Recommendation Report for Planning Permission

REF NO: **BE/37/14/PL**

LOCATION: Units D1 and D2
Arun Retail Park, Shripney Road
Bognor Regis

PROPOSAL: The introduction of new (replacement) mezzanine floorspace of 485.9 sq. m within Unit D1 and a small extension of 13.3 sqm at ground floor level, the use of Unit D1 for food and drink sales without complying with condition 4 of planning permission BE/169/88, new shopfront and other facade works, tenant plant enclosure and other associated works. The change of use of Unit D2 from sui generis to Class A1 retail use including for clothes sales and an ancillary cafe, a side extension of 177.1 sqm and an 820.7 sqm mezzanine floorspace to Unit D2, facade works and other associated works at Arun Retail Park.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes a number of physical alterations to Units D1 and D2 of Arun Retail Park along with an amended condition to allow the use of unit D1 for the sale of food and drink, and the use of unit D2 for the sale of comparison goods. The physical alterations include the introduction of a new mezzanine floor space and an extension to Unit D2 (existing Kwik-fit) along with changes to the elevation; and a new mezzanine level in Unit D1. This is to allow occupation of unit D2 by fashion retailer Next and occupation of Unit D1 by Marks and Spencer Simply Food.
SITE AREA	0.22 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	n/a
TOPOGRAPHY	Flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Along the boundary with Shripney Way the road is separated from the car park by a band of soft landscaping which is mostly grassed with some trees and bushes. Some more intense landscaping is located at the main entrance to the park.

Along the northern boundary the site is separated from the caravan park to the north by a high brick wall along the length of the boundary. Along the western boundary the site is bounded by a close board timber fencing. Some vegetation and planting is located sporadically along both of these boundaries.

SITE CHARACTERISTICS

The two units included within this application are on the southern end of the existing retail park directly adjacent to Shripney Road and are in a prominent position for passing highway users.

The Arun Retail Park sits within a triangular section of land with its longest boundary running alongside Shripney Road. The retail floor space consists of a terrace of buildings site on the western end of the site, made up of a number of retail units. At the northern end of the terrace there is a large DIY store. A drive through A3 units and a standalone A3 units are located in the north eastern tip of the site.

The site consists of predominantly hard landscaping to the parking and pedestrian areas which are located centrally within the site. There is a rear service yard and service road running to the west of the retail buildings.

CHARACTER OF LOCALITY

The area surrounding the site on Shripney Road has a primarily commercial character comprising a number of retail parks and A1 superstores, as well as a number of industrial estates.

To the north-west and south-west of the site the site the adjoining properties compromise caravan and park home estates.

RELEVANT SITE HISTORY

BE/169/88	Outline Application for Non Food retail warehouse development of 80,000 square feet together with garden centre of 10,000 square feet.	ApproveConditionally 01-11-1988
BE/252/88	Details in Pursuance of BE/169/88 for demolition of existing caravan park support facilities construction of 80,250ft, square feet	ApproveConditionally 16-01-1989

	of non food retail warehousing including 500 square feet car wash and ancillary mezzanine accommodation in unit A, plus 426 car parking spaces, service yard and new access, Garden Centre of 8,500 square feet.	
BE/273/88	Use of unit D for retail sales of motor accessories and spares with MOT testing and servicing facilities	ApproveConditionally 16-01-1989
BE/4/03/	Erection of freestanding restaurant and ancillary works in car park of existing retail park.	Approved Cond + S106 19-07-2004
BE/57/04/CLP	Application for Certificate of Lawfulness for a Proposed Use for the insertion of a mezzanine floor	PP Not Required 23-07-2004

No comments on the planning history of the site.

It is noted that the existing Unit D1 is has been vacant since the closure of "Comet" in December 2012.

REPRESENTATIONS

Representations received:

Bersted Parish Council

- No objection

Bognor Regis Town Council - awaited.

