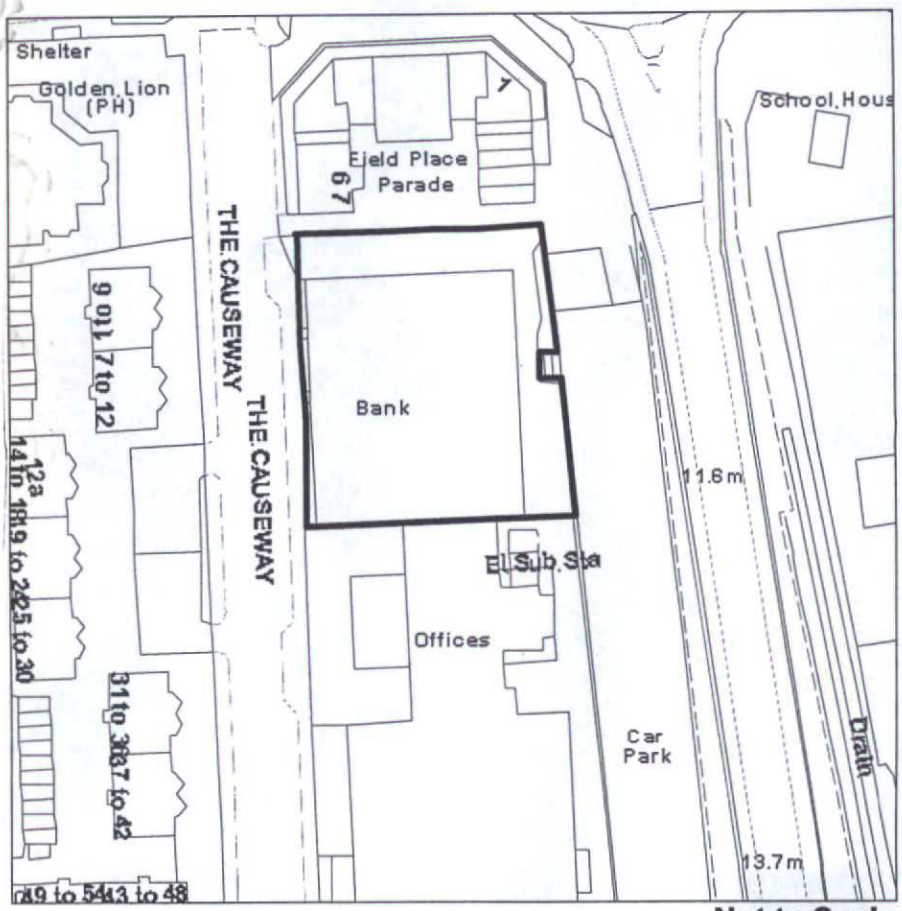
RHPC For The Attn. of Mr Rob Huntley
Cantium Developments

WB/08/0851/FULL
CAS
PD

Location : Equinity The Causeway Worthing

Proposal: Change of use of the ground floor from office accommodation to retail (A1), restaurants/cafes (A3) and hot food takeaway (A5) together with refurbishment and alterations to external elevations including new shop fronts incorporating separate entrances to the first floor office use. The application is supported by a draft unilateral undertaking restricting the A1 use to a "retailer of discounted food products"



Not to Scale

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1. THE PROPOSAL AND THE SITE

This is a proposal to convert ground floor vacant offices to a supermarket with a smaller restaurant/café or takeaway and allied physical alterations to the building.

The site and surrounds

The site is located amongst a group of commercial/business and institutional buildings, clustered around Durrington Railway station and Shaftesbury Avenue, and is adjoined to the north by residential suburbs.

In detail, the actual application site is limited to the ground floor of a two storey building which was purpose built for Lloyds Bank in the 1960s as phase 2 of a larger office complex development for Lloyds Registrars. It was built as offices including a branch bank, in conjunction with the linked nine storey office block (phase3), and adjacent two storey office block (phase1) to the south. Lloyds TSB vacated both buildings in September 2007 and the two storey building was subsequently occupied by Equiniti as a financial services call-centre/office business. Equiniti moved out in January 2009 and this building now stands empty, alongside the multi storey tower.

The Equiniti building currently provides some 2990 sq ms (gross internal) of office floorspace, split between the two floors (with unconnected basement below) and occupies most of the 0.6 hectare site. The building faces west towards The Causeway where pedestrian access up a short length of steps and side ramp access lead to the entrance. Vehicular access to the rear and side service area is also off The Causeway and is located at the northern end of the site, with a secondary access to Field Place at the rear (to the east). This service yard is bounded by a security fence and the accesses are gated. Parking bays for 7 vehicles are provided in front of the building in The Causeway. The building itself is raised off the ground by some 0.9 metres and is designed in period 1960s style, featuring a flat roof, colonnade on the ground floor, horizontal bands of glazing and faced in concrete and metal panelling. The ground floor contains the former banking hall, a large open area.

Flanking the site to the north is the rear service yard and parking area of a small convenience Co-op supermarket (335 metres sq metres floorspace) and adjacent, still smaller, three separate retail units. Flats sit above. This group of shops forms the southern boundary of The Strand Neighbourhood Shopping Centre (as designated in the Saved Worthing Local Plan). The Centre embraces a further 19 units in the Strand Parade to the north. Strand Parade wraps around The Strand itself and also faces east towards Shaftesbury Avenue. Amongst its shops, the centre incorporates a pharmacy, bakers, butchers and newsagent as well as a couple of charity shops but two units are vacant. Altogether, the designated Centre comprises some 2,227 square metres of floorspace though just outside the boundary are also The Lion PH (The Causeway), a GP practice in The Strand and a Summerfield supermarket attached to the BP garage in Shaftesbury Avenue.

To the west of the site, across The Causeway and next to the Lion PH stands Durrington Gardens, a group of 3 storey 1960s flats set back between 4 -10 metres from the road on slightly lower grounds and partly screened by trees. These properties enjoy dedicated parking in the garages behind and in their forecourt. To the south of the site and physically attached is the former Lloyds TSB tower which recently received planning permission for

refurbishment and improvements (WB/071534/FULL refers). Beyond this are two storey offices, also originally built for Lloyds but now occupied by NHS (West Sussex). Durrington Railway station lies at the end of The Causeway, just 120 metres to the south of the site with some dedicated car parking to the east. Over the railway are the large Inland Revenue Offices.

To the east of the site is a three storey car park accessed from Field Place and The Causeway, adjacent to the railway station. This provides some 295 spaces which are shared between the adjacent uses and local residents as follows; Equniti and Lloyds tower 140; West Sussex Primary Care Trust 110 ; residents 25. Only the ground floor deck appears to be currently inactive. Access is from The Causeway adjacent to the station and Field Place.

Beyond the car park is Shaftesbury Avenue which is elevated at this point as it bridges the railway. Over the road is Worthing College which recently obtained outline planning permission for redevelopment to form a new college and 124 dwellings (WB/07/1129/OUT refers). An earlier proposal to fund the new college by construction of a new ASDA superstore on the site of 4180 sq metres net floorspace (6915 gross) was dismissed at appeal (WB/05/1164/OUT refers in 2006 on retail policy grounds. To the south of the railway line lies Worthing Leisure Centre.

Additional on-street parking is provided in dedicated bays by the Strand Parade and Field Place as well as by the kerb in The Causeway, The Strand and Chesterfield Road. Parking in The Causeway is subject to one hour waiting restriction to deter commuters.

The proposal

The proposal entails the conversion of the ground floor of the former Equniti building to 1175 square metres of floorspace (gross internal) to be occupied by one single A1 retail use or subdivided into one retail unit of 995 square metres and one A3 or A5 unit (restaurant/café or hot food take away) of 180 square metres. The applicants have offered to restrict any retail unit to a discount food retailer and have supplied a draft unilateral undertaking to try and secure this. They have also offered to omit from any retail unit any in-store bakery, newsagents, butchers, fishmongers or pharmacy, to be secured by condition. An earlier draft unilateral undertaking has been withdrawn which committed the developer to refurbish the adjacent Lloyds tower by internal works and the external works approved under WB/07/1534/FULL in association with the current application. A further offer to amend the new draft unilateral has, however, been made to advertise and market the Tower as being available for letting or purchase for business purposes or use (within the meaning of Class B1(A) of the Use Classes Order) for a period of twelve months from the grant of the Planning Permission. More recently a further offer has been made to commence refurbishment works of the tower in accordance with a settled specification upon entering into a contract or contracts for the letting of a major part of the building. The main external physical alterations to the building are limited to the introduction of a fascia, the creation of a recessed lobby at the remodelled front entrance with new glazing and a stainless steel glazed projecting canopy and the provision of a

cycle rack for 10 bicycles; a trolley store either side of the entrance forecourt; and a new ramp at the rear. Internal alterations to facilitate the conversion are also proposed, and, although outside of the application itself, the refurbishment of the upper floor of the offices. Independent access to the upper floor would remain.

Vehicular access, servicing and parking arrangements would remain as existing.

The proposal has been revised twice against a background of negotiations with officers on retail and regeneration justifications and potential impacts. As a consequence, earlier proposals have been abandoned for, originally, just one unrestricted supermarket; subsequently amended to allow for a smaller A2 or A3 unit, similar to that currently offered and a draft unilateral undertaking to refurbish the Lloyds officer tower prior to occupation of the proposed new supermarket.

The application is supported by a Design and Access Statement, Planning Statements, Retail Impact Assessment; Transport Statement and aforementioned draft unilateral undertaking.

The car park and former Lloyds tower are owned by the applicant and are blue lined in the application.

2. APPLICANT'S SUPPORTING DOCUMENTATION

Planning Statement Addendum (30th November 2009)

Relevant extracts of Planning Statement (14th August 2008)

"1.0 INTRODUCTION

1.1 This application relates to an obsolete two storey office building at The Causeway, Durrington. The building is shortly to become vacant as a result of the relocation of the current occupier, Equiniti. Cantium (Durrington) Ltd and PAVF Second Nominees 10 Ltd propose to refurbish the building and convert the ground floor to retail accommodation.

1.2 An application for planning permission was submitted by the applicants in May 2008 for the demolition of the building and the redevelopment of the site to provide new retail floorspace on the ground floor and 111 residential units above. That application remains under consideration by Worthing Borough Council. The current state of the housing market coupled with ongoing significant constraints on the availability of development finance has meant that the viability of that redevelopment option is, at present, looking increasingly uncertain.

1.3 A planning application for works to provide an independent access to the adjacent 9 storey "Office Tower", so that it can be retained, brought up to appropriate standards and reoccupied,

was approved by Worthing Council on 25 February 2008 under reference WB/07/1534/FULL. The refurbishment of the office tower to encourage its reoccupation remains a firm intention. However, before it would be economically feasible to commit investment to the permitted refurbishment scheme, it is necessary to have certainty that a viable use for the adjoining site is available. That is the reason for the submission of this application.

1.4 *This document accompanies and explains the application for planning permission now submitted in respect of the development of land at The Causeway, Durrington. It presents a summary and overview of the proposed development. Greater detail of various aspects of the proposals is presented in a series of companion Reports which form part of this application. These, and an indication of their scope, are listed at the beginning of this document.*

2.0 THE SITE AND SURROUNDINGS

2.1 *The site to which this application for planning permission relates forms part of a larger landholding located on the east side of The Causeway, Durrington. The Causeway is an important link between the local retail centre immediately to the north (including The Strand and Field Place Parade) and Durrington railway station.*

It forms part of a wider area of mixed uses which include retail, education and leisure facilities, together with office and residential accommodation.

2.2 *The land in the ownership of Cantium (Durrington) Ltd and PAVF Second Nominees 10 Ltd is illustrated on the plan below. This comprises three components.*

- *A 9 storey office tower located centrally on the east side of The Causeway;*
- *A 2 storey building lying between the Office Tower and Field Place Parade;*
- *An area of car parking, comprising a linear decked structure along the eastern boundary to Shaftsbury Avenue and an area of surface parking at the southern end of the site adjacent to the railway. This application for planning permission relates to the two storey office building in the northern part of the wider site.*

2.3 *To the south of the office tower is a further two storey office building. This was originally constructed by Lloyds as part of their overall operation at The Causeway but was disposed of some years ago. It is now owned and occupied by the West Sussex Primary Care Trust. Parking for the various components of the overall site, including the office tower, the present application site, the primary care trust offices and an allocation for use by local residents (totalling 295 Spaces), is provided in a decked and part surface car park along the eastern side of the site adjacent to Shaftesbury Avenue.*

2.5 *Lloyds TSB was previously the owner of the office tower and the two-storey building to the north, which were occupied by the Lloyds Registrars. Lloyds TSB sold the Registrars business and this now operates as "Equiniti". In preparation for the sale of the business Lloyds TSB disposed of its land and buildings at The Causeway. The buildings, including the car parking areas, are in the ownership of Cantium Developments Ltd and PAVF Second Nominees 10 Ltd, who are Equiniti's landlord.*

2.6 *Equiniti operates from offices in London, Edinburgh, Birmingham and three locations in the Worthing area. It is understood that Equiniti intends to vacate the buildings at The Causeway in late 2008 or early 2009.*

2.7 *The two storey building, which is the subject of this application for planning permission, provides poor quality office accommodation. It has an excessively deep floorplate with poor levels of natural light, especially on the ground floor. The building was constructed for the particular needs of Lloyds at the time of its construction and no longer offers satisfactory accommodation suitable for modern requirements in its present state.*

2.8 *The building and the majority of its components are approximately 40 years old. Without major repair and refurbishment work it is at the end of its useful life. In particular:-*

- *The flat roof is leaking and water appears to be entering through the precast concrete cladding at high level.*
- *The level of thermal insulation is sub standard.*
- *The steel framed lantern roof lights are only single glazed and are in poor condition. The single glazed windows are operationally and thermally inefficient and provide insufficient ventilation.*
- *The building envelope needs considerable repair and improvement to make it watertight for the medium to long term. It also suffers from excessive solar gain.*
- *Services within the building are basic. Many of the systems, some of which are shared with the adjacent Office Tower, are at the end of their useful life and need to be replaced.*
- *The majority of the office finishes are basic and most are without the suspended ceilings or raised access floors required for modern office accommodation.*
- *At the rear of the building there are a number of plant enclosures that are shared with the adjacent Office Tower. The timber framed flat roofs are in poor condition and are leaking and urgent repairs are required.*
- *The main entrance to the building and its interior do not comply with the requirements of the Disability Discrimination Act.*

2.9 *The level of investment required to address the current deficiencies, taken in the context of the rental level that could be expected to be achieved for office use, is such that the necessary works are not economically viable and therefore could not be undertaken with continued office use of the whole building.*

2.10 *In order to encourage reoccupation of the adjacent office tower by new office users following the departure of Equiniti in late 2008 or early 2009, enhancements are required to provide an independent access to that building (which it presently lacks). Works to achieve this and associated enhancements were the subject of an application for planning permission submitted to Worthing Council in December 2007 and approved in February 2008 (reference WB/07/1534/FUL).*

