



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: A/84/17/PL

1 To Addressee

Brian Heap (Architectural Consultant)
2 Hamilton Close
Powick
Worcester
Worcestershire
WR2 4NH

2 Site Address

Rustington Golf Centre
Golfers Lane

3 Description of Development

New retail unit with mezzanine together with associated car parking & service road - This is a Departure from the Development Plan

In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- * Drawing Number 16-160022-PL41 - Location Plan
- * Drawing Number 5202-D Rev. C - Proposed Site Plan
- * Drawing Number 16-160022-PL36 Rev. C - Site Layout Indicating Proposed Retail Unit
- * Drawing Number 16-160022-PL34 Rev. A - Retail Unit Proposed Ground Floor Plan
- * Drawing Number 16-160022-PL35 Rev. A - Retail Unit Proposed Mezzanine Floor Plan
- * Drawing Number 16-160022-PL38 - Retail Unit Elevations
- * Drawing Number 16-160022-PL37 - Retail Unit Roof Plan
- * Drawing Number 16-160022-PL40 - Street Scene Elevations
- * Drawing Number 16-160022-PL39 - Cycle Storage Building

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.

- 3 The use of the retail unit hereby permitted shall be restricted to the sale of the following goods and shall be used for no other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987. The goods permitted to be sold are: DIY, building and garden supplies, carpets and floor coverings, furniture, furnishings and homewares, motoring and cycling goods and accessories, electrical goods and related ancillary ranges, tents, camping, caravanning and outdoor leisure activity equipment and accessories and an associated ancillary outdoor clothing and footwear range equating to not more than 20 % of the retail floorspace of the unit.

Reason: To restrict the range of goods sold at the retail unit hereby approved, in accordance with Policies GEN7 and DEV27 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), the retail unit hereby permitted shall not be sub-divided to enable occupation of the unit by more than one retailer.

Reason: To prohibit the sub-division of the retail unit hereby approved, in accordance with Policies GEN7 and DEV27 of the Arun District Local Plan.

- 5 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floor-space shall be created in excess of that area expressly authorised by this permission.

Reason: To ensure no additional floor-space is created in the retail unit hereby approved, in accordance with Policies GEN7 and DEV27 of the Arun District Local Plan.

- 6 The opening hours for the retail unit hereby approved shall be restricted to:
9am - 8pm Monday to Friday
9am - 6pm Saturday and Bank Holidays
9am - 6pm Sunday (but limited to a 6 hour trading period thereby giving the store flexibility to trade say 10am-4pm or 11am-5pm etc)

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.

- 7 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: This is required to be a pre-commencement condition because it is necessary to ensure that the development can be satisfactorily drained prior to commencing any building works. To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 8 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The detailed landscaping scheme will maximize the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats. The landscape proposals will need to be shown in plan form detailing species choice, planting densities and size at time of planting. This will need to include mitigation planting for removed vegetation and additional planting would be required to provide screening and soften what is presently a green area. This is particularly required in order to encourage the proposals to fit within the setting. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: This is required to be a pre-commencement condition because it is necessary to ensure the site is landscaped effectively. In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 9 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15 metres or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: This is required to be a pre-commencement condition because it is necessary to protect trees, bushes and hedges to be retained prior to commencing any building works. To ensure the retention and maintenance of trees and vegetation which is an important feature of the area, in accordance with policy GEN7 of the Arun District Local Plan

- 10 Prior to first occupation of the retail unit hereby approved the vehicular, cycle and pedestrian access modifications, approved under planning permission A/77/16/PL must be constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety, in accordance with Policies GEN7 and GEN15 of the Arun District Local Plan.

- 11 Upon the opening of the retail unit hereby approved, the applicant shall implement the approved Travel Plan and deliver the measured in line with the timetable of implementation set out in the Travel Plan. The applicant shall thereafter monitor, report and subsequently revise the Travel Plan as specified within the approved document.

Reason: To encourage and promote sustainable transport, in accordance with Policy GEN7 of the Arun District Local Plan.

- 12 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: This is required to be a pre-commencement condition because it is necessary to ensure that measures are in place to manage the construction works and construction traffic prior to commencing any building works. In the interests of highway safety and the amenities of the area, in accordance with Policy GEN7 of the Arun District Local Plan.

- 13 No part of the development shall be first occupied until the covered and secure cycle parking spaces have been provided in accordance with Drawing Number 16-160022-PL39 - Cycle Storage Building.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies, in accordance with Policies GEN7 and GEN15 of the Arun District Local Plan.

- 14 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use, in accordance with Policy GEN7 of the Arun District Local Plan.

- 15 No development or tree planting should be located with 4.5 metres either side of the public sewer; no new soakaways, swales or ponds should be located with 5.0 metres of the public sewer; all existing infrastructure should be protected during the course of construction works.

Reason: To protect Southern Water infrastructure, in accordance with Policy GEN7 of the Arun District Local Plan.

- 16 Prior to commencement the applicant must advise the Local Planning Authority, in consultation with Southern Water, of the measures which will be undertaken to protect the public sewers.

Reason: This is required to be a pre-commencement condition because it is necessary to have measures in place to protect the public sewers prior to commencing any building works. To ensure that the proposed development is drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan and in the interests of protecting Southern Water Drainage infrastructure

- 17 The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. (Including details of its routing, design, and subsequent management / maintenance). No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained in good working order in perpetuity.

Reason: This is required to be a pre-commencement condition because it is necessary to ensure that the development can be satisfactorily drained prior to commencing any building works. To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 18 Prior to commencement a detailed lighting scheme, including the hours of lighting, for the car parking areas will be submitted to, and approved in writing by the Local Planning Authority.

Reason: This is required to be a pre-commencement condition because it is necessary to ensure that the car parking areas are illuminated effectively. To ensure there is no impact upon highway safety or the ecology of the area, in accordance with Policy GEN7 of the Arun District Local Plan.

INFORMATIVE: A formal application to requisition water infrastructure is required in order to service this development. Please consult Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (0330 303 0119) or WWW.SOUTHERNWATER.CO.UK.

INFORMATIVE: A formal application for connection to the public sewerage system is required in

Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk

INFORMATIVE: The applicant may wish to divert the public rising main. In this case, Southern Water requests a formal application for a Southern Water sewer diversion under S185 of the Water Industry Act 1991 in order to divert the critical public sewer. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk

INFORMATIVE: Dues to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a new sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Neil Crowther
Group Head of Planning

Case Officer: Michael Eastham

Date of Decision:

9 May 2018

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated).

This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).