 2.40 As noted, the Transport Assessment prepared by Cottey Transport Planning demonstrates that the site is an accessible location and together with planned improvements in public transport services, it will be accessible for employees and shoppers using a choice of means of transport.

PPS 25 - Development and flood risk

- 2.41 Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's objectives for the planning system, and how planning should facilitate and promote sustainable patterns of development, avoiding flood risk and accommodating the impacts of climate change.

- 2.42 An important theme in the guidance is that risk is appraised, managed and reduced.

- 2.43 It advises that:

LPA's should in determining planning applications:

- have regard to the policies in this PPS and, as relevant, in the RSS for their region, as material considerations which may supersede the policies in their existing development plan, when considering planning applications for developments in flood risk areas before that plan can be reviewed to reflect this PPS;

- ensure that planning applications are supported by site-specific flood risk assessments (FRAs) as appropriate;
- apply the sequential approach (see paras. 14–17) at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk;
- give priority to the use of SUDS; and
- ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

Regional Guidance

RPG9 - Regional Planning Guidance for the South East

- 2.44 RPG 9 covers the period up to 2016 and was published in March 2001. The guidance sets out the broad strategic planning policies as well as a broad development strategy for the region.
- 2.45 A draft South East Plan was submitted to Government in March 2006. An Examination in Public has been held and the Panel's report was published in August 2007. It is expected that the South East Plan will be approved in late 2008.
- 2.46 The objectives of the Spatial Strategy set out at paragraph 4.2 are:
- The need to plan positively for a reasonable level of economic growth, with consequent labour supply, and appropriate management of physical and social infrastructure implications,
 - The need for further measures to reduce economic and social disparities in the region,
 - The need to promote a sustainable balance between economic prosperity, environmental quality, social well-being and a high quality of life in the South East,
 - The need for high priority to regenerate the coastal towns, and
 - The need to ensure high quality development.

2.47 The draft South East Plan endorses many of the key principles and objectives of national planning policy guidance, in particular the commitment to town centres and achieving a high quality of design and sustainable development.

2.48 The proposed business park and ASDA store are consistent with these objectives.

West Sussex Structure Plan 2001 - 2016 (February 2005)

- 2.49 The West Sussex Structure Plan 2001 – 2016 was adopted in February 2005. The strategic aim is to promote wider economic health and prosperity, social progress and environmental protection.
- 2.50 The Structure Plan is part of the development plan against which the proposal will be assessed. It has a strong emphasis on sustainable development and the promotion of economic opportunities. It also considers retail development in the county.
- 2.51 Policy LOC1 states that land to the north of Bognor Regis (Bersted/Felpham) is allocated as a large-scale mixed use development to

provide 1,350 new homes. It confirms that the principle of strategic-scale development at the location continues to be acceptable.

- 2.52 Policy NE5 states that development which would result in the loss of existing employment land or allocations should not be permitted where they are important in maintaining the supply of premises and jobs in an area. The proposal complies with this policy as it will bring the site forward for business park use.

- 2.53 Policy DEV6 states that 'development in the strategic locations and the urban area' should:

"Meet the needs of the communities of West Sussex for homes, jobs, facilities, and service".

- 2.54 In doing so, the Structure Plan states that local plans should:

- Specify the phase in which allocations on previously developed and greenfield sites should be developed,
- Secure an appropriate mix of types and sizes of premises in the redevelopment of existing employment areas and in new employment development,
- Ensure the provision of a range of locations, types and sizes of employment premises and sites by safeguarding land or premises or allocating land and permitting new employment uses to meet the locational strategy and have regard to the needs of specific sectors of the business community.

- 2.55 The range of size and types of sites provided should meet the needs of a range of economic activities to include:

"Small and starter businesses, firms providing high-value goods and services and those requiring prestige accommodation to allow for new job opportunities in a range of sectors".

- 2.56 The proposed business park will provide a range of accommodation and types of business space for various types of businesses. Therefore, it is consistent with Policy DEV6.