2.11 *The form and condition of the two storey building, which is the subject of the application for planning permission now submitted, is such that there is no realistic prospect of the continuing occupation of the ground floor for office purposes. The rent that could theoretically be obtained would not support or make viable the expenditure required. In any event, the form of the ground floor of the building, the result of it being purpose built to the requirements of the Lloyds Registrars' business, is such that it would not be likely to attract occupiers even in a refurbished state.*

2.12 *There is potential, following a degree of refurbishment, internal remodelling and the repair of the building fabric, for the first floor to attract office or similar occupiers requiring low rental levels. Options may include serviced offices or a use requiring a significant amount of floorspace on a single level, such as a budget call centre operation.*

2.13 *In view of the unsuitability of the ground floor for continued office use and the requirement for significant expenditure to enable the first floor to be capable of reoccupation following Equiniti's departure from the site, an economically viable new use is required for the ground floor. The location of the site, immediately adjacent to The Strand local centre, makes retail a suitable use for the ground floor. Continued office use of the first floor would not of itself require planning permission.*

1. *Introduction*

1.1 *This section of the report presents an analysis of physical and economic characteristics of the existing building as they relate to current market conditions.*

1.2 *Cluttons Tod Miller, and prior to 1 October 2007, Tod Miller Thomas, have in excess of 20 years experience in the coastal office market between Chichester and Brighton, and in particular Worthing.*

2. *The Existing Building*

2.1 *The building comprises a two-storey flat roofed office building, with a raised ground floor level to accommodate a basement extending beneath approximately a third of the site.*

2.2 *The building is arranged around a central core as shown on the existing ground and first floor plans submitted with the application.*

2.3 *This building was constructed to the specific requirements of Lloyds Registrars in 1968 reflecting building regulations and methods of construction appropriate tot he 1960's.*

2.4 *The construction is of reinforced concrete frame supporting solid concrete suspended ground and first floors, and roof slab. The main elevations comprise pre-cast concrete panels with continuous glazing, fitted with single glazed Crittall opening fenestration.*

3. *Physical Considerations*

3.1 *The envelope of this building is now approximately 40 years old and many components of this have reached the end of their useful life. Amongst the principal deficiencies, identified in a report prepared by Watts Group are:*

- *The flat roof of the building has undergone extensive patch repair but continues to leak.*
- *The steel framed north facing roof lights are single glazed, in poor condition, and functionally obsolete.*
- *The pre-cast concrete cladding exposed to driving rain has not functioned appropriately and there is concern that water has penetrated behind in some areas.*
- *The windows are single glazed and metal framed providing inadequate levels of thermal and sound insulation and excessive solar gain. Secondary glazing has been provided as a temporary but unsatisfactory improvement.*

3.2 *Internally there are solid floors, surface mounted heating and wiring conduits and pipework, and surface mounted lighting. The building's design was tailored to a specific user and contains a mix of open plan offices, mailing rooms, print rooms, toilet blocks, canteen facilities etc.*

4. *Market Standards*

4.1 *The premises offer sub-standard office accommodation in the following areas*

- *Excessively deep floor plates leading to areas with poor natural light*
- *Solid floors offer poor sound insulation and make wiring and cabling difficult and intrusive for modern electrics/data/telecom services.*
- *Floor to ceiling heights with downstand beams restrict what can be done in terms of adding raised floors and suspended ceilings.*
- *The common heating system (shared with the adjacent office tower) is inefficient and wasteful preventing adequate temperature control within the different office areas.*
- *Single glazing creates solar gain problems and energy performance Failures.*
- *Original lift specifications no longer compatible with modern regulations.*

5. Market Considerations

5.1 Ground and first floors provide approximately 14,000 square feet each, an unusually large plate for the Worthing office market.

5.2 Sub-division into suites would entail considerable loss of circulation area and could be limited by a need to access secondary stairs for fire escape purposes.

5.3 The basic finishes and utilitarian feel of the accommodation does not match the characteristics of the Worthing office market where the majority of speculative demand comes from smaller professional organisations and companies requiring contemporary premises offering a modern image.

6. Economic Considerations

6.1 In its present external and internal physical condition the building is not a lettable prospect for continued office use in our view. To create an energy efficient, watertight and maintenance free envelope to the building to enable its continued occupation for offices, a virtual re-construction of the main external components would be required. This would not in itself add any value to achievable rental levels.

6.2 Refurbishment of the interior would require the following minimum elements

- Raised flooring/trunking
- Category 2 lighting
- Suspended ceilings
- Re-carpeting
- Double glazing.
- Comfort cooling/air handling/conditioning.

6.3 In addition to the above there would be substantial costs for separating the existing services, reinstalling new heating, toilets and staff facilities, lift equipment etc.

6.4 Installation of these elements into an existing, deteriorating and outdated building structure and configuration would in all probability cost more per square foot than a new build project. Even with such expenditure the ground floor accommodation would remain unattractive for office use on account of its poor levels of natural light. In our opinion therefore the building is incapable of economic refurbishment for wholly office uses on both floors.

6.5 A new build project requires a minimum rental of .16 - .17 per square feet to be viable, even where there is a known office demand. Best rentals for fully refurbished accommodation stand at approximately 13.50 per square foot. In this case expenditure on a refurbishment project would be fully speculative, totally at risk, within a physically obsolescent shell and would result in accommodation, at least on the ground floor, which would be of poor quality, even in a refurbished state.

7. Conclusion

7.1 It is therefore apparent that the physical condition of the building, the configuration and inflexibility of the space, and the economics

of the market place, render the refurbishment and re-letting wholly for office purposes totally uneconomic.

7.2 *When the building is vacated by the current occupiers it will in effect cease to be a practical component of the Worthing office space pool and any theoretical employment potential that it has previously had would be lost.*

7.3 *One of the main residual constraints to future office occupation, poor levels of natural light, is potentially capable of resolution in respect of the first floor accommodation by upgrading the rooflights. This would potentially enable the first floor to continue to form a component of local office supply in Worthing.*

7.4 *The ability to justify the considerable expenditure required to make this a realistic possibility would only arise if the ground floor could be put to a viable use. Given the unsuitability of the ground floor for continued office use (and that the rental levels that could be achieved would not support the refurbishment costs), use of the ground floor for retail purposes is necessary to achieve the office potential of the first floor.*

5.0 *PLANNING CONSIDERATIONS*

5.1 *A range of studies has been carried out to inform the proposals for the development of the land, so as to ensure that the resulting development would accord with the Council's policy (and that operating at national level) and result in a high quality development. The conclusions of these studies are summarised in the following paragraphs.*

Drainage and Services

5.2 *Consideration has been given to foul and surface water drainage issues at the site and to flood risk. With regard to flood risk, the site is located within Flood Zone 1 where the risk of flooding is less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%). The site is less that 1 Hectare in size. In accordance with PPS 25, a formal Flood Risk Assessment is not required.*

5.3 *As the site is entirely impermeable, surface water runoff is discharged at uncontrolled rates to the nearby public sewers. There will be no change to the extent of the impermeable area of the site and therefore no change to the extent or rate of surface water run-off.*

5.4 *The existing two storey building which is the subject of this application is currently used as office space with historic potential to accommodate approximately 200 people. The peak foul discharge flow from this building is therefore estimated to be in the region of 6.5l/s. The use of the ground floor of the building for retail purposes will result in a decrease in foul water discharge from the site compared to the previous office use of this accommodation.*

5.5 *The main points of relevance from a drainage and flooding point of view are:-*

- *The site lies outside any defined flood plain and is not at risk of flooding;*

- *The site at present is entirely covered with impervious hard surfaces (including buildings) and this will not change with the proposed development;*
- *The proposed use of the ground floor of the building for retail purposes would not place new or existing buildings at risk from flooding;*
- *The use of the ground floor of the building for retail use will result in a decrease in foul water discharge from the site compared to the previous office use of this accommodation;*

5.6 *Services and utility provision poses no capacity or other constraints which would prevent the proposed development being satisfactorily serviced.*

Nature Conservation Issues

5.7 *In view of its 100% coverage by buildings and hard surfaces, the site possesses no nature conservation interest or potential in its present state. The proposed change of use of the ground floor will therefore have no negative impacts on nature conservation interests.*

Visual Impact

5.8 *The proposed development will bring about a beneficial change to the visual appearance of the existing buildings. At present the building does not make a positive contribution to its location or to the character of the area. The introduction of a well designed active frontage to The Causeway will enhance the visual contribution which the site can make to the public realm, augmenting the positive effects that will arise from the works proposed to the Office Tower adjacent, approved by the Council under planning permission WB/07/1534/FUL. Further details of the design and visual appearance are set out in the accompanying design and Access Statement.*

Supplementary Planning Statement (December 2008)

Transport Statement (14th August 2008)

8 *CONCLUSIONS*

8.1 *This report is prepared in support of an application to refurbish an existing office building on The Causeway, Durrington. The refurbishment will renew existing office space and create new retail space at ground floor level.*

8.2 *In accordance with West Sussex County Council guidelines, the person trip and vehicular trips generated by the existing and proposed land uses have been identified. The proposed site land uses will generate 2753 daily person trips and 377 daily vehicular trips. When discounting the current land use, in net terms this results in an additional 2259 daily person trips and a reduction of 76 daily vehicle trips to the transport network as a whole. All these figures assume that the retail floor space contains food units. In the*

event that some or all of the floor space is non-food retail the figures will further reduce.

8.3 *The site is ideally located from a sustainable viewpoint. Regular bus services are located less than 100m from the site, with further services available within 200m of the site. Similarly, Durrington-on-Sea rail station is also less than 100m from the site.*

8.4 *The retail unit will be an extension to the existing local centre. Parking within the adjacent surface and decked car park, which is within the applicant's ownership, will be available to ensure that adequate provision will be made to serve the occupants of the retained employment and proposed retail elements.*

3. CONSULTATIONS

The Regeneration Manager Comments that,

"Tthe key to the regeneration approach to this area is to secure investment in the Tower office accommodation. This is recognised in the Core Strategy Area of Change, which highlights the need to take a flexible approach, achieving some enabling development to bring forward the refurbishment of the office accommodation.

On inspection of the two storey office block, the accommodation requires significant investment to attract a beneficial use. In the current market the level of investment required makes this unviable to retain the ground floor for office use.

Should the ground floor attract a discount retail occupier as specified in the recommendation, this will have the immediate benefit of part of the building being occupied and refurbished. It will demonstrate investment in part of the site and may have the knock on effect of promoting interest in the remaining office accommodation. Under these circumstances, the loss of employment floorspace on the ground floor is acceptable from an economic development and regeneration point of view."

The Major Projects Officer comments that,

"The internal arrangement of the two storey phase 11 premises, which include part of the ex banking branch, are poorly planned for meeting modern office standards and the first floor, particularly, is in a poor state of repair with increasing evidence of damp penetration. This in turn is likely to have a knock-on effect on securing a letting of the ground floor space unless essential expenditure is incurred on its maintenance. By contrast, the tower appears wind and watertight though has been stripped out in readiness for an office-re-fit.

The physical arrangement of the phase 11 building and its obsolescence over the years makes it an unlikely letting proposition for office purposes even in a period of steady market demand. In terms of layout it lends itself more to an A2 use though with the recession in financial services and its secondary

location this too appears an unrealistic prospect. Some form of retail use on the ground floor appears the only feasible option. A flexible approach to the occupation of the first floor should be taken with perhaps an educational/ medical/institutional or leisure use presenting a possibility.

The commercial letting markets are in poor health with a glut of vacant space and limited demand. In my opinion, given the age, size, layout and state of repair of these premises, the developer can adequately demonstrate a case that the occupational market for B1 offices is so weak that further investment for this purpose would be unviable. The occupation of the tower within the short to medium term appears dependent upon negotiating a major letting at an acceptable rental to an office tenant for a minimum of 3 floors (c.12,000 sq ft) to justify the refurbishment work. At the present time, the chances of this also seem quite bleak."

The Strategic Housing and Planning Manager comments that,

"The following policies are relevant for this application:

Local Plan saved policies

BE 1: *Building design*
TR 4: *Development adjacent to a railway station*
TR 9: *On site parking provision*
RES 12: *Infrastructure and Services required*

There are several important policy considerations for this application.

This is effectively a re-submission of a previous application from 2008.However, in terms of national planning policy there have been some material changes in that PPS 6 has been replaced by PPS4. The main relevance of this application is that the previous needs test from PPS6 has been omitted from PPS4. However, the need for the sequential test and an impact assessment remain.

Proposals which are in accordance with an up to date Development Plan strategy will not require an impact assessment. However, as Worthing's Core Strategy is still being written there is no up to date development plan or strategy in place so the impact assessment is required for this proposal. Under normal circumstances an impact assessment would only be used on developments of over 2,500 m2 but it is appropriate to consider proposals below this figure if a relatively large development is considered to have a potentially large and hence, disproportionate effect on the surrounding centre. In this case I believe that it is relevant for the applicant to deliver an impact assessment – which has been supplied by the applicant's agent.

This proposal has been 'live' during the transitional period from PPS6 to PPS4. Much of the supporting evidence produced by Rapleys for the developer and Strategic Perspectives for WBC was produced during this 'policy vacuum' and significant parts of the evidence related to the 'need' aspects of the application. However, as stated above the needs test has been

effectively rendered unnecessary, so the major focus should be on the impact assessment.

However, the evidence produced by the above consultants is contradictory i.e. Rapleys consider the impact of the development to be acceptable. In terms of the Co-op, a - 2.9% effect on turnover and - 2% for the other units – based on their Retail Assessment Rapleys are also of the opinion that the proposal would be able to 'claw back' some of the lost expenditure from the surrounding centres by attracting custom to the Strand via the proposed new retail unit.

Strategic Perspectives, on behalf of WBC, state that the impact of the development on the Co-op has been understated because its effect has been diluted by incorporating the effect on retailers outside of the Strand e.g. Goring and the Mulberry centres. Also they classify the size of the new site as a 'walk in catchment' in terms of its floorspace and claw backs in expenditure would not be forthcoming from outside centres, which are primarily car based and have the car parking capacity to attract and retain customers.

It would appear likely that the new development will take the form of a discount retail outlet, probably in the form of an Aldi or a Lidl If this assertion is correct then the impact assessment becomes more complex in that the issue is whether the new use is complementary and not competitive. Again the applicant's agent has stated that the new unit will be complementary to the area and no similar unit is currently trading on the Strand.

Rapleys provided a response to the issues raised by Strategic Perspectives and consider that they have provided sufficient information/evidence to answer the issues raised on the impact of the retail unit. However, I believe further analysis is needed to ascertain whether Rapley's conclusions are accurate and sound. Further feedback by Strategic Perspectives on Rapley's response would have been useful.

