

Mr J Biggin
Secretary
ARCA
7 Hurn Road
Christchurch
BH23 2RJ

Date: 27th July 2012
Contact: David McIntosh
Our Ref:
Your Ref:
Phone: 01202 495136
Email: pwhitford
@christchurchandeastdorset.gov.uk
SMS: 07781 480191

Dear Jim

Supermarket Applications

Thank you for your letter dated 11 July 2012.

I have responded to each of the questions you pose. I do so to assist the residents associations in their understanding of the position as regards the 3 applications we have received for supermarkets. However, and as you and I have previously discussed, these matters are complex so it is difficult to provide concise answers in language that people will readily understand without the danger of misinterpretation or the answers themselves raising an further series of questions. Therefore I would ask that you receive this letter in the spirit in which it is intended.

Before taking each of your questions in turn, I would like to clarify a couple of issues you raised in your preamble. Firstly, what weight is applied in the planning process to public opinion? The Planning Committee is quasi judicial and must therefore act within the parameters of the relevant legislation. It is not unusual for members of the public to feel strongly either in favour, or more often, against a planning application. Members of the Committee will take this into account but no matter how strong public opinion might be either way, the Committee cannot disregard the law within which it operates.

Secondly, no Planning Consent was granted in this occasion so Officers have not overturned a decision. Consent only occurs when a decision notice is issued to the applicant. There is often a period of time between the Committee and the decision notice being issued, for example when Officers negotiate with the applicant over conditions that the Committee may have applied.

So to the questions themselves.

1. The best explanation of the Sequential Test I can refer you to is the one in the introductory report which was presented to the Planning Committee when they

considered the supermarket applications. I attach a copy for your convenience.

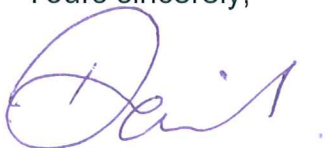
2. The applicants would have been aware that the Officer recommendation was for refusal in the lead up to the Committee Meeting. The principal reasons for these recommendations were a failure to satisfy the Sequential Test and the harmful impact that the proposals would have on the vitality and viability of Christchurch Town centre.
3. The members of the Planning Committee had a briefing from Officers a week in advance of the meeting itself. The requirements of the Sequential Test were explained there. The papers for the Committee, which would have been the point at which the Councillors saw the final report and recommendations were sent out 7 days prior to the Committee. Councillors had the reports for the briefing.
4. Applicants were aware of the Magistrates Court site and the need to consider it as part of the Sequential Test. Applicants were also provided with representations received from the agents representing the Magistrates Court site and indeed all three applicants provided a response to these representations.
5. The merits of the old Magistrates site would only be fully tested if and when an application for a supermarket on that site comes forward. It is possible that another supermarket site could be approved in the meantime but the Planning Committee would have to assure itself that there were planning grounds on which to do so. Even though the Magistrates Court was considered to be the sequentially preferable site there may still be a retail impact on the town centre from a supermarket on that site which may mean that an application for that site could be refused.
6. ASDA did buy two small parts of the old Magistrates Court Site a number of years ago but I understand they have since disposed of both. Neither were particularly strategic.
7. There is no specific archaeological status given to the old Magistrates Site. However, if it were to be developed and archaeology was a concern the developer would have to undertake appropriate surveys prior to development commencing.
8. No planning consent had been given to Quantum. The Planning Committee had approved their application with conditions subject to referral to the Secretary of State and completion of a S. 106 agreement. S. 106 allows for a contribution from the developer to help fund any further infrastructure that the new site may require. Reg 122 of CIL sets out the parameters for such contributions. For example, road improvements that may be required to develop a site will be partially funded by a contribution from the developer.
9. The Planning Committee were reminded of the need to be consistent. It is possible in these circumstances for one, two or all three applications to be approved or refused. The key point is whether or not there are sufficient planning grounds which outweigh the Sequential Test. You should remember that the applicants are either experienced developers in their own right or are being represented by very experienced planning consultants and lawyers.

The Planning Officer drew their concerns to the attention of the applicants in the pre-application discussion.

10. The Committee which will meet towards the end of October will be asked to reconsider the three applications. We are aware that some of the applications are being amended in light of comments made at the last Committee. It is wrong to suggest that all must either be refused or approved. Each will be judged on its merits.
11. The Localism Act does indeed make provision for local people to be more involved in the creation of neighbourhood plans. This is different than determining individual applications (a duty that still rests with the local authority) which may bring those plans to fruition.

I hope I have shed some light on what is a complex matter.

Yours sincerely,



David McIntosh
Chief Executive
Christchurch and East Dorset Councils