- 2.57 Policy NE9 requires that development, including retail development, should be provided in existing urban areas if it helps them to adapt and reinforce their role in meeting needs, acting as the focus for a range of activities and as a focus for integration of transport. It also states that the local plans should maintain or improve the retail function of established centres, and allocate suitable sites or area for additional retail and other development within the centres to meet any identified need. Sites are allocated for development in Bognor Regis town centre and the proposed ASDA store will not undermine either the town centre or these proposals.

- 2.58 Policy NE10 addresses retail development which cannot be accommodated within existing centres to ensure that it meets an identified need and does not undermine the vitality, viability and retail function of centres.

- 2.59 The policy states that local authorities should ensure that new or improved retail development outside of the existing town, village, district and neighbourhood centres should:

- Complement the existing shopping on offer by providing a range and type of facilities which cannot be accommodated within an existing centre following the adoption of a sequential approach to site selection,

- Is of a scale and nature no greater than that required to meet any identified need,
 - Does not adversely affect the vitality and viability of any nearby centre as a whole, either as an individual development or cumulatively with similar existing or proposed developments, and
 - Offers realistic, safe and easy access by a range of transport modes, not exclusively by car.
- 2.60 As noted, there is not a site suitable, available or viable for the proposed ASDA store in the town centre, the store is of a scale to meet the identified need, it will not harm the vitality and viability of the town centre and it will be accessible by a choice of means of transport.
- 2.61 Therefore, the proposed business park and ASDA store accords with the objectives and policies of the Structure Plan.

Local Policy Guidance

Arun District Local Plan 2003

- 2.62 The Arun District Local Plan 2003 was adopted on 17 April 2003. The Plan period covers the period up to 2011.
- 2.63 The Council is currently progressing the new Local Development Framework (LDF). The Core Strategy will be published for a further round of consultation in October 2008 following the Panel's Report into the draft South East Plan which recommended that housing numbers in the District should be increased.
- 2.64 The site is allocated as an employment site as part of policy site 5 and 6.
- 2.65 Policy Site 5 'Commercial Allocations' designates the land to the North of Oldlands Farm, North Bersted as a employment site to encourage the provision of adequate job opportunities for the resident workforce.
- 2.66 The text to Policy Site 6 explains the allocation in more detail. Specifically it states that provision is made for:
- 11.25 hectares of development for a high quality Business park, accommodating uses generally falling within Class B1 of the Use Classes Order, although uses falling within Classes B2 and B8 will be permitted if they contribute to the regeneration objectives for Bognor Regis and are of a high quality design.
 - An 11.8 hectare reserve for an extension to the Business park, subject to the resolution of flooding issues and
 - The provision of a relief roads to form part of the Strategic Road network.
- 2.67 The policy also states that permission will only be granted for proposals which demonstrate that the whole of Site 6 can be developed in a 'comprehensive and co-ordinated manner'.
- 2.68 The negotiations with the Council since March 2007 have demonstrated that a phased approach can be taken to the development of the whole site and that this application relates to the first phase of development. Separate work is needed to design the later phases of development and resolve the identified flooding constraint. This has always been acknowledged in the site's allocation. Therefore, the proposal is consistent with the objectives for the site.

- 2.69 Policy DEV26 seeks to ensure that the existing hierarchy of retail centres within Arun is maintained. It states that retail development which accord with the existing hierarchy will be permitted provided that they are of a high quality, easily accessible by public transport, cycle, foot and people with disabilities, and the design incorporates crime prevention measures.
- 2.70 Policy DEV27 sets out the requirements for retail developments outside the Principal Shopping Areas for non-food retail and food retail. Such proposals will only be permitted if the proposal does not:
- The proposal does not adversely affect the 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,
 - It is easily accessible by the highway network and public transport,
 - It includes provision for access for cycle and on foot, as well as access for people with disabilities.
- 2.71 The proposed ASDA store satisfies the requirements of Policy DEV27.
- 2.72 The policy also states that applications for major developments will need to be accompanied by a full assessment of the potential impact on town centres and nearby centres. The Planning and Retail statement satisfies that requirement.
- 2.73 Applications proposing retail developments on out of centre sites will need to demonstrate that no alternative suitable sites can be found firstly in the existing town centre or secondly on the edge of the centre. The policy also states that applicants will be required to demonstrate that there is a need for additional facilities. The Planning and Retail Statement demonstrates that there is a need for the ASDA store and there are no sequentially preferable sites available, suitable or viable for the ASDA store.
- 2.74 Where permission is granted, the policy also states that it may be subject to a planning condition or legal agreement to restrict the range of products sold. ASDA would be willing to discuss an appropriate condition or agreement with the Council.