Notwithstanding the above there is a potential argument for considering this proposal on the grounds of regeneration. The Strand is an Area of Change set out in Worthing's emerging Core Strategy. The area clearly has potential in terms of regeneration and still provides significant employment opportunities. The Core Strategy takes account of the TSB complex and it has been assessed by Knight Frank in a recently commissioned study on Worthing's employment sites. In short the report states that;

"In its current state the building was considered unlikely to attract new office occupiers and is likely to require comprehensive refurbishment. The research did indicate that in a stable market, there is potentially market demand for good quality refurbished, second hand stock in Worthing with dedicated car parking. The key challenge for this site is in securing the necessary investment to refurbish the existing building. However, it is in a sustainable location for office floorspace and the main objective must be in retaining a significant amount of office floorspace."

If the retail use is to be considered then it should be set against the core objective of the whole Strand area i.e.

"The key objective for the former LLoyds TSB Registrars building is to retain the office floorspace, whilst recognising that any scheme will have to generate some form of enabling development to allow for the reinvestment in the existing buildings to bring them up to a standard to attract new office occupiers."

The enabling development in this case could be the retail unit. However, the granting of permission for the retail unit should be accompanied by a commitment by the applicant to regenerate the rest of the TSB site i.e. the adjacent office tower block. This should be done by the signing of a legal agreement, which would ensure that the regeneration process is started within set timescales and also to an agreed programme of works. The timescales and works can be the subject of negotiation between WBC and the applicant.

The applicant's agent has confirmed that they are actively marketing the office block and it is their intention to refurbish, once contracts have been signed by prospective tenants. However, this commitment needs to be set within a legal framework.

I am of the opinion that the above is not unreasonable, given the flexibility the Council is demonstrating by waiving the requirement to maintain the Equinity site as an employment one and accepting the minimal impact of the retail unit.

West Sussex County Council including the Highway Authority comments that:-

"In principle, this proposal would be acceptable. However concerns are raised in respects of the assumptions made within the Transport Assessment regarding trip generation that should be addressed.

The building at present comprises of 2,880sqm of B1 office usage. As part of this proposal 1,175sqm of B1 office use will be changed to A1 retail. It is at present understood that no occupiers have been lined up to take over the proposed A1 use.

A review of the submitted Transport Assessment has raised issues regarding the underlying assumptions made for trip generation for the proposed retail use. The TA assumes that the retail use would attract shared trips from traffic already using the highway network. Further the TA assumes that only 20% of trips to the retail unit would be car drivers. It is acknowledged that the site is sustainably located, but no justification has been provided in support of this assumption. Also, it is noted that based on TRICS that trip generation per 100sqm of food retail usage are greater than for business use. The TA concludes however that traffic generation from the proposed development would be less than the existing use. Again this assumption is not supported. Therefore whilst it is accepted that the majority of trips to the proposed retail use may be linked, further assurance would be required regarding the

assumptions made within the TA. In the event that the retail proposal generates a net increase in trips, the traffic impact of the proposals on the highway network may also need to be considered.

In terms of car parking, there is an existing multi deck car park to the rear of the existing building that is under the control of the Applicant. It is understood that a number of spaces within this car park are available for the proposed office and that 6 spaces will be made available for staff for the retail uses. Based on the proposed office floor area and with consideration of the WSCC Parking Standards, a maximum of 39 spaces may be made available for the office use. The site is though sustainably located with Durrington-On-Sea train station within close walking distance, the site is also well placed to make use of existing bus services. Travel Plans should be secured via condition for both the occupiers of the offices and the retail units.

The retail units will result in some additional vehicle trips from customers and generate some on-street car parking. Without knowing the end occupier however, it would be difficult to come to any firm conclusion as to the how much traffic and car parking demands the retail uses would generate. Any on-street car parking that does occur is likely to be short term and is unlikely to result in any highway safety concerns. The Planning Authority may wish to consider the implications of this proposal on on-street car parking.

Servicing arrangements for the retail units does require further elaboration as it is considered likely that the retail uses would attract larger delivery vehicles than the existing B1 office use. The existing site does have a servicing area, this is limited in size and would not enable a delivery vehicle to turn within the confines of the site, hence resulting in delivery vehicles reversing onto or off of the public highway. Whilst there would be no significant concerns with this in operation in principle, it would be beneficial if deliveries could be controlled so as to take place outside peak times and for swept path information to be provided demonstrating that a HGV can satisfactorily access the site

As there will be no net change in floor areas, no infrastructure contributions would be sought.

The Applicant is invited to submit further information regarding the issues raised with the TA. Until such time as these issues have been addressed, the Highway Authority cannot fully support this proposal, although given the existing office use this proposal is in principle acceptable.

If the Planning Authority is minded to approve this application, travel plans should be secured for both the office and retail elements, and deliveries for the retail units should be conditioned to take place outside of peak times."

Postscript 26th January 2009

"A response has been made initially to this application on the 10th September 2008 and additional information was sought. The description has since been altered to include A2 and A3 uses in addition to the A1 uses on the ground floor. Comments have also been sought from Worthing Borough Council in

regards of the strategic planning implications of these proposals as over 1,000sqm of B1 business use is being lost. The following comments would be offered in regards of the strategic planning implications.

The application seeks planning permission for COU of ground floor of building from office accommodation to retail (A1), financial and professional services (A2), and restaurants, cafes (A3), together with refurbishments & alterations to external elevations including new shop fronts incorporating separate entrance to first floor office use. The continued office use of the first floor would not in itself require planning permission.

The proposal site forms part of a large landholding located on the east side of The Causeway road in Durrington, Worthing. The Causeway forms a link between the local retail centre immediately to the north (including The Strand and Field Place Parade) and Durrington-on-Sea railway station. The immediate area consists of mixed uses which include retail, education and leisure facilities, together with office and residential accommodation. The Strand is a typical neighbourhood centre providing basically small non-multiple chain retailers and services. It has a single convenience store (The Co-op) of approximately 186 sq m created from four inter-connecting shop units.

The landholding itself comprises three main components.

- *A soon to be vacated 2 storey office building lying between the Office Tower and Field Place Shopping Parade;*
- *A 9 storey Office Tower located centrally on the east side of The Causeway. This is to be retained and brought up to appropriate modern standards (WB/07/1534/FULL recently approved);*
- *To the south of the Office Tower is a further two storey office building. This was originally constructed by Lloyds Bank as part of their overall operation at The Causeway but was disposed of some years ago. It is currently owned and occupied by the West Sussex Primary Care Trust. Parking for that building (110 spaces), although in separate ownership, is provided within a decked and surface car park; and*
- *An area of car parking, comprising a linear decked structure along the eastern boundary to Shaftsbury Avenue and an area of surface parking at the southern end of the site adjacent to the railway.*

This planning application relates to the site of the soon to be vacated two storey office building. This building and the majority of its components are understood to be some 40 years old and considered by the applicants to be now at the end of its useful life. Given this view the current proposed redevelopment of the site is considered the only realistic option available.

The whole site is within the built-up area, as defined in the saved Worthing Borough Local Plan. At locations like this, development is encouraged by WSSP policies LOC1 and ERA1 subject to the impact on the character of

the area and the environment, resources and assets of West Sussex being acceptable.

The site is in a very sustainable location close to existing local shopping facilities and public transport services and so would accord well with Policy NE13, which encourages development at sustainable and accessible locations.

Land immediately to the north of the application site is identified as a neighbourhood centre in the Local Plan (The Strand). Local Plan Policy S5 permits new retail development in or immediately adjoining existing shopping centres (which includes The Strand). WSSP Policy NE10 (Retail development) states that local shops should be permitted where they meet the identified needs of local communities. Supporting text to this policy suggests: "There is a wide range of smaller centres which provide more local shops and services. These include village centres as well as district and neighbourhood centres in larger towns. They perform a valuable role in meeting the needs of local communities. They should continue to improve and adapt to changing expectations and needs. In addition to established centres, individual shops, or groups or parades of shops meet local needs – their provision and retention should be supported." (Paragraph 194 of the WSSP). Potential business competition is not a material planning consideration and accordingly can be given no weight in determining a planning application.

When considering the physical impact and merits of the proposed development on the local area, consideration must be given to Policy CH1 which seeks to maintain the character, distinctiveness and sense of place of different areas and features of the County, and Policy DEV1 which requires that the construction, layout, scale, appearance and landscaping of development is of the highest quality and respects local context.

Provided that the Borough Council are satisfied that the proposal will have no significant detrimental effect upon the vitality and viability of the centre, no strategic planning objection because:

- *the site is on previously developed land (PDL) within the built-up area boundary of the saved Worthing Borough Council Local Plan Proposals Map. WSSP policies LOC1 and ERA1 encourage the reuse of land within built up areas subject to the impact on the character of the area being acceptable;*

- *the site is in a very sustainable location close to local facilities and public transport links and so would accord well with WSSP policy NE13, which encourages development at sustainable and accessible locations; and*

- *WSSP Policy NE10 states that local shops should be permitted where they meet the identified needs of local communities.*

If the Borough Council is minded to approve this current application then West Sussex County Council would ask that such development complies with the following saved West Sussex Structure Plan 2001-2016 specific policies:

> *DEV1: which seeks high quality development (i.e. height, scale, massing, character, car parking) that respects local context,*
>
> *DEV4: which seeks to achieve safe and convenient access by a choice of means of travel and reduce the number and impact of motorised journeys,*
>
> *DEV5: which requires that the level of parking is compatible with the need to avoid environmental or safety problems whilst reducing reliance on the private car, and*
>
> *CH1: which seeks to maintain and, where possible, enhance the character, distinctiveness and sense of place of different areas of the County.*

Policy G12 of the West Sussex Waste Local Plan Revised Deposit Draft 2004 requires that new waste management facilities be provided to serve new development. These facilities should be close to the point of generation and planned as an integral part of the development. The applicant should be made aware of this requirement.

In highway terms, the initial response made in regards of this application sought additional information regarding certain assumptions made within the TA. The Applicant has submitted further information in regards of these assumptions and it is accepted that the existing B1 use would generate more vehicle movements than the proposed A1 use (the A1 use has been assumed as being food retail, which provides a worse case). Taking into consideration A2 and A3 uses also, the B1 use is still considered to result in a more intensive use than that proposed. Therefore in traffic generation terms, this proposal is unlikely to have any detrimental consequences on the surrounding highway network. The proposed parking provision is also within the WSCC Parking Standard and no highway safety issues would be raised with the parking proposed.

In regards of the servicing arrangements, swept path details have now been submitted showing the tracking for an articulated HGV and a rigid delivery vehicle. Both swept paths require the vehicle to either reverse in or out. The principle of this is accepted and it is acknowledged that this occurs in regards of servicing of the existing building. However, the swept paths appear to require the existing access to be widened to facilitate a vehicle reversing in, otherwise a delivery vehicle would over run the footway and the edge of the lay-by. It would be appropriate for the access to be widened as part of this proposal and a condition should be added to any permission requiring details of the modified access to be submitted to and approved by the local planning authority prior to the retail units being occupied.

A travel plan should also be secured for the retained B1 office space.

No objection would be raised to this proposal."

Post script 27th January 2010: In response to the revised application the **Highway Authority** comments as follows:-

"Comments have already been made in regards of the A1 retail use and no objection has been raised in these regards. The change of use of part of the ground floor area to A3/A5 would not be expected to attract any significant number of vehicle trips or car parking demand compared with those already considered for the change of use of the entire ground floor to A1 retail. It would be expected that the A3/A5 uses would not result in primary trips but would attract secondary linked trips from those who are in the area already accessing other facilities, such as the proposed A1 retail, or working or living close by. Given the sites close proximity to Durrington station and Worthing College, it would be quite reasonable to expect that there would be a high majority of pass by users of the A3/A5 use may be by those who are attending the college. I would have no concerns with the change of use of part of the ground floor to A3/A5."

The Executive Head of Health, Housing and Community Safety comments that a precautionary land contamination condition is required as follows:

'If during development, any visible contaminated or odorous material, (for example asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.'

The Environment Agency comments that:-

"We are in receipt of the Desktop Environmental Audit dated 18 December 2006, together with the supporting Ashdown Site Investigation Ltd report of July 1996 and have reviewed the proposal.

With regard to the application form, item 15, the response was indeed noted, however no supporting information was provided. Given the scale and type of redevelopment, together with sensitivity of the underlying aquifer and potential for contamination to be present, an assessment was considered necessary.

The audit report subsequently provided was commissioned for the proposed acquisition of the property, rather than expressly for redevelopment of the site. This is further defined by section 1.3 of the audit report which for a Low risk rating (for the site was assess as being) states; "Site considered suitable for present use and environmental setting" and "No action needed whilst site

remains in present use and remains unchanged". Within the Environmental Risk Assessment reference is only taken to the current site use and condition, not with respect to potential development. The recommendations indicate that an intrusive investigation may be required to satisfy any Planning Conditions attached to any new planning application.

The audit does not refer to the multistorey carpark and associated drainage systems, it is therefore not known what surface water pollution controls are employed or where surface water discharges to. Should any discharge be via soakaway they may be considered as potential pollutant pathways. It does refer to the fuel storage, pipework and observed condition at the site, which is noted to be leaking.

The site investigation dates from 1996 and refers to contamination assessment criteria which has now been superseded. The testing suite is limited to two shallow samples and does not include testing for Total Petroleum Hydrocarbons which must be considered given the above ground fuel storage tanks noted in the Environmental Audit. The two boreholes appear non targeted to any potential sources of contamination. The report is considered not to be sufficiently comprehensive to confirm the current site conditions with respect to contamination, nor does it follow the risk- based framework set out in the Model Procedures for the Management of Land Contamination (CLR 11).

Environment Agency position

We can now consider that planning permission should only be granted to the proposed development as submitted if the following Planning Conditions are imposed as set out below. Without these Planning Conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application."

The Environment Agency has recommended conditions relating to contaminated land survey, necessary mitigation, remediation measures and control over foundation design.

The **Principal Borough Engineer** comments that he has,

"reviewed the application and the only comment he wishes to make at this time relates to surface water drainage. In the absence of any ground investigation details he requests that should approval be granted it be conditional such that 'no development approved by this permission shall commence until a scheme for the disposal of surface water has been approved by the Planning Authority'. Satisfactory soakage tests in accordance with BRE Digest 365 (1991) being the criteria for proof of this condition.

If sustainable drainage systems are to be used the appropriate CIRIA Guidelines should be the criteria when meeting this condition ie. C522 & C523, C582."

Network Rail raises no comments to the proposal.

4. REPRESENTATIONS

At the time of writing eight representations have been received from Nos. 54 and 57 Durrington Gardens, No. 43 Bolsover Road, Chesterfield Road, NHS (West Sussex) and The Field Place Area Residents Association and from agents on behalf of the Co-op Group and Martin Macoll.

