

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: A/131/15/RES

LOCATION: Land south of A259 and
west of Mill Lane, Rustington
Parish of Angmering

PROPOSAL: Application for approval of Reserved Matters following Outline Approval of Hybrid Application A/125/13 for the development of the site to provide up to 3365 sqm A1 retail use (including parking). Reserved matters consent is being sought for Appearance, Landscaping, Layout and Scale

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development. All trees within the development area have been removed prior to the application being submitted.

SITE CHARACTERISTICS

The area is rural in character with the main neighbouring uses ranging from golf course to the north, A259 between the golf course and the site; the site immediately to the west beyond the trees and hedges has recently been resolved to be granted planning permission for a M&S Simply Food unit and public house; to the south of the site there is the railway line beyond which is an industrial estate; there are retail uses to the east of the site, separated by the Mill Lane road bridge. The main views of the site are from the A259.

The recent removal of a number of trees along the southern boundary of the site has resulted in the site becoming more visually integrated with the industrial site to the south of the railway line and eroding its rural character.

The adjoining site to the east is currently being constructed for a new car show room for Chandlers BMW/Mini.

RELEVANT SITE HISTORY

Comments on Planning History

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A/125/13/PL Hybrid planning application for the development of the site to provide in outline with all matters reserved apart from access and landscaping up to 3,365 sq.m A1 retail use (including parking) and full planning for 3947 sq.m and Sui Generis vehicular floorspace (including ancillary facilities, landscaping and parking) including workshops, MOT facility, car valeting & car storage and a new access from A259.

Approved Conditionally 13-06-2014

A/130/15/PL - Installation of Mezzanine floor.

REPRESENTATIONS

Representations received:

Angmering Parish Council

Rustington Parish Council

Angmering Parish Council

Comments on Representations received:

CONSULTATIONS

Southern Water Planning

Economic Regeneration

Environmental Health

Arboriculturist

Sussex Police-Community Safety

Network Rail

Head of Planning Policy & Cons

Parks and Landscapes

Highways England

WSCC Strategic Planning

Engineers (structural)

Engineers (Fluvial Flooding)

Engineering Services Manager

Consultations responses received:

Angmering PC - No Objections

Initial objection withdrawn following the receipt of a revised landscaping scheme.

Rustington PC - No Objections

WSCC - Highways

Following the initial application submission and consultation the LHA confirmed that the 224 spaces provided exceeds the level of parking required for this retail use which would be based on the 1,346sq.m food retail and 1,604sq.m non-food retail equate to 176 spaces. Additional information in relation to parking bay geometries and tracking was requested and submitted.

The general principles of the site layout, including the number of parking spaces appears reasonable, however the LHA would like to see more cycle parking, and further detail on the road geometries, swept path analysis and an additional pedestrian crossing point.

Following the submission of additional information the LHA have confirmed that they have no objections to the revised proposal.

Southern Water

The comments in SW response dated 19/11/2013 remain unchanged. These earlier comments stated that there was a requirement for the applicant to identify the exact position of the foul rising main which crosses the site.

Greenspace

The outline planning application proposal indicated a significant level of landscaping around the site the initial submission was deemed to be sparse and the scheme was insufficient. Despite the unfortunate loss of trees on this site, it is felt that this proposal has come a long way and that the result will now produce a balanced scheme which will provide instant impact, which will also soften the proposed development over time.

ADC Flooding

Surface water drainage is being dealt with through conditions.

Also confirmed that while a 3m easement is required to maintain the drainage channel along the southern boundary, as there is an existing security fence along the Network Rail boundary the Council's Flooding team are willing to accept a hedge along the extent of the southern boundary up to the height of the fence.

The applicant has provided a statement explaining that should it be necessary to dredge the channel this will be carried out by a XC220 longreach 360 excavator that would be positioned on the service road of Manor Retail Park. The machine has a 15m boom with an 8m dipper arm that can clear the watercourse if required, without impacting the castingway zone or the Network Rail safety fence. The addition of a hedge close to the fence will not affect this strategy. It was also agreed with Network Rail that they can install a maintenance gate if required as an access point to their asset. The intention is that it would be located between Chandlers and the Retail units.

WSSC Flood Risk

Surface Water Flood Risk - Low Risk

Ground Water Flood Risk - Negligible Risk/Negligible susceptibility

There is a requirement for detailed SUDS scheme to be submitted and approved in writing by the local planning authority.