Draft Development Brief and Conceptual Master plans (July 2003)

- 2.75 The draft Development brief was produced for public consultation in July 2003. The Brief identifies a framework for developing the land allocations identified for Oldlands Farm. Essentially the Brief is a guide which explains/clarifies Policy Site 6 and the way in which the scheme can be delivered.
- 2.76 In assessing the allocation of Oldlands Farm in the Local Plan the Inspector stated in his report May 2002:

"The remaining site of 11.2ha north of Oldlands Farm is intended to provide for a high quality Business park as part of the strategy for the regeneration of Bognor Regis. As discussed in Chapter 3 I have much sympathy with this strategy, and I have heard no compelling evidence that there is a better way forward.... Given the present image and the apparent low demand for business premises in the town centre, a 'pump priming' high quality Business park as part of an urban extension seems to me to be a practical approach to the problems facing Bognor Regis".

2.77 In terms of phasing the site appraisal states:

The land covers approximately 23.05 hectares of land, split into 11.25 hectares of development land and 11.8 hectares of reserve development land (subject to resolution of flooding issues).

2.78 Key features of the guidance and how the proposed development satisfies these are:

(j) the proposed development has the potential to create a prime location for business in the area and to create an attractive working environment (paragraph 4) – this is demonstrated in the Design and Access Statement,

(k) the Council will not permit development on the allocated site until a full assessment of site levels, ground and geological conditions and drainage has been carried out and been agreed (paragraph 7) – this information is provided in support of the application,

(l) the Council will require a detailed traffic assessment

(paragraph 10) – this information is provided in support of the application,

(m) the fundamental aim is to create a "Gateway site" which will attract developers who wish to create a high quality business park (paragraph 16) – the proposal is for a high quality business park. ASDA will develop the infrastructure for the first phase and will construct an office building on Plot E,

(n) there is a clear opportunity on this site to establish well designed statement buildings with imaginative use of materials and landscaping to create a major "Gateway" site to the commercial heart of Bognor Regis (paragraph 18) – this is demonstrated in the Design and Access Statement submitted in support of the application,

(o) Although the Council accepts that the site may need to be phased, proposals for individual phases will not be approved by the Council without an indicative phasing master plan being agreed

(paragraph 19) – an overall illustrative master plan has been discussed with the Council and a phasing programme can be agreed,

(p) In the absence of an acceptable solution to resolve possible flood risk issues of the reserved site, the Council will expect any proposal for the allocated site to be accompanied by a full landscaping scheme for the reserve site indicating how the land will be landscaped, protected from development and managed/utilised in connection with the proposed development (paragraph 21) – detailed technical work on flood attenuation works for the remainder of the site has not been undertaken, and therefore it is not yet possible to determine the extent of development that could be achieved on the balance of the site.

2.79 The Brief also recognises the commercial constraints of the site in terms of access to the wider regional road network and employment pool.

Planning White Paper

- 2.80 The Planning White Paper – Planning for a Sustainable Future – was published in May 2007 by the Department of Communities and Local Government.
- 2.81 In relation to retail development, it stated that:

"We recognise that there are issues around the practical effect of the current policy requirement on applicants to demonstrate the need for proposals outside town centres, where these are not supported by an up-to-date development plan. This 'need test' has proved in some respects a blunt instrument, and can have the unintended effect of restricting competition and limiting consumer choice. For example, it is possible under current policy for a new retail development on the edge of the town centre to be refused because there is an existing or proposed out-of-town development which meets the identified 'need' even though the new retail development would bring wider benefits and help support the town centre."