The householders raise the following concerns:

i) The application and companion redevelopment scheme represent a dichotomy with the redevelopment presenting the strongest possible case for not providing offices but the second application making an equally strong case for providing such accommodation.

ii) The redevelopment scheme showed it was possible to provide additional parking spaces so the current scheme should do likewise.

iii) There can be no justification for a convenience store in the light of the emphatic refusal of the ASDA scheme by a Planning Inspector, less than 100 metres away.

iv) Disproportionate competition to the Strand Parade shops will cause their demise which in turn will promote decay of building and social stability breakdown, attracting crime and disorder.

v) Most of the customers for the new store will come by car and as there is no provision for parking there will be a massive over subscription of the legal parking spaces in The Causeway and environs.

vi) If the office accommodation is constructed and additional parking provided the area as a whole will benefit.

vii) We have enough trouble from all the local yobs hanging around the Strand shops and Durrington station and causing trouble without adding more shops for them to vandalize and rob. The shops will only attract more cars and the parking in this area is horrendous already without adding more traffic.

viii) People use our flat's car park as a walkthrough to the local shops trampling down the fence so that they can get there in a straight line, the lazy people littering and dumping goods from the shops as they go back through. This will only continue.

ix) The access to our flats while building this site will be terrible and, now we will have more drunken yobs on weekend nights yelling abuse from the station and heading for the shops in the application for a top up after a night out. More sleepless nights and calling the police again. The gangs, sometimes around twenty strong, of youths from 13 to 20 age group will be very pleased with the Application, more places to shout abuse and upset people but as for us hard working people who live in the flats it will be a nightmare but I am sure it will go through because after all the people who applied for this permission don't live here so they don't care.

x) Do not object to the shops or offices but if goes ahead white courtesy line road markings should be replaced the scheme with single yellow

lines in Chesterfield Road to prevent current inconsiderate parking across driveways.

NHS (West Sussex) draw attention to the fact that the NHS holds a 125 year lease for the 110 parking spaces on the ground floor of the multi storey car park

The **Field Place Area Residents Association** has commented on the original and amended applications as follows:-

8th September 2008

1.0 With reference to the above Planning Application and in response to your letter of 14th August, the Field Place Area Residents Association wish to object to the proposals contained in the application on the following grounds.

2.0 Planning Guidance PPS6

2.1 We understand that the current version of PPS6 is still the relevant authority and that an "emerging version" of this document has not yet been authorised. If this is so, we are concerned that the applicant has chosen to use this later, unauthorised, version to justify the application. Presumably because it would show the proposal in a better light and not highlight the unrealistic nature of the proposal

2.2 In our view the case for developing The Causeway site as proposed has little merit against current Planning Guidance, and we deal with this issue further under Retail Impact.

3.0 Retail Impact

3.1 It will be recalled that in 2002 a planning application was presented by ASDA to develop a retail outlet on the Worthing College site. At a Public Inquiry in 2006 this application was rejected on appeal by the Planning Inspector. In her decision the Inspector said that "The Strand performs an important function in meeting people's needs at a local level", and went on to say that "the justification for further major food stores when there is available capacity at other food stores (many of which are in centre) flies in the face of Government key objectives for town centres....the consequence being further decline of the town centre". In our view, while the ASDA proposal was of a larger scale than the one now being made for The Causeway, the principle of even a small amount of "clawback" from the town centre would be detrimental to that shopping precinct at a time when it is under considerable pressure to maintain it's status.

3.2 The Public Inquiry Inspector further stated that in her opinion "the (ASDA) store would detract from and undermine the local neighbourhood centre function (of The Strand) and its role as a top up shopping destination". We emphasise that while the current proposal is of a smaller scale than that on which the Inspector was commenting, the fact that the size of the suggested retail development at 10,000 sq ft

(drawing P010 revision F and appendix 4 para 3.1)) is 5 times the size of the Co-op at 2,000 sq ft (Appendix 4 para 2.1) and that the two outlets will adjoin each other, can only lead to a considerable loss of trade to this premises.

3.3 *It is worth noting that the Co-op has a weekly footfall of some 9,000, while the Newsagents has a weekly footfall of some 8,000. It would seem to follow from this that if the proposed retail outlet is to be a viable proposition, and bearing in mind that it is five times the size of the Co-op, it would require a very large additional footfall to that mentioned above since the statement in support of the application states that there would be no loss of business to existing shopping outlets. In fact the Assessment of Retail Impact at para 3.4 states "the existing smaller retail units in The Strand would benefit from the resulting general increase in vitality and increased retention of locally generated retail expenditure." Our Association is extremely sceptical that such an increase in trade would be experienced.*

3.4 *As just one example of the probable effect of this proposal, it is understood that since the opening of two Tesco Express outlets close to Martins Newsagents at Thomas A Becket, the weekly takings of that shop have fallen by over £2,000.*

3.5 *It is also noted that in para 3.2 of the Assessment of Retail Impact it states that "the local centre also contains a significant proportion of "service" orientated units (e.g. restaurants, takeaways) and a number of charity shops," as if this were a fault or a problem. There are just two charity shops, while the report fails to mention that there are 10 outlets which serve the everyday needs of the community, or realise that the restaurants and takeaways are an integral part of the Parade which a visit to the area would soon confirm.*

3.6 *It does not seem to be appreciated by the applicants that the larger out of town centre stores do not cater for day to day shopping needs, but for much larger once or twice a week bulk shopping trips. The proposed addition to retail in The Causeway is, in our view, of a disproportionate size for the area, and rather than regenerate and renew is more likely to "drive out" the small local shops and completely change the community face of the area*

3.7 *In this respect, we note that in various parts of the report suggested occupiers of the proposed retail development include Marks and Spencers Simply Food, Tesco, Co-op and Woolworths. We understand that Co-op would be most unlikely to consider an expansion of this size as being viable, while the other suggestions would introduce an aggressive element which could only be to the detriment of the current shopping parade.*

3.8 *In para 2.2 of the Supporting Statement, the applicants comment on the constant battle to retain retailers and quote the closure of Threshers off-licence to support this statement. It should be noted that the reason for this closure was not because the off-licence was suffering from loss of trade, but because the holders of the land have plans to develop that corner of the shopping parade and the land behind it, and that as the lease on Threshers was running out, it was a convenient time to move their plans forward*

3.9 *Taking into account all the above arguments, the Field Place Area Residents Association strongly object to this planning application, being of the opinion that with the benefit of local knowledge, the detrimental impact on the viability of The Strand Shopping Parade would be such that the stability of the local community would suffer to an unacceptable degree.*

4. *Traffic Impact*

4.1 *It is noted that the Transport Assessment contains a mass of statistical data and analysis which our Association does not have the time or resources to check. This is unfortunate since our experience from the previous (ASDA) application when we were able to carry out a number of checks on the data provided, highlighted a number of errors.*

4.2 *In this respect we would point out certain errors contained in paras 2.2, 4.7,4.8 and Appendix A.*

4.3 *Para 2.2 states that there is space for 50 – 60 vehicles parked in The Causeway. We strongly dispute this, putting the figure at 35 – 40, and this will be reduced At times by the need to retain space for Goods Vehicles servicing the retail outlets. We note that the applicants have agreed that there will be no night time deliveries and that space for service vehicles will be time controlled, but Goods Vehicle deliveries are notoriously unpredictable in their delivery time. There will inevitably be some conflict with cars parked in delivery bays. In para 4.7 mention is made of a dentist in The Strand. This is incorrect. There is no dentist in The Strand.*

4.4 *Para 4.8 mentions a doctor in The Boulevard. Again, this is incorrect.*

4.5 *Appendix A repeats the error in respect of the dentist, while an additional doctor is shown in Tarring, some 3 kms from the site. Also this appendix shows two retail stores in The Boulevard, one on each side – a Morrisons and a Somerfields. Another error, there is only one store, a Somerfield on the west side.*

4.6 *We are concerned that if such simple and easy to spot errors can be found, then how accurate are the more detailed figures provided, especially as a number of them are based on assumptions and estimates ?*

4.7 *It is our view that the level of parking allowed for customers of the proposed retail outlets will be totally inadequate, and since a number of the conclusions reached in the Transport Assessment are indeed based on assumptions and estimates, we feel able to make one of our own.*

4.8 *Para 5.17 of the Transport Assessment assumes that 20% of the trips to the proposed retail outlets will be made by car. If the Co-op at 2,000 sq ft has a weekly footfall of 9,000, it is reasonable to assume that the proposed retail outlets at 10,000 sq ft will expect a weekly footfall of at least 40,000 in order to be viable. On a basis of 7 operating days a week, that is an average of 5,700 daily. 20% of this is some 1,140 cars. Given current patterns, there are very few available spaces for additional vehicles and we fail to see where the 1,000 plus cars visiting the site will park. We find it beyond belief that a retail area of this size can be granted planning permission without any facility for parking. Any observation of the local roads will show that there is already a*

shortage of parking space and any additional traffic can only exacerbate an already difficult situation.

4.9 The problems which we foresee over traffic congestion are the basis of our third objection to this application.

4.10 Para 3.5 clearly indicates that the applicant is relying on government policy to determine the level of parking provision. However, rigid adherence to such policy will not resolve the problems which we believe will result if this application is approved. Any meaningful survey of the roads within a half mile radius of the development site will reveal that, during the working day, parking space is already at a premium. While the applicants believe that 63 spaces for the 111 apartments will be sufficient, a figure which we believe will prove to be inadequate, they make absolutely no provision for the extra vehicles which would wish to frequent the retail outlets. Even Asda appreciated that the pressure on parking would need to be met by providing adequate off street parking. It is the view of our association that severely restricting parking will only lead to a reduction in clientele to the whole of the Strand Parade, when users finding that it is impossible to park will move their custom to other centres.

5.0 Conclusion

It is the conclusion of The Field Place Area Residents Association that there are grounds for objecting to this proposal on three counts.

(1) That retail development in The Causeway will be to the detriment of the Strand Shopping Parade and is likely to have an adverse effect on the Community as a whole.

(2) That the scale, bulk and height of the proposed tower block is of such a Degree that it will cast a blight over the whole area (withdrawn application).

(3) That the inadequate parking provision for both the Residential and Retail sectors will result in an unacceptable increase in congestion and Traffic problems in this area.

<u>17th September 2008</u>

1.0 With reference to the above planning application and your letter of 5th Sept, the Field Place Area Residents Association wish to object to this application. Before detailing their reasons for objecting, the Association wishes to comment on the way in which the applicants have managed to carry out a significant U turn in their approach to the future use of the office blocks in The Causeway, and the way in which this will impact on the local community and the viability of the local shopping parade.
In order to do this, we make no apology for quoting from the Supporting Statements for the two planning applications (WB/08/0495/OUT and WB/08/0851/FULL), and highlighting the applicants change of policy. Particularly in relation to the 2 storey block.

1.1 It is apparent to us that there remains a level of uncertainty over the redevelopment/refurbishment/change of use of both office blocks which gives us cause for concern since it raises the prospect of different scenarios, all of which would be detrimental to some degree to the local

community. It should be borne in mind that it is expected that both office blocks will be empty of Equinity staff by the end of the year.

1.2 *Given the uncertainty over the future use of both blocks, it is our concern that there could be a period of time, when with the gradual reduction in staff at Equinity, the local shopping parade will lose a considerable volume of trade, especially at lunch time. Indeed, there appears to be every possibility that both office blocks will remain empty for some time and thereby cast a blight over the area. Were this to coincide with just the retail section (if approved) on the ground floor of the two storey block being completed, the effect on local shops would be quite devastating*

1.3 *It is obvious to us that the applicants have no firm idea what will happen to either of the two blocks and find that they are now in some financial difficulty how to resolve the issue to their advantage.*

2.0 *Comparison of Supporting Statements.*

2.1 *Statement for First Application. Para 2.7 "the building was constructed for the particular needs of Lloyds at the time and no longer offers satisfactory accommodation for modern requirements.*

2.2 *Para 2.8 "the building is at the end of its useful life" and then goes on to list eight reasons why this is so. The last of these being "the main entrance to the building and its interior do not comply with the requirements of the Disability Discrimination Act 2005 and are not economically capable of being made Compliant"*

2.3 *Para 2.9, "the level of investment required to address the current deficiencies, taken in the context of the rental level that could be expected to be achieved, is such that the necessary works are not economically viable and therefore could not be undertaken"*

2.4 *Para 2.11 "the form and condition of the two storey building, which is the subject of the application for planning now submitted, is such that there is no realistic prospect of its continuing occupation for office purposes. The rent that could be theoretically obtained would not support or make viable the expenditure required. In any event the form of the building is such that it would not be likely to attract occupiers even in a refurbished state. Redevelopment of the site occupied by the building is the only realistic option available"*

3.0 *These statements should be compared with those which follow taken from the Supporting Statement for the second application.*

3.1 *Para 1.1 "this application relates to an obsolete two storey office building - propose to refurbish the building and convert the ground floor to retail accommodation"*

3.2 *Para 1.2 " an application for planning permission was submitted by the applicants in May 2008.....the current state of the housing market coupled with ongoing significant constraints on the availability of development finance has meant that the viability of that redevelopment option is, at present, looking increasingly uncertain"*

3.3 *para 1.3 "the refurbishment of the office tower to encourage its reoccupation remains a firm intention. However, before it would be economically feasible to commit investment to the permitted refurbishment scheme, it is necessary to have certainty that a viable use for the adjoining site is available"*

3.4 *Para 2.7, adds just three words to para 2.7 of the first application,…".in its present state"*

3.5 *Para 2.9 "the level of investment required to address the current deficiencies, taken in the context of the rental level that could be expected to be achieved for office use, is such that the necessary works are not economically viable and therefore could not be undertaken with the continued office use of the whole building"*

3.6 *Para 2.11 "the form and condition of the two storey building, which is the subject of the application for planning permission now submitted, is such that there is no realistic prospect of the continuing use of the ground floor for office purposes"*

3.7 *Para 2.12 "there is potential following a degree of refurbishment, internal remodelling and the repair of the building fabric, for the first floor to attract office or similar occupiers requiring low rental levels such as a budget call centre operation"*

3.8 *Para 2.13 "in view of the unsuitability of the ground floor for continued office use and the requirement for significant expenditure to enable the first floor to be capable of reoccupation following Equiniti's departure from the site, an economically viable new use is required for the ground floor. The location of the site, immediately adjacent to The Strand local centre, makes retail a suitable use for the ground floor. "*

4.0 *It will be seen from this that while the refurbishment of the first floor offices in Planning Application one was totally ruled out, it suddenly becomes viable in Planning Application two, but only if the ground floor of the block is given Retail approval, and this forms the first reason for our objection.*

5.0 *Retail Impact*

5.1 *It will be recalled that in 2002 a planning application was presented by ASDA to develop a retail outlet on the Worthing College site. At A Public Inquiry in 2006 this application was rejected on appeal by the Planning Inspector. In her decision the Inspector said that " the Strand performs an important function in meeting people's needs at a local level", and went on to say that "the justification for further major food stores when there is available capacity at other food stores (many of which are in centre) flies in the face of Government key objectives for town centres". In our view, while the ASDA proposal was of a larger scale than the one now being made for The Causeway, the principle of even a small amount of "clawback" from the town centre would be detrimental to that shopping precinct at a time when it is under considerable pressure to maintain it's status.*

5.2 *The Public Inquiry Inspector further stated that in her opinion "the (ASDA) store would detract from and undermine the local neighbourhood centre function (of The Strand) and its role as a top up shopping destination" We emphasise that while the current proposal is of a smaller scale that that on which the Inspector was commenting, the fact that the size of the suggested retail development at 12,650 sq ft (drawing P012 revision A and Supporting Statement Para 4.2) is six times the size of the Co-op at 2,000 sq ft can only lead to a loss of trade by the Co-op. It is a matter of concern to our Association that*

the size of the proposed retail outlet is some 25% larger than that on the first application where it was shown as being 10,000 sq ft. This only increases our belief that the effect on the local shops will be even more detrimental.

