



**Town & Country Planning Act 1990 (as amended)**  
**Town and Country Planning (Development Management**  
**Procedure) (England) Order 2010 (as amended)**  
**Application for Planning Permission**  
**DECISION NOTICE**

Application Ref: BE/23/14/PL

**1 To Addressee**

D2 Planning Limited  
 Suites 3 & 4  
 Westbury Court  
 Church Road  
 Bristol  
 BS9 3EF

**2 Site Address**

Adjacent Warehouse site to  
 McDonalds  
  
 PO22 9SE

**3 Description of Development**

Change of use from Class B8 (Storage or Distribution) to Class A1 (Shops) including partial demolition

**4** 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 compliance with the conditions specified below.

- 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:
- Location Plan Ref 593-PL(00)001;  
 Site Plan as Existing Ref 593-PL(00)002;  
 Existing Site Plan Ref 593-PL 001;  
 Site plan as Proposed (Single Unit Option) Ref 593-PL(00)013 Rev B (01/10/14);  
 GA Plan as Existing Ref 593-PL(00)004;  
 Elevations as Existing Ref 593-PL(00)005;  
 Elevations as Proposed Ref 593-PL(00)007; and  
 GA Plan as Proposed Ref 593-PL(00)006.
- 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 retail premises hereby permitted shall be used for the purposes of Class A1 Retail excluding the sale of food, fashion and footwear. Goods falling outside the permitted range including seasonal goods may be sold only where they form a strictly minor and ancillary part of the proposed store's operation.
- Reason: To protect town centre viability, in accordance with the NPPF and policies DEV26 and DEV27 of the Arun District Local Plan 2003
- 4 No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls of the proposed new east frontage have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the new east frontage.
- Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.
- 5 The retail store shall only be open for trade between the hours of 07.00 and 23.00 Monday to Saturdays and will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays. Except for the week (7 days) immediately before Christmas Day and for the week (7 days) immediately before Easter Sunday, when the retail store shall only be open for trade between the hours of 06.00 and 24.00 Monday to Saturday and will comply with the Sunday Trading Act (or subsequent replacement) on Sundays.
- Reason: To comply with Arun District Local Plan policy GEN32, and to protect the amenity of the area.
- 6 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3.
- Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7 and GEN33.

- 7 The retail store shall not be occupied unless and until space has been laid out within the site in accordance with drawing Ref 593-PL(00)013 Rev B (01/10/14) for the parking of customer cars, staff cars, disabled vehicles & bicycles, for the loading & unloading of delivery vehicles and for passenger vehicles to turn so that they may enter and leave the site in forward gear. The approved parking and turning areas shall thereafter be retained for the approved use.
- Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of the adjacent highway in accordance with policy GEN7 of the Arun District Local Plan.
- 8 No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets to the satisfaction of the council.
- Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.
- 9 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing 593-PL(00)013 rev B , subject to any modification required as a result of a Stage 1 and 2 Road Safety Audit and agreed in writing by the Local Planning Authority.
- Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 10 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Oldlands Way. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
- Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 11 The premises shall not be occupied unless and until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping (to the front & rear of the site) and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. 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: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 12 No development shall take place until details of any new screen fences have been submitted to and approved by the Local Planning Authority and the building shall not be occupied until such screen fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 13 There shall be no external storage on the rear part of the site between the building and the boundary with the A29.

Reason: To safeguard the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 14 Notwithstanding the provisions of Part 42 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions to the retail premises shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain the area of parking and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 15 The applicant shall prepare and submit for approval an Employment and Skills Plan for the occupation phase of development. Following approval of the Employment and Skills Plan the occupier will implement and promote the objectives of the approved plan. The occupier shall provide to the Local Planning Authority with reports outlining the achievements against the Employment and Skills Plan targets and provide details of the employment and skills activities delivered in that time. There shall be no occupation of the buildings hereby approved until such a Plan has been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: in accordance with policies in the Emerging Local Plan.

INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.



Karl Roberts  
Assistant Director Planning & Economic Regeneration

Case Officer: Mr S Davis

Date of Decision:

**22 October 2014**

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**

NOTES RELATING TO PLANNING APPLICATION  
TOWN AND COUNTRY PLANNING ACT 1990  
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 First 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 your local planning authority's decision on your application, 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 your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

For all other cases, if you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Secretary of State at the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

If this decision is a refusal relating to a minor commercial development, where the application was made on or after 1 October 2013, please note that you must appeal within 12 weeks of the date of this notice. For a definition of minor commercial development please refer to The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements ) (England) (Amendment) Regulations 2013 or contact this office for clarification.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

## 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).