- 2.82 In addressing this issue, we have two clear objectives. First, we must support current and prospective town centre investment, which contributes to economic prosperity, and to our social and environmental goals. Simply to remove the 'needs test' could put this at risk. Second, we must ensure that planning promotes competition and consumer choice and does not unduly or disproportionately constrain the market.
- 2.83 We therefore intend to review the current approach in PPS6 to assessing the impact of proposals outside town centres. We will replace the need and impact tests with a new test which has a strong focus on our town centre first policy, and which promotes competition and improves consumer choice avoiding the unintended effects of the current need test.
- 2.84 We will consult on proposals in Summer 2007 and develop new guidance working with the industry and other important stakeholders. We will also consider how best to address competition considerations in our town centre policies, taking into account the conclusions of the Competition Commission inquiry into the groceries market. We will finalise any changes by Spring 2008" (paragraphs 7.53-7.56)
- 2.85 Although the timetable has slipped, the commitment to removing the 'needs' test remains in place. In its response to comments received on the White Paper, the Department responded that:

"Paragraph 7.55 of the PWP said that the Government intended to review the current approach to assessing the impact of proposals outside town centres, in PPS6 Planning for town centres, by replacing the need and impact tests with a new test."

- 2.86 Most of the general responses to the White Paper objected to the removal of the needs test on the basis that it would weaken town centre policy and this point emerged strongly in the other comments we received on the White Paper. Many of those who made more detailed responses were also opposed change to the existing town centre policy regime, though it was admitted that it was difficult to judge the Government's proposals when they were not yet clarified.

Government response

- 2.87 We recognise there are strongly held stakeholder views about this proposal, both in favour and against. Since publishing the White Paper we have had positive and constructive discussions with key stakeholders about its analysis and conclusions. Many stakeholders remain concerned about the practical effect of removing the need test. However, there is some consensus that, although the need test and our policies have played a significant part in revitalising our town centres, there can be perverse consequences from imposing too rigid and prescriptive national planning policy in this specific context. We believe there is wide agreement that we need a robust approach to assessing the impact of proposals on sites outside town centres that are not identified for such development in development plans – which is responsive to the needs of the market, and also reflects particular local circumstances.
- 2.88 The Competition Commission's recently published provisional findings of their inquiry into the UK groceries market concluded that the planning system for retail development, and the manner in which it is applied by local planning authorities, acts as a barrier to entry or expansion in a significant number of local markets. The Commission have noted retailer concerns about the need test, rather than any of the other tests in PPS6, being a key barrier to the development of new larger grocery stores in many local areas. We also note that one of remedies which the Commission are considering involves the abolition of one or more of the retail planning policy tests. The Government is considering whether to respond to the Competition Commission's provisional findings. It remains our intention to take forward our White Paper commitment, and to consult on revisions to Planning Policy Statement 6 Planning for Town Centres, in the new year."
- 2.89 This is an important point that is relevant to consideration of this proposal. Although a clear quantitative and qualitative need has been demonstrated for the proposal, even if the Council does not accept this, it should acknowledge the practical effect of its position which is to maintain the dominance of the grocery sector in Bognor Regis by Tesco, and to continue to deny customers adequate choice and competition locally.
- 2.90 By allowing this position to remain unchanged, residents are being denied the choice and competition which is at the heart of PPS6, and are having to visit stores outside of the area at Chichester and Littlehampton to find an alternative to Tesco.
- 2.91 The proposed change in policy seeks to address situations such as Bognor Regis where the unintended consequence of the Council's approach is that competition and choice is denied, and local residents have to leave the area in order to get this. It also allows for Tesco to maintain a dominant position over the local grocery sector.

Flooding

- 2.92 This section looks at the extent to which the development proposal is consistent with the guidance in PPS25 on flooding.
- 2.93 ASDA commissioned a land drainage and flooding assessment of the proposed development at Oldlands Farm (Chris Dartnell Land Drainage and Flood Defence Consultant). This was commissioned because of the requirement in PPS25 that a planning application should be accompanied

by a flood risk assessment that demonstrates how the flood risk from all sources will be managed and the effect of the development on flood risk elsewhere. Additionally, this is a specific requirements of the draft Development Brief relating to Policy Site 6.