5.3 *It is worth noting that the Co-op has a weekly footfall of some 9,000, while the Newsagents has a weekly footfall of 8,000. It would seem to follow from this that if the proposed retail outlet is to be a viable proposition, and bearing in mind that it is six times the size of the Co-op, it would require a very large additional footfall to that mentioned above since the statement in support of the application states that there will be no loss of business to existing shopping outlets. In fact, the Assessment of Retail Impact at para 3.4 states "the existing smaller retail units in The Strand would benefit from the resulting general increase in vitality and increased retention of locally generated retail expenditure". Our Association is extremely sceptical that such an increase in trade would be experienced.*

5.4 *As just one example of the probable effect of this proposal, it is understood that since the opening of two Tesco Express outlets close, (but not even adjacent) to Martins Newsagents at Thomas A Becket, the weekly takings of that shop have fallen by over £2,000.*

5.5 *It is also noted that in para 3.2 of the Assessment of Retail Impact it states that "the local centre also contains a significant proportion of "service" orientated units (e.g. restaurants, takeaways) and a number of charity shops", as if this were a fault or a problem. We would point out that there are just two charity shops, while the report fails to mention that there are ten outlets which serve the everyday needs of the community, or realise that the restaurants (more correctly this should read cafes) and takeaways are an integral part of the Parade which a visit to the area would soon confirm.*

5.6 *In this respect, we note that in various parts of the report suggested occupiers of the proposed retail development include Marks and Spencers Simply Food, Tesco,Co-op and Woolworths. We understand that Co-op would be most unlikely to consider an expansion of this size as being viable, while the other suggestions would introduce an aggressive element which could only be to the detriment of the current shopping parade.*

5.7 *In para 2.2 of the Supporting Statement, the applicants comment on the constant battle to retain retailers and quote the closure of Threshers off-licence to support this statement. It should be noted that the reason for this closure was not because the off-licence was suffering from loss of trade, but because the holders of the land have plans to develop that corner of the shopping parade and the land to the rear, and that as the lease on Threshers was running out, it was a convenient time to move their plans forward.*

5.8 *Taking into account all the above, the Field Place Area Residents Association Residents strongly object to this planning application, being of the opinion that , with the benefit of local knowledge ,the detrimental impact on the viability of The Strand Shopping Parade would be such that the stability of the local community would suffer to an unacceptable degree.*

5.9 *It is also obvious to us that given the conflicting views expressed in the Supporting Statements as detailed in earlier paragraphs the applicants feel that it is necessary to maximise the size of the proposed retail outlet in order for the development to be financially viable.*

6.0 *Traffic Impact*

6.1 *It is noted that the Transport Assessment contains a mass of statistical data and analysis which our Association has neither the time or resources to check. This is unfortunate since our experience from the previous (ASDA) application when we were able to carry out a number of checks on the data provided, highlighted a number of errors.*

6.2 *In this respect we would point out certain errors contained in paras 2.2, 4.7, and Appendix A.*

6.3 *Para 2.2 states that there is space for 50 – 60 vehicles to park in The Causeway. We strongly dispute this, putting the figure at 35 – 40, and this will be reduced at times by the need to retain space for Goods Vehicles servicing the proposed retail outlets. We note that the applicants have agreed that there will be no night time deliveries and that space for service vehicles will be time controlled, but Goods Vehicles are notoriously unpredictable in their delivery times. There will inevitably be some conflict with cars parked in delivery bays.*

6.4 *In para 4.7 mention is made of a dentist in The Strand. This is incorrect There is no dentist in The Strand.*

6.5 *Para 4.8 mentions a doctor in The Boulevard. Again, this is incorrect.*

6.6 *Appendix A repeats the error in respect of the dentist, while an additional doctor is shown in Tarring, some 3 kms from the site. Also, this Appendix shows two retail stores in The Boulevard, one on each side – a Morrisons and a Somerfields. Another error, there is only one store, a Somerfield on the west side*

6.7 *We are concerned that if such simple and easy to spot errors can be found, then how accurate are the more detailed figures provided, especially as a number of them are based on assumptions and estimates?*

6.8 *It is our view that the level of parking allowed for customers of the proposed retail outlet will be totally inadequate, and since a number of the conclusions reached in the Transport Assessment are indeed based on assumptions and estimates, we feel able to make one of our own.*

6.9 *Para 4.9 of the Transport Assessment assumes that 20% of the trips to the proposed retail outlet will be made by car. If the Co-op at 2,000 sq ft has a weekly footfall of 9,000, it is reasonable to assume that the proposed retail outlet at 12,650 sq ft will expect a weekly footfall of around 50,000 in order to be viable. On a basis of 7 operating days a week, that is an average of over 7,000 daily. 20% of this would give a figure of around 1,400 cars. Given current patterns, there are very few available spaces for any more vehicles and we fail to see where this number of additional vehicles will park.*

6.10 *Para 6.17 of the Transport Assessment states that "parking is available in the general vicinity to serve and support the function of The Strand and Field Place Parade", but no mention is made of additional parking to serve a similar role for customers to the proposed retail outlet. We*

find it beyond belief that a retail area of this size can be granted planning permission without any facility for parking. Any observation of the local roads will show that there is already a shortage of parking space for the Doctors Surgery in Drake Avenue and the shops in The Strand, and any additional traffic can only exacerbate an already difficult situation.

6.11 *Chapter 3 Policy Context of the Transport Assessment clearly indicates that the applicant is relying on government policy to determine the overall transport policy for this proposed development, especially with regard to car use and parking. However, rigid adherence to such policy will not resolve the problems which we believe will result if this application is approved. Any meaningful survey of the roads within a half mile radius of the site will reveal that, during the working day, parking space is already at a premium. Even ASDA appreciated that the pressure on parking would need to be met by providing adequate off street parking. It is the view of our Association that severely restricting parking, while at the same time greatly increasing the number of prospective parkers in the area, will only lead to a reduction in clientele to the whole of the Strand Parade, when users finding it impossible to park will move their custom to other centres.*

7.0 *Conclusion*

7.1 *It is the conclusion of The Field Place Area Residents Association that there are three grounds for objecting to this proposal.*

(1) The application for the 2 storey block is so uncertain in its outcome that rather than regenerate and renew, it could blight the area.

(2) That retail development on this scale in The Causeway will be to the detriment of the Strand and Field Place Shopping Parades and is likely to have an adverse effect on the Community as a whole.

(3) That the lack of any additional parking space to cater for the suggested increase in vehicles visiting the proposed retail outlet, will result in an unacceptable increase in congestion and traffic problems in this area.

17th February 2009

With reference to your letter of 5th January in respect of the above Planning Application, the Field Place Area Residents Association wish to confirm the objections which they made to the previous application for this site and were contained in their letter of 17th September, 2008. (copy attached)

The latest application appears to contain little to substantially change the situation.

However, we do note that it is proposed to provide 6 parking spaces for staff at the proposed retail outlets. Given the size of the outlets, this would appear to be totally inadequate.

We also strongly dispute the conclusions reached in Appendix 2 (Retail Context)

There are currently just 2 vacant premises in The Strand Shopping Parade. Given the current economic climate, it is our view that the competition which any additional retail outlets will introduce could seriously threaten the viability of a number of shops in The Parade, rather than, as the report suggests, enhance their custom.

Since it is also our view that the increase in traffic which could result , for which there is no adequate provision, will also tend to deter rather than encourage extra shoppers, we cannot see any benefit from additional retail outlets at this time.

It is also apparent that the applicants believe that the refurbishment and subsequent occupation of the office blocks is dependent on the granting of the application as a whole. With the current over supply of office accommodation in this area, there must be a large question mark whether there is a requirement for any additional space to be provided

This means that if the retail outlets are completed and the office space remains vacant , then the prospects for the The Strand Shopping Parade are even bleaker.

In conclusion therefore, and bearing in mind the more detailed arguments in our earlier letter, the Field Place Area Residents Association must emphasise their objections to this Planning Application

29th December 2009

With reference to your letter of 14th December, 2009, in respect of the above Planning Application, the Field Place Area Residents Association do not find any reason why their objections to the original application should be changed as a result of the amendments now being proposed in your letter.

These objections were quite clearly explained in their previous letters of 17th September, 2008 and 17th February, 2009, and copies of both these letters are attached.

However, in addition to those objections, we wish to add our concern to the statement in the proposed amendment to "restaurants/cafes(A3) and hot food takeaway(A5)", and wish to point out that there are already six such premises in this small shopping precinct, with a further one under construction, and strongly believe that any addition will merely lead to an "overkill" of such outlets with the inevitable conclusion being one or more closures."

The agent for the Co-op group comments as follows (October 2008):-

"This letter forms an objection to both applications, the current application and WB/08/0495/OUT which has been withdrawn, on behalf of the Co-operative Group.

Assessment

We will consider the applicant's argument in relation to need, scale and impact.

First, and foremost, we note that the applicant's retail analysis is based on the consultation draft PPS 6 Document (July 2008). They claim that this document better reflects Government policy than the 2005 adopted version of PPS 6 (2005). The 2008 consultation draft of PPS 6 has not been formally adopted, and can only be given limited weight. Therefore the retail approach taken by the applicants is invalid as it does not adequately assess the need for development. The application must be considered against the 2005 version of PPS 6. On this basis, the fact that the applicant has not addressed the policy tests in PPS 6 is an adequate reason alone for the application's refusal as they have not addressed the need test. At the very least, the Council should request further information from the applicant to address all the relevant tests in PPS 6 i.e. need, impact and the sequential approach.

Need

PPS 6 requires need to be demonstrated for any application within an out of centre location which is not in accordance with an up to date development plan and advises that greater weight should be attached to quantitative rather than qualitative need. It also emphasises (para. 2.37) that any additional benefits (e.g. regeneration and employment) do not constitute indicators of need for additional floorspace but may be material considerations (the weight given to such factors will depend upon the particular circumstances).

Quantitative Need

The applicant has sought to demonstrate that there is a quantitative need for the proposed development using data contained in the DTZ Coastal District Retail Study (CDRS) September 2005. The applicant has not undertaken a full or robust retail assessment. The applicant has sought to justify the proposals by assessing convenience goods capacity in relation to the proposed 1,175 sqm (gross) retail floorspace. It is assumed that this will be used for the sale of convenience goods only.

We have a number of concerns regarding the approach adopted by the applicant. These are as follows:

- *The applicant has sought to justify the development on the basis of a 100% retention rate. This is clearly unrealistic given that no catchment area will ever be able to retain 100% of expenditure within it.*
- *The study area adopted by the applicant is not considered to reflect the likely draw of the proposed store. Indeed, the applicant has sought to justify the scheme by using a study area that incorporates Goring, Marine and Castle, but in light of the location of the site and nature of competing facilities in the surrounding area, it is likely to draw from a considerably smaller catchment.*

- *The applicant has calculated the likely turnover of the proposed developments based on a convenience goods sales density of £4,048 psm. This is an extremely low estimate, especially given that the applicant indicates that the larger of the two proposed units may be suitable for a Tesco, Marks and Spencer's or Co-op, and given that permission for unrestricted A1 retail floorspace is sought. As such it is necessary to assess likely turnover of the proposed retail floorspace against the sales densities of one of these likely occupiers. For example, if a Tesco Express, with an average sales density based on Mintel (2008) of £15,406 psm at 2009 (MapInfo 2001 prices, factoring in floorspace efficiency of 1.5% per annum), were to occupy the larger of the proposed units, this could equate to a turnover at 2009 of £10.73m (assuming 70% net/ gross ratio). This is significantly higher than the £4.35m calculated by the applicant. In addition, our assessment has made no allowance for the smaller 180 sqm (gross) retail unit proposed as part of this applicant. If this was factored in, the likely turnover of the proposed retail floorspace will be even higher.*
- *In terms of expenditure within the study area, the applicant has applied the average convenience annual turnover contained in the CDRS at 2009 to the population of the study area at 2001. This is not a reliable approach; the population of the study area at 2009 should be used if capacity for retail floorspace at 2009 is being examined.*
- *The applicant has assessed need for convenience floorspace only for the cumulative total of the two retail units proposed. However, given that the applicant has not stated that this would actually be used for convenience purposes in the planning application or planning statement and open A1 floorspace is sought. Consequently, the applicant should also consider the need for the proposal in comparison goods terms.*

In light of the issues highlighted above, we contend the applicant has adopted a flawed methodology in assessing retail capacity for the proposed development.

Indeed, we note the CDRS (2005) identified that there was no need for additional convenience goods floorspace in the Borough to 2013. Furthermore, a more recent capacity assessment has been undertaken for Worthing Borough by NLP in March 2006 in relation to an appeal relating to a proposed Asda foodstore at Worthing College, Bolsover Road, Worthing, in July 2006 (ref: APP/M3835/A/05/1196226). This concluded the following in terms of convenience goods capacity in 2009:

Table 1:

	2005	**2009**
Available Convenience Goods Expenditure (£m)	*169.89*	*178.52*
Turnover of Existing Floorspace (£m)	*162.95*	*164.91*
Turnover of Committed Floorspace (£m)	*28.29*	*28.63*
Residual of Application Proposal (£m)	*-21.35*	*-15.02*

Table 1 above clearly shows that, taking into account the turnover of existing convenience goods in the Borough and committed retail development (attributable to extensions to Sainsbury's, Rustington and Tesco, Holmbush), there is no convenience need for additional convenience development at 2009. We understand that a Waitrose has opened since this appeal, replacing a former Safeway. This is likely to further increase the turnover of this existing store given that Waitrose operates at a higher sales density than Safeway. As a result, the expenditure deficit of the Borough will increase to -£19.37m based on the applicants' figures or to at least -£25.75m based on NLP's figures.

In making a decision, the Inspector accepted the sensitivity test undertaken by NLP and notes at Para 76. that this:-

'...eliminates any residual pre-Asda and reveals a £40m deficit. This is compatible with the CDRS finding that if existing commitments are developed as planned, there was no need for additional convenience goods floorspace in the Borough up to 2013'.

The Inspector states at Para 77, that:-

'Government Policy is very clear that unless in a town centre, additional retail floorspace is not justified unless there is a quantitative need.'

In concluding on need, the Inspector states that:-

'...I have concluded that a retail need has not been demonstrated'.

