

ACRA

Alliance of Christchurch Residents Associations
Representing over 10,000 local homes

David McIntosh
Chief Executive
Christchurch Borough Council

By e-mail

11th July 2012

Dear David

The Aftermath of Council Planning Meeting of 14th June 2012

You won't be surprised that we are concerned to reach a better understanding of what has happened and what is now likely to happen as regards the three applications to build "out of town" supermarkets (or indeed any future applications to build retail outlets on new sites in Christchurch).

We would like to thank you for your personal assurance that CBC did not intend to gag local councillors. You will appreciate that the effect of the instruction issued to them was to do just that and we trust that a better arrangement will be in place should these or similar circumstances reoccur.

We understand that the old Magistrates Court site is supposedly available for redevelopment. We also understand that because it is categorised as an "edge of town" site it takes preference over "out of town" sites when applying The Sequential Test enshrined in CIL Regulations.

In accordance with CBC Planning Officers recommendations The Planning Committee voted to turn down both the Somerford and the Stony Lane sites but acting against CBC Planning Officer's recommendations voted to approve the Bailey Bridge application that had so much public support.

From reading the minutes of the meeting and related matter we gather that it is the difference of treatment of Bailey Bridge that caused a problem because it could be interpreted as an inconsistent interpretation of The Sequential Test.

We further understand from discussing this with you that the level of support shown by the public should not in theory influence decisions made by The Planning Committee because it is fulfilling a quasi-judicial rather than a democratic function. We were not aware of this and believed, it appears mistakenly, that Officers made recommendations but that elected Councillors made the decisions to reflect the views of their electorate.

We venture to suggest that the correct perception, as outlined above, is not well understood by the general public or by some Councillors (and that CBC should take steps before next September to rectify that latter situation).

We understand that to minimise the chance of litigation CBC has overturned the elected Councillors decision on Bailey Bridge and intends to refer all three supermarket sites back to *another* special Planning Committee, to be held probably in September, for reconsideration.

We have the following questions that residents have raised and which we can't respond to without CBC assistance:

1. What were the terms of reference of The Sequential Test that applied to these three applications?
2. At what stage in the application process were each of the three applicants made aware that their application had failed The Sequential Test?
3. At what stage in the application process were the Planning Committee made aware that every application to be reviewed had failed The Sequential Test?
4. Were all three applicants made aware of the existence and unencumbered availability of the old Magistrates Court site and its impact upon The Sequential Test during the negotiations that preceded the submission of their applications to the Planning Committee?
5. The old Magistrates Court site seems inherently unsuitable for an additional supermarket for aesthetic, commercial and practical reasons and we think it most unlikely that anybody will wish to develop it in that way. Does that mean that no supermarket can be built on any brown field site in the Borough until such time as some redevelopment of the old Magistrates Court site has been accomplished?
6. We have been advised by a local resident that ASDA already owns strategic parts of the old Magistrates Court site, enough to prevent any other organisation from developing the site. Is this true and if it is, how does it affect the situation?
7. The old Magistrates Court site is we believe a site of special archaeological interest. That sort of thing is a massive deterrent to prospective developers and thus represents yet another barrier to its development. Have CBC considered raising a plan in conjunction with the local Historical Society to enable such excavations as are required and thus pave the way to a development that would remove the site as a hindrance to the development of other, commercially more attractive, sites?
8. When CBC wrote to Quantum withdrawing the Bailey Bridge planning consent, they made reference to the financial package offered by Quantum and related it to Regulation 122 of CIL Regulations 2010. We would be grateful if you could explain to us what that means.
9. There seems to be a clear implication that the Planning Committee needed to either pass all three applications or refuse all three applications. Did CBC planners specifically draw this situation to the attention of (a) the applicants and (b) the Planning Committee and in both cases, if not, why not?
10. What is the purpose of the new Planning Meeting in September since, as nothing has changed, we are still left in the position in which the Committee must either pass all three applications or refuse all three applications?
11. In all the Government hype that accompanied The Localism Act 2011 we rather gained the impression that local residents were to be given a greater say in local planning. How do the events associated with this particular piece of planning gel with that and what is likely to change in the future?

Yours sincerely

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