- 2.94 The assessment is included at Appendix 7.1. It is based on the strategic flood risk assessment (SFRA) undertaken by Capita Symonds for for Arun District Council and the comprehensive flood study of Aldingbourne Rife and Lidsey Rife through Bognor Regis and its surrounding area by WSP Developments.

- 2.95 Specifically, it states and concludes in relation to the first phase of development that:

"Buildings on the proposed business park will have floor levels of at least $1.82 + 0.60 = 2.42$ m AOD so that they will be protected against fluvial flooding from Lidsey Rife to the required standards (reference (2)(a), (4) and (11) above). Comparing site ground levels in (6) above with fluvial flood peak levels in (11) above demonstrates that the access and parking areas of the proposed business park and an ingress and egress route from the developed site will be protected against fluvial flooding from Lidsey Rife to the required standards (reference (2)(b) and (2)(c) above respectively). It also demonstrates that the developed site will not require compensatory fluvial flood storage or conveyance (reference (2)(d) above).

- 2.96 The peak rate of surface water run-off from the site post development will not exceed the peak rate of surface water run-off from the site pre development (i.e. the "greenfield" site). Because the underlying subsoil on the site is not conducive to infiltration as a result of its clay content, the peak rate of surface water run-off from the developed site will be restricted by the provision of flood attenuation storage with an outlet structure that controls the flow passing forward.

- 2.97 A flood attenuation storage ditch will be located immediately on the development side of the site boundary between where it meets the proposed Bognor Regis northern relief road to the north and the existing ditch to the south-east. Consequently, the top of the far bank of the storage ditch will be at a level of 2.0 m AOD throughout its approximately 300 metres length (reference (6) above). The top of the near bank of the storage ditch will be at a slightly higher level because the ground rises gradually into the site. The outlet control structure will be located where the flood attenuation storage ditch meets the existing ditch in the south-east corner of the site. A vortex flow device, known more commonly by its trade name "hydrobrake", will most probably be used to control the flow through the outlet structure. Although the outlet structure will incorporate a trash screen to minimise the risk of blockage by debris of the flow control device, an emergency overflow will also be included as a safeguard.

- 2.98 The flood attenuation storage ditch will have a trapezoidal cross section with 1:1 side slopes and a bed level of 0.8 m AOD throughout its length. This level corresponds to the bed level in the existing ditch where the storage ditch will connect to it. The bed width of the storage ditch will be substantial, probably 5 metres at least. Subsequent hydrological and hydraulic analyses will establish the required storage capacity and, therefore, the necessary bed width. The water level in the storage ditch at its design capacity will not exceed 1.82 m AOD. This level will also be the

threshold for the emergency overflow in the outlet structure. The flood attenuation storage ditch will form a significant wetland wildlife amenity of extensive reedbed habitat.

- 2.99 The peak "greenfield" run-off rate will be limited to 5 litres/second/hectare for the 1 in 100 (1.0%) annual probability (100 year return period) storm of critical duration. This rate has been agreed to by the EA for development proposals within the Aldingbourne Rife catchment in the recent past. The resulting flood attenuation storage requirement for the developed site will be increased by 20% to allow for an increase in peak rainfall intensity due to climate change over the next 50 years. Referring also to (13), (14) and (15) above, this will result in the developed site not increasing the risk of flooding elsewhere (reference (1)(g) and (2)(f) above).
- 2.100 The surface water run-off from the developed site will drain to surface water sewers that will all outfall to the flood attenuation storage ditch. These sewers will adhere to the following hydraulic design criteria:
- 2.101 No surcharging of sewers (i.e. water level not to exceed soffit level) under "free" outfall for 2 year return period storm of duration critical for sewer length.
- 2.102 No flooding out of manholes (i.e. water level not to exceed cover level) under "free" outfall for 30 year return period storm of duration critical for sewer length.
- 2.103 No flooding out of manholes (i.e. water level not to exceed cover level) under "drowned" outfall level of 1.82 m AOD for 2 year return period storm of duration critical for sewer length.
- 2.104 Conditions (a) and (b) are the design criteria set by the sixth edition of "Sewers for Adoption" published in March 2006 by WRC plc for Water UK. Condition (c) is included as an additional safeguard.
- 2.105 Although the ground levels of the redeveloped site will remain predominantly as existing, any hollows will be filled and humps levelled to produce even grades in all directions. This will minimise the ponding of floodwater within the redeveloped site should ever an exceptionally extreme event result in its flooding, whether from a watercourse, the coast or through the surcharging of adjacent sewers or drains. As an additional precaution to ensuring compliance with the minimum standard of protection to buildings against flooding from sewers and drains (reference (2)(e) above) and to managing the residual flood risk (reference (1)(h) above), the floor levels of proposed buildings will be at least 0.3 metres above the highest ground level around the building. With regard to the residual flood risk, the draft SFRA produced by Capita Symonds gives a flood peak level alongside the development site of 1.19 m AOD from tidal flooding if a breach occurred in the sea defences during a present 1 in 200 (0.5%) annual probability (200 year return period) event.
- 2.106 The developed site will not be at risk of flooding from any other sources than those already addressed (reference (1)(f) above).
- 2.107 The above information, together with the incorporation of the land drainage and flood protection and mitigation measures described above, demonstrate that the proposed business park fully complies with the requirements of PPS 25 and the EA."
- 2.108 Therefore, the flood risk assessment demonstrates that the proposal complies with the requirements of PPS25 and also the Development Brief for Policy Site 6.

