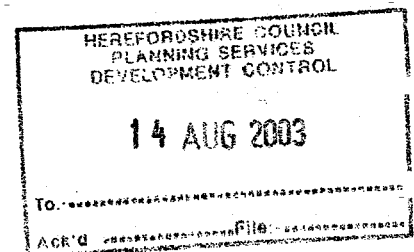


THE NEED FOR THE PROPOSED STORE

The Ministerial Statement by Richard Caborn in February 1999 does not elaborate on how need should be assessed or specify criteria against which it can be evaluated. There is therefore some flexibility in interpreting and applying this concept. proposed store will meet a demonstrable need in a number of ways.

Other guidance can be obtained from matters which have been considered by the Secretary of State and Planning Inspectors as indicating need. The first of these were identified by an Inspector relating to a development in Macclesfield in July 1999 and a copy of this decision is attached. The decision identified the following matters which were deemed to constitute aspects of need:-

- The quantitative capacity for the proposal;
- Meeting a qualitative deficiency in existing provision;
- A related absence of harm to interests of acknowledged importance;
- Broad compliance with recognised planning objectives such as sustainability;
- Meeting the requirements of the local community;
- The need for a town to be competitive with alternative retail destinations.



We have attached an appeal decision in Gateshead of February 2000 which sets out additional considerations which may be relevant. This identifies need as an ability to claw back expenditure lost from the catchment area, by enabling more sustainable travel patterns, creating new employment and through the redevelopment of a brownfield site.

i) Quantitative Need

There is demonstrable quantitative need based on the growth in convenience business expenditure. It is acknowledged by the Local Planning Authority within their development brief for the site; previous applicants including Tesco's and Waitrose; consultants employed by the Council as well as our own analysis

conclude that there is a quantitative need due to expenditure growth, overtrading of existing stores and expenditure leakage which justifies a store of the size currently proposed.

Furthermore any new store must be of a size sufficient to attract customers currently shopping elsewhere and to provide the necessary 'spin off' benefits to the town centre through 'linked trips'.

ii) Qualitative need

Qualitative need principally refers to **choice, improved competition and value for money**. In this context the development would widen the range of food stores available to residents of and visitors to the town. It would enable the introduction of a modern, high quality store accessible to shoppers travelling on foot, by bus or by car.

iii) Absence of harm

The development rather than harming the vitality and viability of the town centre, would lead to a positive enhancement of its role and function.

iv) Compliance with planning policy objectives

As stated in the introduction to this report, the development of a food store on this site is supported by a recently adopted and up to date development plan which conforms with the guidance set out in PPG6. The scheme would enable the objectives of the development plan, particularly Policy S1 of the structure plan and policy RT1 of the local plan, to be met. As is demonstrated by our analysis there is a clear quantitative need for the development which would be of a size and scale commensurate with the role and shopping function of the town.

v) Meeting the needs of the community

The need for a modern food store is recognised in the local plan and would enable the shopping needs of the community to be met in full without recourse to using more distant food stores in Hereford and Gloucester. Meeting these needs would

both enhance the town centre and create a more sustainable pattern of development.

vi) Making the town more competitive

There can be little doubt that the development would allow the town to become more competitive relative to the attractiveness of larger food stores in competing centres. In this context there is a need to ensure that a store is able to offer a sufficiently attractive shopping environment to draw shoppers back into the town.

vii) Clawback of expenditure and reducing shopping distances

This aspect of need is related to the creation of a more sustainable pattern of development and reducing the number and length of shopping journeys. The store in clawing back expenditure lost from the catchment area would meet a need for such expenditure to be made in a town centre location.

vii) Creating employment

The store would create approximately 130 employment opportunities in all skill sectors.

viii) Operator Need

The proposed store is ideally suited to meet the commercial need of a named operator, a need which cannot be met at a sequentially preferable site in Ross on Wye given that this site lies within the town centre.

Whilst no named operator is attached to this application the Council are aware of the requirements of the long standing requirements of Tesco's and Waitrose for a store in the town. The proposed store would meet their requirements. The proposed store would therefore meet a demonstrable business need.

ix) Beneficial Use of an Allocated Site

The application proposes retail development on a site which has been identified by the Local Planning Authority as their preferred site for additional food retailing

in Ross on Wye Town Centre. This site was selected following consideration of all other possible sites, but it was concluded that:-

“only the application site would be able to accommodate acceptably a store of any size and play the required role of supporting and strengthening the vitality and viability of the town centre.”

This statement equally applies to the present proposals. However unlike the previous proposals it is of a size which is attractive to a quality retailer.

In these circumstances the proposals will ensure that the site is developed as identified by the Local Planning Authority.

Given the complexities of the site in terms of land assembly, listed buildings, flooding, access and conservation areas issues, no other land use is capable of providing the required land value necessary to ensure a viable development package.

x) Other Considerations

The foregoing demonstrates that the proposals will in several respects meet a demonstrable need. Of particular relevance therefore is the proposals striking comparison with recent appeal proposals, where notwithstanding an absence of need planning permission has been granted.

Our view that the absence of need cannot be used in isolation as a reason for withholding planning permission is supported by the National Assembly's recent decision in November 1999 to permit a retail warehouse proposal in Merthyr Tydfil. Notwithstanding the Inspector's conclusion that there was an absence of need, other than his acceptance that the fact of the application itself represented an indication of need, and that the proposal failed the sequential test and posed a possible retail impact threat to the City Centre, the National Assembly overturned the Inspector's recommendation that permission be refused on the basis that the redevelopment of the site at a prominent location on a principle route into Merthyr would be of benefit to the area generally.

The key points arising from this decision are:

- i) Unlike the situation in Merthyr, the proposal will meet a need and will not harm any existing centre. Moreover, there are no suitable and available sites within the centre capable of accommodating the proposed development.
- ii) Balancing the various material considerations in the determination of a proposal is the correct approach; and
- iii) In general terms, the factors identified in paragraph 5 of the decision letter in relation to the site at Merthyr also apply to this proposal, i.e. visual improvement of a site on a principle route into the town, location in relation to public transport, proximity to residential areas, and proximity to other nearby retail developments.

Finally in relation to need, a recent appeal decision issued by the Secretary of State for Transport, Local Government and the Regions dated 13th December 2001 suggests that the absence of a clear cut need for a retail development will not be decisive. This supports the approach followed in Merthyr Tydfil. We attach a copy of a decision which related to the erection of an Asda food store on the edge of Cannock in Staffordshire. At paragraphs 8 and 9 of the decision letter, the Secretary of State accepted that the quantitative and qualitative need was marginal. However notwithstanding the lack of need for the development, the absence of any sequentially preferable sites together with an acceptable level of impact on the town centre, justified a permission. The decision reinforces our view that even in the absence of an acknowledged need, it must be proven that demonstrable harm to an interest of acknowledged importance would arise.

Conclusion

In summary, there is no basis for believing that the need for the additional facilities has not been demonstrated. On the contrary, the proposal will, for the reasons stated, meet a need in several respects. Moreover, as indicated, even in a situation, unlike the present case, where there is an absence of need, that in itself is not a sufficient basis for withholding planning permission.

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