ADC Structural Engineering

No Comments to make.

Network Rail

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
 - affect the safety, operation or integrity of the company's railway and its infrastructure
 - undermine its support zone
 - damage the company's infrastructure
 - place additional load on cuttings
 - adversely affect any railway land or structure
 - over-sail or encroach upon the air-space of any Network Rail land
 - cause to obstruct or interfere with any works or proposed works or Network Rail development
- both now and in the future I give below my comments and requirements for the safe operation of

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the railway and the protection of Network Rail's adjoining land.

Network Rail's comments provided standard information on future maintenance, drainage, fencing, lighting, noise and vibration, and landscaping. Their comments have been sent to the applicant.

Highways England
No Objections

Economic Development
No comments to make.

Environmental Health
No Objections

Police
No Objections - Satisfied with the crime prevention measures that are proposed.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Out of Town Centre

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>DEV26</u>	Criteria for Retail Development
	<u>DEV27</u>	Retail Development Outside the Principal Shopping Areas
	<u>GEN11</u>	Inland Flooding
	<u>GEN12</u>	Parking in New Development
	<u>GEN14</u>	Public Transport
	<u>GEN15</u>	Cycling and Walking
	<u>GEN18</u>	Crime Prevention
	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN29</u>	Nature and Conservation Across the District
	<u>GEN32</u>	Noise Pollution
	<u>GEN33</u>	Light Pollution
	<u>GEN34</u>	Air Pollution
	<u>GEN6</u>	Amount of New Commercial Development
	<u>GEN7</u>	The Form of New Development
	<u>GEN8</u>	Development and the Provision of Infrastructure
	<u>GEN9</u>	Foul and Surface Water Drainage
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		ENV DM3 Non Designated Sites
		ENV DM4 Protection of Trees

ENV DM5 Development and Biodiversity
RET DM1 Retail Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

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The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

CONCLUSIONS

Assessment

The principle of retail development has already been established in relation to the application site, (A/125/13 permitted 3,365 sq.m of A1 retail floorspace). This reserved matters application provides the detail for the development of the western part of the new 'Manor Retail Park' to the south of the A259. The proposal indicates that there will be one food unit and 2 non-food units.

In addition to this reserved matters application the applicant has submitted A/142/15/DOC for the discharge of the landscaping condition on this site and A/130/15/PL for the installation of a mezzanine floor to Unit 1. These applications are directly relevant as they are all linked to the finalised proposals for this application site.

As the principle of retail development has already been established the determining issues are:

- The detailed design and layout of the building;
- Landscaping; and
- Retail Impact

Arun District Local Plan Policy DEV26 is relevant in the assessment of the reserved matters application. It sets out criteria for the assessment of retail developments. The policy requires:

- (i) A high standard of design, materials and layout, and has due regard to the character of the site and its surroundings;
- (ii) It is easily accessible by public transport;
- (iii) It includes provision for access by cycle and on foot;
- (iv) It includes appropriate provision to enable access for people with disabilities;
- (v) The design incorporates crime prevention measures.

The following sections on Design & Layout; landscaping and retail impact address the criteria of DEV26 and the requirements set out in the NPPF.

Design & Layout

The outline proposal sought permission for two separate retail buildings on the application site. The reserved matters application proposes 3 retail units in one building. The one building approach provides a more efficient use of the site and the ability to separate the shared service road alongside the southern boundary with public car parking on three sides of the proposed retail units. A total of 224 car parking spaces and a revised 30 cycle spaces and 8 motorcycle spaces are provided. The proposal exceeds the required level of car parking for this level of retail floorspace which would be 176 spaces.

The main access is from the A259 which will be shared between Manor Retail Park and Chandlers BMW/Mini. A segregated cycle path and pedestrian footpath alongside the A259 will also access the site from the north. The main vehicular access will be from a left in/left out junction directly on

to the A259.

The A259 road corridor between Littlehampton and Rustington is going through a significant change with major development at Courtwick Lane which will have 2 large modern B1 units in an elevated position by the A259; The recently approved M&S retail permission to the west of the application site; The BMW/Mini showroom to the east of the site currently undergoing construction; and also to the east, the large elevated Sainsbury's store with car parking underneath.