Employment uses

- 2.109 This section of the chapter assesses the employment uses proposed within the first phase of development on the site and considers the extent to which a business park with foodstore complies with the requirements of Policy Site 6 and general regeneration policies for Bognor Regis.
- 2.110 In order to assess the proposed employment uses, it is necessary to understand how the proposals have evolved.

Evolution of proposals for a business park at Oldlands Farm

- 2.111 The proposals for a business park at Oldlands Farm formed part of the Council's work on the Second Review of the Arun District Local Plan which started in June 1998. Therefore, the ambition for a business park to be developed on Oldlands Farm has been in place for over 9 years. Nothing has changed in relation to this and it remains an important development proposal for the Council.
- 2.112 The land at Oldlands Farm is allocated under Policy Site 5 for commercial development (11.2 hectares) and under Policy Site 6 for a high quality business park (11.25 hectares) with land reserved for an extension to the business park (11.8 hectares), subject to the resolution of flooding issues. Policy Site 6 advises that the development should accommodate uses generally falling within Class B1 of the Use Classes Order, although uses falling within Classes B2 and B8 will be permitted if they contribute to the regeneration objectives for Bognor Regis and are of a high quality design.
- 2.113 The application proposal seeks permission for a first phase of development of 8.3 hectares with the remaining 11.35 hectares to be developed later. The reason for the differences in the site areas stems from the alignment of the North Bognor Regis Relief Road which has now been fixed, and this results in a slightly smaller net developable area at Oldlands Farm than previously estimated by the Council. Therefore, the correct development area for business uses at Oldlands Farm is 19.65 hectares and not 23.0 hectares.
- 2.114 The Trustees of the Langmead Estate were not in a position to progress the proposals for business park development until the outcome of the public inquiry into the residential parts of the proposals for Site 6 was known. Planning permission was granted for Site 6 in November 2006 and applications for the first phases of residential development, as well as the North Bognor Regis Relief Road, have been submitted to the Council.
- 2.115 However, during the time that the Trustees were waiting for the outcome of the inquiry, the Trustees realised that with prevailing market conditions, development of a business park was not viable. It was at this time that ASDA approached the Trustees with a proposal for an "enabling" retail development that would facilitate the first phase of business park development at Oldlands Farm.
- 2.116 ASDA acquired an interest in part of Oldlands Farm and agreed to work with the Trustees to promote the development of a business park on the remainder of the site, with the first phase of the proposal being on 8.3 hectares of land at the western end of the site in the area assumed to be outside of the flood plain. This has subsequently been verified by the work of Chris Dartnell.