Impact

The applicant considers the likely trade diversion of a proposed retail floorspace of 1,175 sqm (gross) only, and uses the same assumptions as used to justify quantitative need. Consequently, impact is assessed on the basis of a store with a low turnover of £4.35m at 2009. The applicant assesses impact in quantitative terms in relation to the total expenditure of the Borough and the study area only, but makes just vague assertions in relation to impact on defined centres in the study area, concluding that there will be no significant impact.

In assessing the approach of the applicant, we have concerns regarding the following areas:

- *The applicant has not provided any quantitative assumptions to justify the statements made in relation to likely impact on surrounding centres. The basis of the assumptions made is not clear. They have only commented on the likely turnover (£4.35 million) as a proportion of total available expenditure in the catchment area. This is not a projected impact assessment.*
- *Only the impact on convenience retailers is discussed, despite the applicant seeking open A1 retail floorspace which could be used for the sale of comparison goods.*

- *The impact of the proposed retail facilities is assessed on the basis of a low convenience goods turnover (£4.35 million) as discussed above in relation to quantitative need. The applicant should have adopted a higher sales density figure appropriate to the likely occupier, which as demonstrated would significantly increase the turnover of the proposed store.*
- *As discussed above the applicant has, in our view, adopted an unrealistically wide study area and therefore the actual affect on the likely catchment of the proposed store will be significantly higher i.e. impact could be more localised.*
- *The DCRS (2005) and the Asda appeal established that there was no need for the development, and limited potential to claw back expenditure leakage. The majority of the trade of the proposed development will be diverted from existing traders in the local area rather than being accounted for by leakage.*
- *The applicant asserts that the majority of trade diversion is likely to arise from a 'claw back' of a small proportion of expenditure from out-of-centre stores. However, given the proximity of the store to the Strand neighbourhood shopping centre it is much more likely that the proposal would divert expenditure from this defined centre; particularly if a key-attractor national multiple trader occupies the unit.*
- *Given the size of the proposed retail floorspace, it is likely to serve a local shopping role in the provision of 'top-up' convenience goods only, and so we consider it unlikely to be able to compete directly with large out-of-centre stores such as the Tesco at West Durrignton which provides predominantly 'main-food' shopping facilities. This will further increase the likelihood of trade diversion from existing defined centres in the surrounding area, which also mainly fulfil a top-up shopping role.*
- *No assessment of the likely impact of the development on existing retailers in The Strand Neighbourhood Centre is made, despite this being the closest centre to the application site.*

In light of the above, we do not consider that the applicant has undertaken a robust or PPS6 compliant assessment of impact. In addition, the limited statistical assessment of need that has been undertaken has, in our view, significantly underestimated the likely impact of the proposed development on the local area.

Scale

This application will dwarf the nearby Strand Neighbourhood Centre. The retail floorspace proposed, 1175 square.metres, is almost double the current floorspace of the existing centre, which is identified by the applicants as being 1,600 square.metres, which is comprised of just 24 retail units. The larger of the two stores proposed, which has been earmarked for a convenience retailer in the planning statement, at 995 square.metres, is almost 3 times as large than the main convenience facility within the centre (the Co-op).

In addition, the convenience element of the floorspace proposed would push the convenience floorspace of the Strand Neighbourhood Centre well above

that existing at the Broadwater and Goring Road District Centres (Source: DTZ 2005). It is clear therefore that the application proposal is of a scale that, should be directed to a higher order centre in the retail hierarchy.

Whilst the Local Plan designations predate PPS 6, we note that the Strand has characteristics of a local centre within PPS 6 (as agreed by the Planning Inspector in the Worthing College, Bolsover Road Appeal, 2005) and falls some way short of fulfilling a district centre role.

Therefore, in our view, the scheme is of an inappropriate scale when considered in the context of the nearby Strand neighbourhood centre. This is consistent with guidance in PPS6 that local centres will generally be inappropriate locations for large-scale new developments.

Conclusions

It is necessary for this scheme to be assessed against the relevant PPS 6 (2005) retail tests given that it is not situated within a defined commercial centre. From our analysis we conclude that:

- *There is no need for the proposed development;*
- *The scale is not appropriate in relation to the Strand neighbourhood centre;*
- *The applicant has not undertaken a full impact assessment;*
- *The applicant has made no attempt to address the policy tests set out in the adopted national guidance, PPS 6.*

Post script (also October 2008)

Having reviewed our files, we are now aware that the Waitrose store (formerly Safeway) was in fact trading at the time of the Worthing College appeal in 2006. Therefore, the second part of the paragraph under Table 1 (page 3) should be removed as this change in turnover is already accounted for within the analysis at Table 1. Nevertheless, our analysis confirms that there is a clear deficit in available expenditure at 2009 (of £15.02 million) and our overall conclusion that there is no retail need for this development remains.

Agents on behalf of Martin Macoll (an existing local company)comment as follows:

Martin McColl's wish to object to the aforementioned planning applications and, on that basis, I would be grateful if you would accept these letters as formal representations made of their behalf.

The submitted planning applications both incorporate proposals to create new retail floor space, either by a change of use of an existing property or, through the creation of a significant level of floor space through the development of a major new building within the local area.

In both instances however the proposals seek to deliver this new retail floor space in a location that is outside of an existing defined local or town centre.

On that basis both proposals must be assessed against national planning policy in the form of Planning Policy Statement 6, 'Planning for Town Centres' (PPS 6).

PPS 6 sets out the Government's approach with regard to planning for town centres. The guidance continues the theme of sustainable development established within PPS1 and sees the planning system as a key role in facilitating and promoting sustainable and inclusive patterns of development.

Within paragraph 1.8, the following main town centre uses to which the policy statement applies are identified as follows:

- *Retail (including warehouse clubs and factory outlet centres);*
- *Leisure, entertainment facilities and the more intensive sport and recreation uses (including cinemas, restaurants, drive-thru restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls);*
- *Offices, both commercial and those of public bodies; and*
- *Arts, culture and tourism (theatres, museums, galleries and concert halls, hotels and conference facilities).*

PPS 6 states that emphasis on quantitative and qualitative need should form part of any assessment for retail development outside of existing town centres. These indicators are used in order to determine future population growth within settlements in order to determine if there is a future identifiable growth that would support new retail floor space in addition to an understanding of whether there is a qualitative deficiency within a specific area.

The submitted planning applications must therefore be accompanied by a substantive assessment of the defined need for the proposed development. This is the starting point required in order to determine whether such a proposal will ultimately have a detrimental impact upon existing operations in town or local centres.

Paragraph 3.15 of PPS 6 clearly states that in applying the sequential approach to new retail development, operators and developers should consider town centre sites or sites on the edge of existing centres and that they have been flexible in their approach to site selection.

A significant part of the assessment as to the suitability of the developments proposed will therefore be whether the future operators of the units from a retail standpoint have applied a flexible approach to their site requirements.

Nonetheless, the key aim of PPS 6 is to ensure that the vitality and viability of existing town and regional centres are preserved and enhanced. On this basis the key assessment of any retail development outside of existing town or local centre boundaries has to relate therefore to whether it is the case those existing centres will be detrimentally affected this proposed external development.

Therefore integral to any proposals for new town centre uses (as noted in paragraph 1.8 of PPS 6 stated above) any applicant will have to demonstrate that there is firstly a need for the proposed use, in addition to an assessment of alternative town or local centres in order to determine whether there are any sites within those centres that could accommodate the proposed form of development.

PPS 6 is then clear that operators are to have flexibility in their business models in order to ensure that specific elements can be broken in to smaller premises. This in turn is hoped that those elements of large users will then be able to be accommodated within central vacant properties.

The applicant therefore, if the issue of need has been addressed, must then demonstrate that there are no other alternative sites within ay of the neighbouring town or local centres in order to ensure that the proposals will not attract existing operators within those already defied centres to relocate their businesses to the proposed new floor space.

This is essential in order to ensure that the vitality and viability of the local commercial and retail market is protected so as to preserve the economic well being of the immediate area.

Restriction of Goods

As the application site to which the aforementioned planning submissions is outside of an existing defined local centre, should the Local Planning Authority resolve to support the proposals it would be appropriate to restrict the nature of the goods offered.

The basis for such a restriction would be to ensure that existing businesses and operators would not be detrimentally affected by reason of a new premises offering goods and services that otherwise should be located within an existing centre.

An appropriate condition thereby preventing the sale of convenience or comparison goods would therefore be appropriate should the Council resolve that a case demonstrating the need of the development in floor space terms has be proven coupled with a full and frank sequential assessment to determine if this is the only appropriate site suitable for such a development.

Worthing Local Plan

The extant Development Plan is the Worthing Borough Council Local Plan. The Plan is in the process of being replaced by the Local Development Framework, however as this is still being prepared the Local Plan is extant with relevant policies retained for development control purposes.

The Local Plan notes that the area has suffered pressure from out of centre retail development historically. Specifically, the Plan states:

"Like many large towns, Worthing has experienced pressure for out of town retail development and it is likely that, to some extent, this pressure will continue. Careful planning is, therefore, required to ensure that as much investment as possible goes into existing shopping

centres, including the Town Centre, which is where the majority of new retail development should take place."

The Plan notes that new floor space may be required however this should be focused within the central area of Worthing. It is important to note that the application site is outside of any existing centre as defined in the Local Plan, and indeed the closest 'centre' to the application site is a District Neighbourhood Shopping Centre which is to serve day to day amenities rather than large scale development as proposed by the submitted planning applications.

This development is therefore considered to be out of scale with the local area and therefore it is the form of development that should be positioned within either the Worthing or Brighton sub areas.

In respect to specific policy within the local plan, the proposals comprise two distinct forms of development. The full planning application comprises and change of use of existing non-retail floor space (offices) to a new retail operation.

The applicant must however demonstrate the need for the proposal in addition to the suitability of the site in sequential terms. The relevant policy within the Local Plan in consideration of the submission is Policy S5, which states that;

"New retail development, including small scale extensions to existing premises and changes of use to retail, will be permitted in or immediately abutting existing shopping centres as shown on the Proposals Map providing that:-

(i) the development is of an appropriate scale and character for the centre concerned; and

(ii) the development will not divert trade from any other centre to such an extent that the number or range of shops in that centre would be likely to be undesirably reduced."

This policy was formed prior to the adoption of PPS 6 and therefore the key issue is the issue of need and the appropriateness of the site for retail development. It is not considered that the Authority or the applicant has undertaken sufficient assessment of the impact of the development in respect of diverting trade from existing businesses to the application site.

In addition, the applicant must demonstrate that the local market does not require the existing office floor space and therefore an alternative use should be considered. Indeed, the loss of this existing office floor space in a suitably accessible commercial area could impinge upon the economic prosperity by reason of preventing companies from being able to locate on the application site. The applicant must therefore provide full details of the marketing undertaken in order to demonstrate that this office floor space is no longer required by the market.

The outline submission incorporates a proposal for a large amount of new retail floor space in an out of centre location. Policy S15 is considered to be a

relevant policy even though the proposals fall slightly short of the prescribed 1000m2 floor area limit.

Policy S15 states that;

The development of new large supermarkets, superstores or hypermarkets or retail warehouses, or extensions to existing developments of 1,000 square metres or more will only be permitted where:

(i) it is justified in locational terms by a sequential assessment of site availability i.e. the proposal is in the town centre, if a suitable site or building suitable for conversion is available, followed by an edge-of-centre, district or local centre location. Only if no such sites are suitable and available will an out-of-centre site accessible by a choice of means of transport be considered;

(ii) in the case of proposed developments at an edge-of-centre or out of centre location, the developer can demonstrate need for additional facilities;

(iii) the development would help to sustain and not adversely affect the vitality and viability of any defined shopping area as shown on the Proposals Map. Account will be taken not only of the incremental effects of the new development on existing centres, but also the likely cumulative effects of recently completed developments and outstanding planning permissions in the relevant catchment area. Where necessary, conditions will be used to limit the range of goods sold and/or the size of unit operated within the development;

(iv) the development is accessible by a choice of means of transport, proposes attractive pedestrian and cycle links to nearby shopping centres and proposes parking in accordance with Policy TR9;

(v) the scale, siting, design and appearance of buildings and ancillary developments are appropriate to the scale and character of the surrounding area and satisfactory landscaping is provided;

(vi) activities associated with development such as lighting, vehicular access movement, servicing, deliveries and other ancillary operations would not adversely affect the character or amenity of the surrounding area; and

(vii) the development has adequate access to the main road network and would not adversely affect the safe and free movement of vehicles on the network.

It is therefore considered that the proposed outline planning application would detrimentally affect the ability of existing occupiers and businesses to

preserve their operations. These operators are located within defined shopping parades where they play an important role in offering the necessary amenities to the local community. The proposed development of nearly 1000m2 will ultimately significantly affect the vitality and viability of existing defined centres which will undermine those businesses presently operating to the detriment of the local economy."

5. RELEVANT PLANNING HISTORY

The application building was built as phase 2 of the Lloyds Registrars Ltd development scheme with allied parking deck in the mid 1960s, under WB/523/65, the adjacent nine storey tower being approved in 1970 under WB/985/70.

An outline planning application was withdrawn last May for the redevelopment of the application premises to form retail and residential accommodation with 930 square metres of retail floor space on the ground floor and 111 residential apartments comprising 8, 9 and 10 storeys in stepped form above and reconfiguration of the existing multi-storey car park and allied alterations. (With appearance, layout, scale and access to be determined (WB/08/0495/OUT refers).

Planning permission was granted in 2008 for alterations to the adjacent former Lloyds TSB Registrars Office tower (9 storeys) to form self-contained access at ground level with new glass entrance foyer, re-configuration of forecourt parking, introduction of hard and soft landscaping, recladding of ground and first floor recessed west facade, installation of new fenestration to ground level, east façade (WB/07/1534/FULL refers). This permission remains but is unimplemented.

6. PLANNING ASSESSMENT

The main issues raised by this proposal are:-

- The acceptability of new retail provision against the tests set out in recently published PPS4: Planning for Sustainable Economic Growth, including impact on existing centres.
- Regeneration impacts, including loss of offices and any compensating wider benefits.
- Impact on the amenities of neighbouring occupiers
- Quality of design and impact on the character of the area
- Access and parking
- Other environmental matters

As such, the application should be principally assessed against saved Worthing Local Plan Policies RES7, BE1, TR9 and H18 and South East Plan policies SP3; SP4; CC2; CC3; CC4; CC6; CC7; RE3; T2; T4; NRM10. Government Policy in Planning Policy Statement 1: Delivering Sustainable Development: PPS4: Planning for Sustainable Economic Growth and PPG13:

Transport is also particularly relevant as well as the observations of the Inspector on the dismissed ASDA appeal (PJPP/113835/AJ05/1196226) at Worthing Sixth Form College (August 2006). The emerging Core Strategy in the Local Development Framework is also material, though it has little weight, other than signaling broad possible future directions of policy. The Knight Frank Economic Research Report, Employment Land Review, Coastal Districts Retail Study prepared for the Local Development Framework are also pertinent as is the appraisal prepared by Strategic Perspectives for the Council in respect of the applicant's emerging retail impact assessment and PPS6 health-checks undertaken by the Council in 2005.