The proposed 3 retail units will have a mix of building materials. The two non-food units - one will be anchored by Next (where it is proposed to add the additional mezzanine floor, application reference A/130/15/PL), the other has no named operator at present. These two units will have very large frameless glazing frontages to the A259, under a colonnade which is finished in white render over a dark grey brickwork plinth with glazed white brickwork detailing. The Food unit is shown on the drawings to be occupied by Aldi, it retains the dark grey brick plinth, a band of glazing, and white metal wall panels above. The entrance is lower key than the 2 storey height glazing but this stems from the design principles of the operators. The design and materials will provide a link between the other new commercial developments along the A259 and will not appear out of character.

The single building group will obscure views to the rear of industrial units along Brookside Avenue which are more prominent with the loss of tree screening alongside the railway line.

The scale and height of the proposed buildings are appropriate to the local context and will relate well to the approved development on adjoining land that is being constructed. The buildings are appropriately designed to allow the best possible inclusive access including provision for the disabled and those with other mobility problems. The development is of high quality design and materials befitting of a modern retail scheme. This proposal will make a positive visual contribution to the A259 which is a key transport corridor.

Highways

There have been amendments to the highway design and further technical information provided by the applicant - WSCC Highways are now satisfied that the proposed development has met the transportation requirements of policy.

Landscaping

The site had an extensive band of trees along the southern boundary of the site adjoining the railway line. All trees have been removed creating a flat and very open site where the rear of the industrial buildings are now very prominent. The outline application indicated that a new tree screen would be provided along the A259 frontage and along the rear (southern boundary). The initial layout for landscaping was described as 'sparse'. Further iterations followed which sought to meet the restrictions of planting near the Network Rail boundary; the requirement to have an easement next to the drainage channel that satisfied the Council's Drainage Engineer and the need to provide an appropriate level of landscaping that replaced some of the landscaping removed during site clearance.

The revised layout provides an acceptable scheme that will provide some instant impact and soften the development scheme over time while maintaining the retail developer's aim of providing visibility to the A259 for retail appeal. The landscape scheme has now been accepted by the council's landscape officer.

Retail Impact

A retail addendum has been provided by the applicant, it has been included to support the retail proposal. There is an increase in the number of units from two to three and also through a separate application; the addendum addresses the increase in the level of retail floorspace, with the addition of a mezzanine floor, introduced to the Next unit. The RIA addendum takes account of the split in retail floorspace now that the development proposal has moved forward from the outline stage and can more accurately predict turnover levels within the development now that two of the occupiers of the three retail units are known. The addendum specifically relates to both the reserved matters and the separate mezzanine application.

The sequential assessment included is limited to the additional floorspace being sought for the Next proposal and provides an update on the availability and suitability of each of the sites and the applicant's conclusions in relation to each sequential site. The addendum concludes that there are no available and suitable sequential sites that would be available to accommodate the Next store, nor for the Manor Retail Park development on a cumulative basis.

In relation to the various sequential sites assessed by the applicant the St Martin's Car Park site and the former Waitrose site both in Littlehampton are the most obvious alternatives. It is stated by the applicant that St Martin's car park is not suitable for comparison goods retail. The council's retail consultant does not fully agree with this conclusion but does agree that it is unlikely to be available in a reasonable timescale. The car park has been discounted as a sequential site in relation to the outline application established the principle of retail development in this location, ref A/125/13/ and was also discounted in the M&S Simply Food application, ref A/23/15. The former Waitrose store in Littlehampton was previously considered to be unsuitable when assessed as part of the outline planning application which has established the principle for retail development at Manor Retail Park. This reserved matters application does not provide an opportunity to reassess the principle of retail development at the application site.

In summary, the proposal would not have a significant adverse impact on Littlehampton or Rustington town centres. The Council's retail consultant concurs with the submission.

Conclusion

The proposed development is located on an urban edge site in close proximity to other retail developments. The principle of retail development has been established on the site with the hybrid outline consent A/125/13/. The proposal is not considered to conflict with the character of the area, and will not have an adverse effect in landscape terms.

It is therefore considered that the proposal is consistent with the proper planning and sustainable development of the area, and is recommended for approval.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

STORE18832 17M
STORE18832 18L
6165 002 A - Existing Site Plan

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6165 003 J - Proposed Site Plan
6165 004 E - Proposed Plan
6165 005 B - Proposed Roof Plan
6165 006 G - Proposed Elevations
6165 007 B - Proposed Sections
6165 008 B - Proposed Site Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