- 2.117 ASDA and the Trustees instructed HGP to prepare options for a business park and foodstore development on the site and a number of schemes were proposed. It was ASDA's intention to promote the proposal through the preparation of the Council's Local Development Framework.
- 2.118 However, this changed in March 2008 when ASDA and the Trustees were advised that the Council was considering the compulsory acquisition of all of the land at Oldlands Farm if the landowners did not make significant progress towards submission of proposals for a business park on the site.
- 2.119 In response to this threat, ASDA met the Council to explain the emerging proposals and the requirement for the business park to be enabled in order to be viable.
- 2.120 One of the main issues identified by the Council at the initial meeting was the need for ASDA to provide evidence of the need for enabling development to deliver the business park. ASDA agreed to prepare a viability assessment and in order to test this properly, it needed to finalise the proposals for the first phase of development on the business park, and HGP prepared a number of schemes.
- 2.121 The evolution of the design process is explained in the Design and Access statement. HGP explain that the scheme has been designed to create an attractive, landscaped environment to rival business parks in the region and ultimately attract major office requirements to Bognor Regis. Two and three storey landmark buildings are situated at the northern entrance to the site and larger prestige buildings, aimed at major occupiers, have been placed along the main western and eastern frontages.
- 2.122 Within the first phase of development, the following plots/floor areas are proposed:
- (q) Plot A – ASDA store – 2.91 hectares plot area (45%);
 - (r) Plot B – B1/B1a – 0.75 hectares plot area (12%);
 - (s) Plot C – B1/B1a – 1.48 hectares plot area (23%);
 - (t) Plot D – B1/B1a – 0.33 hectares plot area (5%);
 - (u) Plot E – B1/B1a – 0.39 hectares plot area (6%); and
 - (v) Plot F – B1/B1a – 0.62 hectares plot area (10%).
- 2.123 The net developable areas of the plots total some 6.5 hectares with the remaining 1.8 hectares given over to access roads and structural landscaping.
- 2.124 The key consideration is the extent to which the development of Plot A for a foodstore, or some 2.91 hectares or 45% of the net developable land within the first phase, achieves the wider employment objectives of the development plan. HGP estimate that if Plot A was developed for business uses, the total amount of floorspace that could be provided is approximately 31,200 sq m.

Need for enabling development to fund the business park

- 2.125 In response to the Council's request, ASDA commissioned a financial appraisal which was submitted formally to the Council in September 2007 (Oldlands Farm Business park – Viability Assessment). The assessment was prepared by Drivers Jonas with input from Stiles Harold Williams on the local employment market, in particular demand and rents, HGP

Architects on building types and accommodation, Christopher Smith Associates on costs, Cottee Transport Planning on access and parking, and Chris Dartnell on drainage. A copy of the viability assessment is attached at Appendix 7.1.

2.126 The main findings of the viability assessment, which has not been disputed or challenged by the Council, are that:

- (w) current rents in Bognor Regis (£182-£247/sq m) and levels of annual take up (around 850 sq m) are low
- (x) upfront costs of developing a business park – estimated to be approximately £6m – are high
- (y) a business park development at Oldlands Farm is not viable for a developer because the projected returns are below those for a developer/financier to commit the necessary equity/debt to purchase and invest in the site

2.127 Therefore, it is proposed that a foodstore is the most appropriate form of development to enable the Council's aspiration for a high quality business park to be built at Oldlands Farm. As explained in Sections 8-10, the foodstore will meet an identified need and is consistent with national and local planning policy guidance.

2.128 The proposal that has been tested is for a high quality business park for B1/B1a users. Having regard to the Council's wider aspirations for effecting a step change in skill and wage levels in the local economy, we consider it right that the Council use this "gateway" site as the only opportunity to establish a highly accessible business park on the north side of Bognor Regis that would be attractive to businesses in the wider region, thereby allowing Bognor Regis to compete with other established business centres. Development of B2 or B8 uses would be a missed opportunity to make this step change in the local economy.

Loss of employment land

2.129 It is necessary to consider the extent to which the proposed development would lead to a loss of employment land within the District and therefore undermine objectives in the development plan.

2.130 It is important to understand that the allocation of Oldlands Farm for commercial development in the form of a business park has been shown to be a theoretical allocation because the viability assessment has shown that development in that form is not viable. We contend that given the scarcity of public funding, the Council will not acquire the site either by compulsory purchase or private treaty, nor will it develop it out. SEEDA has shown no interest in acquiring or developing the site.