The acceptability of new retail provision against the tests set out in PPS4: Planning for Sustainable Economic Growth, including impact on existing centres.

There are no Saved Worthing Local Plan policies or South East Plan policies directly relevant to this proposal and so the proposal falls to be considered primarily against the Government's new PPS4: Planning for Sustainable Economic Growth (and accompanying Good Practice Guide).

Government policy on retailing continues to focus such uses in town centres and other centres, as appropriate, to deliver more sustainable patterns of development; reduce the need to travel, especially by car and respond to climate change; promote the vitality and viability of town and other centres as important places for communities with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities; and to foster competition between retailers and enhanced consumer choice.

In addition to the over–arching policy EC10 which encourages a positive and constructive approach towards planning applications for economic development (including retail/restaurant/take way uses such as proposed), the new PPS provides for the acceptability of retail proposals to be assessed under policies EC14; EC15; EC16; and EC17, covering supporting evidence; the sequential test; retail impacts; and weighing up considerations. The relevant parts are reproduced below and the application considered against each, informed as appropriate, by the Council's retail consultants' appraisal of the application. It is important to note that quantitative need is no longer a test under the new PPS for determining applications.

PPS4: Tests

Supporting Evidence; *EC14.3 A sequential assessment (under EC15) is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan. This requirement applies to extensions to retail or leisure uses only where the gross floor space of the proposed extension exceeds 200 square metres.*

EC14.5 In advance of development plans being revised to reflect this PPS, an assessment of impacts in policy EC16.1 is necessary for planning applications

for retail and leisure developments below 2,500 square metres which are not in an existing centre and not in accordance with an up to date development plan that would be likely to have a significant impact on other centres.
EC14.7 Assessments of impacts should focus in particular on the first 5 years after the implementation of a proposal and the level of detail and type of evidence and analysis required in impact assessments should be proportionate to the scale and nature of the proposal and its likely impact. Any assumptions should be transparent and clearly justified, realistic and internally consistent.

EC14.6 An impact assessment dealing with the impacts set out in policy EC16.1

Sequential Test*: EC15.1 In considering sequential assessments required under policy EC14.3, local planning authorities should:*

a) ensure that sites are assessed for their availability, suitability and viability..

b) ensure that all in-centre options have been thoroughly assessed before less central sites are considered

c) ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access

d) ensure that in considering sites in or on the edge of existing centres, developers d. and operators have demonstrated flexibility in terms of:

i) scale: reducing the floorspace of their development;
ii) format: more innovative site layouts and store configurations such as multi-ii. storey developments with smaller footprints;

iii) car parking provision; reduced or reconfigured car parking areas; and.

iv) the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals

EC15.2 In considering whether flexibility has been demonstrated under policy EC15.1.d above, local planning authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site, for example where a retailer would be limited to selling a significantly reduced range of products. However, evidence which claims that the class of goods proposed to be sold cannot be sold from the town centre should not be accepted.

Retail Impact*: EC16.1 Planning applications for main town centres uses that are not in a centre (unless EC16.1.e applies) and not in accordance with an up to date development plan should be assessed against the following impacts on centres:*

a) the impact of the proposal on existing, committed and planned public and a. private investment in a centre or centres in the catchment area of the proposal

b) the impact of the proposal on town centre vitality and viability, including local b. consumer choice and the range and quality of the comparison and convenience retail offer

c) the impact of the proposal on allocated sites outside town centres being c. developed in accordance with the development plan

d) in the context of a retail or leisure proposal, the impact of the proposal on d. in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy

e) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres

f) any locally important impacts on centres under policy EC3.1.

Weighing up considerations: *EC17.1 Planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where:*

a) the applicant has not demonstrated compliance with the requirements the sequential approach (policy EC15); or

b) there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.

EC17.2 Where no significant adverse impacts have been identified under policies EC10.2 and 16.1, planning applications should be determined by taking account of:

a) the positive and negative impacts of the proposal in terms of policies EC10.2 a. and 16.1 and any other material considerations; and

b) the likely cumulative effect of recent permissions, developments under construction and completed developments

EC17.3 Judgements about the extent and significance of any impacts should be informed by the development plan (where this is up to date). Recent local assessments of the health of town centres which take account of the vitality and viability indicators in Annex D of this policy statement and any other published local information (such as a town centre or retail strategy), will also be relevant.

A retail assessment has been supplied, initially under the former PPS6: Planning for Town Centres but supplemented to try and address the new PPS4 tests. This includes a needs, sequential test and impacts assessments. The adequacy of these is discussed below, as relevant.

The sequential test assessment is satisfactory and it is accepted that there are no more suitable sites within the designated Neighbourhood and District centres falling in the relevant local catchment area, even if disaggregated into supermarket and smaller A1/A3/A5 unit. It is recognized that the proposal is an edge-of-centre site, physically abutting the defined southern boundary of The Strand Neighbourhood centre, (rear of shops in Field Place, including Co-op supermarket). As such, although not "first choice, due to it being outside of a designated centre, it sits reasonably comfortably in the sequential hierarchy, issues of scale aside.

The impact of the proposed supermarket on the adjacent Strand Neighbourhood Centre, and, to a lesser extent, the West Worthing (Goring Road) District Centre and Mulberry (Goring Road) Neighbourhood Centre, is, perhaps, the first of the more controversial, and, potentially, most problematic features of the proposal.

The Strand Centre has traditionally prospered with a very positive assessment in the last PPS6 health-check undertaken by the Council in 2005, based on its retail offer, residential catchment area and limited local competition and presence of other community facilities and offices. However, in recent times it has struggled somewhat with the vacation of the office complex in The Causeway by Lloyds and only a brief occupation of the application premises by Equniti, coupled with the recession. Now it includes 3 vacant units and 2 charity shops amongst its 22 businesses.

The applicants' retail assessment indicates that the proposed discount food retailer would have a turnover of £3.84 million in 2013, the design year. It forecasts a consequent trade diversion in The Strand Centre as a whole of £0.056 million (or 2% of the Centre's turnover), with the Co-op supermarket, itself, losing £0.055 million (or 2.9% of its turnover). On the face of it, the figures indicate a relatively modest impact on the centre.

The logic behind the trade diversion assessment is that, although quantitative need no longer needs to be demonstrated, there is sufficient demand (forecast growth in convenience goods expenditure) to meet supply (forecast turnover of existing and committed convenience floorspace) in the local catchment area, with a forecast surplus £32.57 million in 2013 (only falling to £28.73 million when allowing for the proposal). The competition with other shops for available expenditure that would occur against this background is principally with medium/larger supermarkets, particularly with those of a similar ilk. And, especially, as there are no medium/large supermarkets in the local catchment area and the nearest discount food retailers is remote (Aldi in Worthing town centre), by far the largest impact (£3.615 million trade diversion 2013 or 2%), would be on existing supermarkets outside the catchment area, though this would be spread very thinly. To this extent, the proposal would claw back expenditure currently leaking out of the local catchment area and meet a new latent demand for discount food retailing in the western part of the town.

As such, it is argued that the proposal would complement the Co-op and other specialist convenience shops in The Strand (pharmacy, butchers, bakers, and newsagent) and improve the collective offer, rather than directly compete for business. This is especially so as discount retailers, typically, offer only a narrow product range, with limited brand choice, particularly amongst popular household brands and exclude fresh meat and fish counters, in-store bakery, pharmacy or newspapers/magazines. To provide the necessary assurances, the applicants have submitted a draft legal undertaking to restrict the main store to a discount retailer and agreed to suitable restrictive conditions on the sale of the relevant goods listed above (though the details have yet to be agreed in each case). Further, the applicants argue that business and activity in the Centre generally will increase to the benefit of all, as a result of the proposal by attracting new custom and clawing back trade currently leaking out of the local area. They also indicate that, by upgrading the immediate environment of centre, and, particularly, the vacant Lloyds tower and upper floor of the Equiniti building itself, the prospects of attracting new occupiers to these substantial office buildings will be significantly improved and with re-occupation would come more custom to the centre from workers/visitors.

Although the exact floorspace is uncertain, the previous use of part of the ground floor as an A2 branch bank is also a material consideration as this could be changed to A1 retail use without planning permission.

In terms of the West Worthing (Goring Road) District Centre and Mulberry (Goring Road) Neighbourhood Centre, the applicants forecast still less impact due to their character and remoteness, with trade diversions from supermarkets of 1.7% for Iceland and 1.5% for the Co-op at West Worthing and only 1% for the Spa at The Mulberry. Health checks prepared in 2005 indicate both centres were prospering and appear buoyant. No significant harm to their functioning is, accordingly, anticipated.

Whilst the retail assessment has been critiqued by officers and the council's retail consultants, (though the objectors representing local businesses *have* focused on the initial superseded retail assessment), it has generally been found to be robust. That said, hard evidence to support the professional judgments on impact, especially at The Strand and complementarity of a discount food store, is somewhat lacking and it is not entirely clear how the retail and transport assessments marry up. In particular, the transport assessment implies the bulk of trade would be walk-in from the very local catchment area, suggesting an important, local top–up shopping function for the store. Nonetheless, the arguments advanced have an obvious common sense appeal. It should also be borne in mind that PPS4 Policy EC10.1 does require sustainable economic development proposals to be treated favourably and to only refuse applications where there is clear evidence of significant adverse impacts.

Certainly, the relationship of the application premises to the Strand Centre, and nearby community facilities and offices would facilitate a seamless integration with its surroundings functionally and physically. In particular, the proximity of the premises to the shops, absence of any intervening physical barriers and the form and layout of the townscape, location on the approach to

the station from the Centre and diagonally facing the Golden Lion PH are key features which assist this process. It should also be borne in mind that the application premises contained in the recent past a branch bank which related very successfully to the character and functioning of the centre and, arguably, the current proposal simply re-asserts this relationship.

Looking to how the proposal would impact on the future of the Strand Centre and other centres as envisaged in relevant strategies, the Saved Worthing Local Plan assigns no specific role, other than remaining a Neighbourhood centre. Office uses in the area are simply protected under South East Plan policy NE3. An earlier (October 2007) version of the Core Strategy (but subsequently withdrawn) identified The Strand Development Area as one of a series of foci for regeneration. Whilst the more recent consultation Revised Core Strategy failed to designate it as an "Area of Change", the inclusion of the area under this banner has been under active consideration in the preparation of the latest version of the Core Strategy, with a view to consideration by Cabinet on 8th March and submission to the Government in the summer. Such an Area of Change designation would confer recognition of significant development and regeneration potential. Against this background, a proposal which contributed to the overall regeneration and offer of the area may not be inconsistent with wider emerging aspirations.

The other potentially controversial feature of the assessment of retail impact is *whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres.* Certainly, the addition of over 1100 sq ms of retail floorspace as proposed would increase the floorspace of the designated Strand centre by around 50% and the new supermarket would be significantly larger than any other unit in the centre. However, as the applicants argue, the supermarket would still be considerably below the maximum floorspace definition in PPS4 (2,500 sq ms trading floorspace) and so in strategic terms is not an excessive size. Bearing in mind the physical integration of the proposal with the Centre and environs and the applicants' arguments of complementarity of the store with the retail offer of the centre and aspirations for The Strand area under consideration in the forthcoming Core Strategy, it may be accepted that, in this case, the scale is not inappropriate.

In terms of consumer choice, clearly the introduction of a discount food retailer would offer greater choice in the centre, bearing in mind The Co-op are represented at The Strand (and own nearby Summerfield), and West Worthing centres and there are no discount food retailer such as Lidl, Aldi Netto etc nearby. As a discount food retailer, the proposal would have particular benefits for those on limited incomes with attendant social regeneration benefits.

Finally, it is worth noting the material differences between the current proposal with the recently dismissal at appeal of an ASDA superstore at nearby Worthing College. Firstly, the current application is much smaller, around a quarter of the size and is a discount food supermarket rather than a superstore with its product range and choice. Secondly, the current proposal physically abuts the Neighbourhood centre and could physically integrate well,

whilst the ASDA superstore was physically remote and separated by a busy road and bridge and would operate as a stand-alone store.

In these circumstances, particularly PPS4 policy E17 and subject to the restrictions proposed, the proposal could, on balance, be acceptable.

Regeneration impacts, including loss of offices and any compensating wider benefits

The proposal entails the loss of over 1100 sq metres of offices. Alongside the new PPS4, Policy RE3 of the South East Plan is particularly relevant, supported by policies SCT1 to 3 which promote economic regeneration in the Sussex coastal towns,

Policy RE3 includes the statement that "*Accessible and well-located industrial and commercial sites should be retained where there is a good prospect of employment use* "

The recent Knight Frank report prepared for the Local Development Framework underpins the identified need to protect important employment sites in the town as part of a wider strategy to bring forward quality accommodation in the right locations which better meet the shape of changing demand and assigns an important role to the Lloyds office complex, including the application premises in this. In this respect it notes the "*economic demand for circa 240,000 square feet of office space up to 2026 and that ... the bulk of this floorspace will be delivered through refurbishment or potentially the redevelopment of existing vacant buildings, especially key buildings with significant levels of car parking, such as the former Lloyds TSB Building and The Warren, both of which are located out-of-town. The two buildings combined have the potential to deliver 190,000 square feet (or 80%) of this total economic demand, which demonstrates the importance of maximizing the use of these two sites for offices where possible.*"

Looking at the application *site* in this context, it is significant in size and does enjoy a very sustainable and accessible location, close to good transport and facilities generally and within an established large cluster of offices. The wider area has previously been identified as suitable for economic development and regeneration and is actively under consideration for formal designation in the forthcoming Core Strategy.

That said, the *actual premises*, are some 40 years old and constructed to Lloyds' specific requirements and include a former bank branch. The report prepared by Cluttons Todd Miller for the applicant in support of the application in August 2008 lists the physical inadequacies of the design of the building and its degraded condition, over time, with wear and tear. Condition defects include leaks to the roof; potential water penetration of some parts of the concrete cladding; outdated windows and rooflights. Design shortcomings include "*excessively deep footplates; solid floor which offer poor sound insulation and make wiring difficult and intrusive for modern electrics/data/telecom services; Floor to ceiling heights with downstand beams restrict what can be done; in terms of adding raised floors and*

suspended ceilings; The common heating system (shared with the adjacent office tower) is inefficient and wasteful preventing adequate temperature control within the different office areas; Single glazing creates solar gain problems and energy performance failures.; and original lift specifications no longer compatible with modern regulations."

Against this background, the report comments that the floorplates are unusually large for the Worthing market; whilst any subdivision would entail considerable loss of space to circulation areas and the basic finishes and utilitarian feel of the accommodation does not match the characteristics of the Worthing office market. It reasons that "*In its present external and internal physical condition the building is not a lettable prospect for continued office use in our view*".