2.131 Nor indeed should it. There is a viable proposal to allow the site to be developed for the purpose that it was allocated in the development plan without recourse to the public sector, and it is right and proper that the privately funded development should be pursued where it can be demonstrated that it does not cause harm. ASDA and the Trustees contend that this is the case.

2.132 Therefore, the current proposals will actually allow for some 3.6 hectares of employment land to be brought forward which would not otherwise have been the case. Moreover, it facilitates the potential for a further 11.8 hectares to be made available, subject to further investigation of flooding.

- 2.133 So the proposal will not lead to an unacceptable loss of employment land, it will in fact facilitate the development of employment land and avoid the sterilisation of up to 23 hectares of employment land.
- 2.134 As to the total amount of B1 floorspace that could be provided on the site, even allowing for Stiles Harold Williams' proposed increase in the take up rate from a historic rate of around 850 sq m per annum to a rate of around 1,400 sq m, it would take around 14 years to build out all of the proposed floorspace in the first phase (19,500 sq m).
- 2.135 Therefore, we contend that the application proposal will facilitate up to 14 years of land for B1 floorspace to be released in Bognor Regis, with the potential for significant additional releases thereafter.

Summary

- 2.136 The application proposal will enable an important development proposal identified within the Adopted Local Plan and which has been an objective of the Council for over 9 years to be realised.
- 2.137 Without enabling development, the business park will not be developed and up to 23 hectares of identified employment land will not come forward for development.
- 2.138 Therefore, the application proposal is consistent with Policy Site 6.

Summary

- 2.139 Arun District Council has had aspirations for a "high quality" business park development at Policy Site 5 and Site 6 since the early 1980s and Oldlands Farm is allocated for this use in the Adopted Local Plan (2003). Such a proposal is consistent with the Council's wider aspirations for the regeneration of Bognor Regis and to achieve a step-change in employment and earnings within the sub-economy.
- 2.140 There is a pressing need to provide greater choice and competition within the grocery sector serving Bognor Regis and the surrounding area because Tesco dominates the local market with some 56.5% of all convenience expenditure. In total, Tesco stores within and beyond the area capture some 50% of the total available convenience spend.
- 2.141 The application proposals are for a mixed-use employment (Use Class B1, high quality business park comprising up to 19,500 sqm gross floorspace) and retail (Use Class A1 grocery store of up to 4,500 sqm net sales area) scheme, together with parking, new highway and associated servicing, infrastructure and landscaping.
- 2.142 A speculative office unit of 1,100 sq m will be constructed. This will be made available at the same time that the foodstore opens. All of the remaining development plots will be serviced, thereby encouraging businesses to come to Bognor Regis.
- 2.143 The viability analysis that is submitted with the planning application demonstrates that development of a high quality business park by itself is not viable. As funding is not available from the public sector to facilitate this development, some form of enabling development is required to realise an important objective of the development plan.
- 2.144 As noted, there is a compelling quantitative and qualitative need for a new grocery store in Bognor Regis. The quantitative case is the over-trading of the existing Tesco store at Shripney and the significant leakage of expenditure to stores at Chichester and Littlehampton. The qualitative case

is to relieve the overtrading of the Tesco store on Shripney Road, stem the leakage of trade away from Bognor Regis and provide the choice and competition which are key objectives of PPS6.

- 2.145 There is not a sequentially preferable site that is suitable, available or viable for the proposed grocery store. St Modwen's proposals for mixed-use regeneration do not make provision for a large foodstore of the scale needed to compete with Tesco at Shripney Road and stem the leakage of trade. It is assumed that a small convenience store might form part of those proposals, however it would be of a scale and carry a smaller range of goods, such that it would not be effective choice and competition to Tesco which dominates convenience shopping in Bognor Regis and its immediate surrounding area.
- 2.146 The proposal will not harm the town centre nor undermine the Council's initiatives for the regeneration of Bognor Regis town centre or any other centre. Most of the impact will fall on the Tesco store which is close to Oldlands Farm and on stores outside of Bognor Regis.
- 2.147 In summary, the proposed development is consistent with the development plan and national planning policy guidance, and is therefore commended to Arun District Council.