In terms of the viability of upgrading the building it states that to *"create an energy efficient, watertight and maintenance free envelope to the building to enable its continued occupation for offices, a virtual re-construction of the main external components would be required. This would not in itself add any value to achievable rental levels."* In addition, the following internal works would be required :as a minimum; *"Raised flooring/trunking; Category 2 lighting; Suspended ceilings; Re-carpeting; Double glazing; Comfort cooling/air handling/conditioning."* There would also be *"substantial costs for separating the existing services, reinstalling new heating, toilets and staff facilities, lift equipment etc."*

It argues that *"Installation of these elements into an existing, deteriorating and outdated building structure and configuration would in all probability cost more per square foot than a new build project. Even with such expenditure the ground floor accommodation would remain unattractive for office use on account of its poor levels of natural light. In our opinion therefore the building is incapable of economic refurbishment for wholly office uses on both floors. A new build project requires a minimum rental of £16 - £17 per sq ft to be viable, even where there is a known office demand. Best rentals for fully refurbished accommodation stand at approximately £13.50 per sq ft. In this case expenditure on a refurbishment project would be fully speculative, totally at risk, within a physically obsolescent shell and would result in accommodation, at least on the ground floor, which would be of poor quality, even in a refurbished state."*

It concludes as follows:

"It is therefore apparent that the physical condition of the building, the configuration and inflexibility of the space, and the economics of the market place, render the refurbishment and re-letting wholly for office purposes totally uneconomic.

When the building is vacated by the current occupiers it will in effect cease to be a practical component of the Worthing office space pool and any theoretical employment potential that it has previously had would be lost.

One of the main residual constraints to future office occupation, poor levels of natural light, is potentially capable of resolution in respect of the first floor accommodation by upgrading the rooflights. This would potentially enable the first floor to continue to form a component of local office supply in Worthing.

The ability to justify the considerable expenditure required to make this a realistic possibility would only arise if the ground floor could be put to a viable use. Given the unsuitability of the ground floor for continued office use (and that the rental levels that could be achieved would not support the refurbishment costs), use of the ground floor for retail purposes is necessary to achieve the office potential of the first floor."

The figures and analysis have not been seriously challenged and the physical assessment of the building appears to be consistent with the analysis contained in the Knight Frank report. This comments that it is Grade C type offices (i.e.- low grade accommodation "requiring attention for more than the most basic of storage uses") and *"In its current state the building, with its dated exterior and likely sub-standard interior is unlikely to be attractive to office occupiers. The building is likely to require comprehensive refurbishment to create a building capable of letting to multitude of occupiers."*

In terms of the market prospects of the tower and application premises, the report comments that *"The process is similar to what happened at Columbia House, Faraday Close, where Nissan sold the office building to Dawnay Day, who in turn refurbished the property and let it out for multi occupation. The refurbishment of Columbia House indicates that, in a stable market, there is potentially market demand for good quality refurbished, second hand stock in Worthing with dedicated car parking. The former Lloyds TSB building has the potential to play a similar role as Columbia House."*

Given the Knight Frank report predicates a commercial refurbishment on a *stable market* and relies on *potential market demand* this analysis is not inconsistent with the more down beat analysis presented by the applicants in their report of the current market.

Certainly, the applicants report that the commercial viability of reletting the premises as offices (including refurbishment) has been tested by extensive marketing over a period, though details are absent and the premises do not appear to be marketed currently. Apart from the short let by Equiniti, it is reported no market interest has been shown.

It may, therefore, be concluded that the premises are of a relatively low quality and the site has limited prospects for office employment in the current market, though, of course, conditions may change. It seems the Lloyds tower itself, which is considerably larger, may have better prospects and has a more strategic role to play in the Borough's emerging economic strategy and the Knight Frank report indicates that it has been *"attracting some interest from prospective occupiers in the Borough".*

Turning to the wider economic regeneration impacts of the proposal, it is recognised that the provision of a retail uses in the building would have some economic regeneration benefits. These include the introduction of a positive use for the ground floor element of the building, which is the less attractive of the two floors for offices in market terns. This would represent a significant investment, help reanimate the building and breathe life into the wider centre, demonstrating confidence in its future. Importantly, it would also improve the environment of the adjacent office tower itself and make it and the upper floor of the application premises more attractive to office users. PPS4 recognises retail uses as economic development and the proposal would bring an unspecified number of jobs with it, and, by its pump priming function and help fund necessary refurbishment and attract further jobs on the upper floor and in the tower. The retail impacts assessments below suggest minimal impacts on the centre itself and any significant impacts would be offset by the extra custom for the centre generated if the proposal assisted in releting the aforementioned vacant offices.

To try and secure such compensating benefits, officers have previously pressed for the applicant to commit to undertaking a series of internal refurbishment works and external improvement works (implementation of WB/07/1534/FULL) to the office tower, costed at in excess of £2.5 million. The logic of this was that the value generated by the retail would cross-subsidise these refurbishment works which were understood to be essential to make the office tower attractive to any future occupiers. Initially, the applicant agreed to this approach and a draft legal undertaking was submitted to secure the works which would be tied to implementation of the retail use. However, the applicant has subsequently withdrawn this and argues as follows:

"A significant amount of expenditure has already been incurred in stripping out and enabling the tower in readiness for the early and expeditious deployment of a settled schedule of extensive refurbishment works. This huge investment of time and money on my client's part has established an environment within which it will now be possible to deliver the building in a completed, ready for occupation state within an estimated 6 to 7 month period from commencement. Your Council should regard this state of readiness of the building as a significant asset for the Town in employment terms, not least since the stage that has been reached will enable my client to tailor the refurbishment works to meet the specific needs of occupier(s), thereby enhancing the attractiveness of the accommodation over and above that of a typical speculative, "take it or leave it/this is it" product. This will be of increasing importance within a market where take up along the coast is likely to remain subdued and occupier demands for high quality, bespoke fit outs are increasing.

Following extensive negotiation, contract terms for the refurbishment works have been settled and it would therefore be possible for a contract to be executed at very short notice in response to any emerging and committed occupier interest.

An aggressive marketing campaign – led by national and regional office agents, Stiles Harold Williams and Cluttons Tod Miller – has been ongoing for some time and will continue into the future."

In support of this the applicants have also submitted a financial appraisal to demonstrate that there is insufficient value in the retail development to fund all the refurbishment works, leaving a very significant shortfall.

Following further negotiations the applicant has agreed to amend the submitted unilateral undertaking to vigorously market the office tower for offices tied to the current application and, more importantly" *to commence refurbishment works of the tower in accordance with a settled specification upon entering into a contract or contracts for the letting of a major part of the building".* This is understood to cover the broad spectrum of the works previously indicated and, in all likelihood, would be triggered by when lets for 3 to 4 of the floors had been made.

This is well short of the commitment made in the previous refurbishment scheme but it is recognized that in the current deteriorating climate, it is no longer feasible, nor reasonable, to tie the refurbishment works to the implementation of retail scheme and, in many ways, the current application represents the most realistic chance of reviving interest in the upper floors of the premises and tower by injecting confidence in the area and providing a facelift. This view is undefined by the support of the Regeneration Manager and Major Projects Officer. In these circumstances, the proposal may be supported and is consistent with both South East Plan Policy RE3 and the new tests of PPS4.

The logic of the applicants is understood and the obvious incentive for owners to wish to realize their assets and not to keep the office tower empty any longer than necessary is recognized, along with the applicants' desire to avoid any unnecessary and wasteful expenditure on speculative refurbishment works which are outside of a prospective future occupier's requirements.

Impact on the amenities of neighbouring occupiers

The only sensitive properties nearby are the flats in Durrington Gardens, opposite, and the residential streets leading off The Causeway, as well as the flats above the shops in Field Place. Any re-occupation of the application premises would be noticed by residents after the recent spells of vacancy and low intensity use. However, as the premises form part of a larger, long established office complex and are sited on the principal thoroughfare from the nearby railway station to The Strand retail centre, the resumption of commercial activity here, should not, in itself, present any unacceptable problems. Indeed, a positive use for the building could provide a facelift for the area and help discourage the crime and vandalism often associated with long term empty buildings.

In terms of the vehicular traffic generated by a retail use, 76 trips fewer per day than an office use are predicted in the submitted Transport Assessment and this is accepted by the Highway Authority. This would clearly reduce attendant environmental pressures on the adjacent residential area. Whilst person trips (persons arriving leaving by all modes) would increase by 2259 per day, in the context of the commercial character of the area, existing pedestrian traffic to and from the station and shops/leisure center/offices/college and the modest physical setback and screening enjoyed

by the flats, this would not be an unacceptable influx. The spread of activity from supermarket would be different from a conventional office use, with weekend and some early evening shopping (typically 8 pm). However, these avoid any unsocial or very sensitive periods and it must be borne in mind that the extant planning permission for offices contains no restrictions on operational hours and could be occupied accordingly. Deliveries/servicing largely reproduce existing arrangements. Trading hours generally and delivery times may be controlled by condition in any new planning permission to avoid any potential harm.

A small café/restaurant/takeaway as proposed would not be harmful for similar reasons. Trading hours and deliveries may be similarly controlled with curfews of 11 pm appropriate for closing. Ventilation and extraction systems to dispel cooking odours will be necessary but there is plenty of scope to locate these away from the residential areas and this may be controlled by condition.

Quality of design and impact on the character of the area

The proposed refurbishment and works to the entrance and front elevation are modest but harmonise well and would improve the appearance of this tired looking building which will help lift the area. It is disappointing that the multi storey car park doesn't feature in any refurbishment proposed as this is unattractive and unwelcoming.

Access and parking

The site enjoys a highly sustainable location, sited in the urban area and close to its residential catchment area and adjacent to an existing local centre, community facilities and employment. It is also very close to a railway station and good bus routes and benefits from its own off street parking as well as extensive on-street parking space being available. Access to the main road network (A259 and A2032 etc) via Shaftesbury Avenue is also good.

The applicants predict that some 20% of trips to the application premises will be by car and that the vast majority of these will be diverted or linked trips – by vehicles already on the road in the vicinity. The predicted net reduction in motor vehicle trips per day of 76 (from 126 to 50) would ease any local traffic congestion and parking pressures (compared to re-occupation of offices), especially as this demand would be more evenly spread throughout the day.

Given the above and the dedicated off- street parking available and the complementary spread of parking demand between office workers and shoppers using the multi storey car park, as well as the on-street parking, no unacceptable pressure on local parking facilities should occur, though local residents would, typically, see more competition for on-street parking spaces at weekends, especially as the multi story car park may be unattractive, if convenient, for many shoppers.

Pedestrian access to the premises is satisfactory, with ramped access retained and servicing arrangements are adequate, subject to widening of the

vehicular access as required by the Highway Authority. This may be secured by condition.

The Highway Authority has raised no objections, subject to the above on access and restrictions on deliveries to avoid peak times and a travel plan for the remaining offices. It would be desirable to secure the delivery restriction similarly, but, as the retained upper floor office is outside of the application, (though under the control of the applicant), it would be difficult to require a travel plan, however desirable.

Other environmental matters

The Environment Agency has noted that the site lies on a major aquifer and within a Source Protection Zone 3. To prevent harmful contamination from any physical works allied to the proposal, it requires suitable conditions to be attached to any permission including in respect of risk assessments of contamination, any necessary remediation works, and controls on piling. The site also falls in Zone 1 Flood Risk area from surface water, though it is noted that the ground floor of the building is elevated by around one metre. Details of surface water drainage may also be controlled by condition.

Conclusions

The proposal entails the loss of substantial offices, including a former bank branch, in an established and important office location. However, the premises themselves are outmoded and in a poor condition with very limited prospects of attracting an office user in the current market. Retail use of the ground floor of the premises would provide a positive economic use of the building and upgrade the local environment and so would also improve the likelihood of the upper floor of the premises being re-occupied, and, more, importantly, the re-letting of the adjacent tower for offices, with all the attendant regeneration benefits.

The impact of the retail use on the Strand Neighbourhood centre is predicted to be quite modest, especially as the main store would be restricted by legal agreement to a discount food retailer. If retail use helps act as a catalyst to bring about the positive use of the upper floor and adjacent tower this will generate more trade for the centre to help its continued vitality. Though outside the designated centre and significantly larger than other units in the centre, a retail use would integrate comfortably with the centre and is materially different from the recent unsuccessful ASDA scheme. The site is in a sustainable location and well served by parking and would generate less traffic than an office use. The external works are limited but would lift the building's appearance. No unacceptable impacts on local neighbour amenity should arise, given the established commercial character of the area and predicted traffic levels and the imposition of suitable controls on trading hours, ventilation extraction systems and deliveries. Potential drainage and contamination issues may also be addressed by suitable conditions. As such, the proposal should be supported, subject to a satisfactory legal agreement and conditions as recommended.

The proposal was advertised as a Departure from the Development Plan but no referral to the Secretary of State is required under the new Regulations.

7. RECOMMENDATION

THAT THE DECISION IN THIS CASE BE DELEGATED TO THE EXECUTIVE HEAD OF PLANNING REGENERATION AND WELLBEING TO AWAIT THE COMPLETION OF A LEGAL AGREEMENT WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. 5 Year time period .
2. Restrict any A3 or A5 unit (restaurant/café or hot food take away) to 180 square metres floorspace.
3. Restrict trading hours of retail units (8 pm Monday to Saturday and 4 pm on Sundays) and restaurant/takeaway (11 pm) .
4. Require and agree scheme of ventilation and odour extraction prior to occupation of any A3/A5 unit.
5. Agree and implement scheme of surface drainage prior to occupation.
6. Groundwater contamination risk assessment as required by Environment Agency.
7. Remediation measures as required by Environment Agency.
8. Verification of remediation measures as required by Environment Agency.
9. No piling etc as required by Environment Agency.
10. Precautionary land contamination.
11. Approve facing materials.
12. Travel Plan.

AND THAT IN THE EVENT OF THE LEGAL AGREEMENT NOT BEING SATISFACTORILY CONCLUDED WITHIN A REASONABLE PERIOD OF TIME, THAT THE APPLICATION BE DELEGATED TO THE EXECUTIVE HEAD OF PLANNING REGENERATION AND WELLBEING TO REFUSE THE APPLICATION ON THE BASIS OF FAILURE TO PROVIDE FOR THE REQUIRED RESTRICTIONS AND ACTIONS.

8. BACKGROUND PAPERS

Observations of West Sussex County Council including the Highway Authority.
Letters of Representation from Members of the Public
Observations of the Environment Agency
Observations of the Environmental Health Manager
Observations of the Strategic Housing and Planning Manager
Observations of Principal Engineer
Observations of The Regeneration Manager
Observations of the Major Projects Officer
PPS6 health-checks undertaken by the Council in 2005,

Strategic Perspectives comments on draft retail assessment
Knight Frank Report on Economic Research Employment Land
PPS4: Planning for Sustainable Economic Growth

16th February 2010