Peacock and Smith Planning Consultants on behalf of Morrison's ltd

- Applicants ruled out Hothampton site in sequential analysis has not been fully justified. Further information should be submitted.
- Concern about the level of impact on their existing town centre store and wider town centre.
- Both stores would draw trade from similar catchment areas and the existing town centre Morrison's would experience the greatest impact.
- Consider that the impact on Morrison's is likely to have ben underestimated.
- Morrison's town centre operates as an anchor for the town centre and plays an important role in term of the health of the town centre drawing shoppers into the centre frequently creating linked trips and pedestrian footfall.
- Morrison's ancillary car park is the main town centre car park
- Linked trips to the town centre would be lost with a consequential reduction in trade to existing town centre retailers.
- The applicants retail assessment fails to assess the potential impact on loss of linked trips as a result of the loss of trade to the Morrisons Store.
-Council's retail consultant is incorrect to conclude that Morrisons have no intention of extending the store in the future.

Comments on Representations received:

The comments made by Peacock and Smith on behalf of Morrison's regarding the retail aspects of the scheme are noted and have been taken into account in the evaluation of the planning application. However, the Council has received its own detailed retail planning advice from consultants who have not identified that the application is contrary to any specific

policies contained in the NPPF, nor that the harm caused by the proposal would significantly and demonstrably be outweighed by the benefits as required by NPPF paragraph 14.

CONSULTATIONS

WSCC Strategic Planning
Southern Water Planning
Environment Agency
Environmental Health
Economic Regeneration
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Arun District Council Economic and Cultural Development - No objection

Environment Agency - Site lies in Floodzones 2 and 3 and as such the EA direct the Council to the EA's Flood Risk Standing Advice for Water Compatible Development up to 1ha in size in Floodzone 2

The standing advice requires that the application is accompanied by a Flood Risk Assessment that meets the following criteria:

1 Flood risk to property Applicant is to indicate that the impact is acceptable and that consideration has been given to the impact that a 1 in 100 annual probability river flood (1%); or 1 in 200 annual probability sea flood (0.5%) in any year (including an allowance for climate change) will have on the proposed development.
2 Applicant is to indicate that surface water will be managed in accordance with the following standards:
· Specific requirements for managing surface water set out in an adopted Strategic Flood Risk Assessment and/or Surface Water Management Plan produced by the Local Planning Authority.
· Surface water run-off will be controlled to ensure no flooding of property and no increase in surface water run-off from the site to a watercourse or receiving water body compared to the existing preapplication run-off rate in a 1 in 100 year storm event (1% chance in any one year) plus an appropriate allowance for climate change (Flood risk Practice Guide paragraphs 5.51 and 5.54)
· Meets the requirements of Approved Document Part H of Building Regulations 2000.
- Applicant is to indicate that the SFRA has been referred to and that the recommendations regarding other sources of flooding have been incorporated into the application.

Following a review of the Flood Risk Assessment it is considered that the criteria listed above have been met.

Arun District Council Environmental Health - No objection

Southern Water - no objection. Please include an informative.

West Sussex County Council Strategic Planning Consultation - no objection
- Not considered that new mezzanine space would have a detrimental effect.
- Proposal would not have a severe impact on the operation of the highway network.
- Assessment demonstrates that there is sufficient capacity on-site to accommodate the proposed development.

- Sheltered cycle parking should be provided.
- Existing service access is considered appropriate.
- Travel plan not required but applicants have indicated that they intend to implement an organisation specific plan.

Arun District Council Engineering Department - no objection

DPDS Retail Planning Consultants- 1st Response

Sequential Test -
- The applicant has adopted an appropriate area of search, disaggregated the proposal so far as possible and demonstrated reasonable flexibility.
- The applicant has considered thoroughly the opportunities offered by vacant units in the town centre and the possibilities of consolidating them to provide adequate accommodation for the prospective tenants. We agree that none could provide suitable accommodation to meet the requirements of the prospective tenants.
- The Regis Centre site will not provide significant retail floorspace, but we feel more information is needed on the developer's intention with regards to the Hothamton site. We need a better idea of the amount of retail floorspace it is likely to provide before it can be ruled out. Other sites in and on the edge of the town centre have been examined in the past but found to be unavailable or unviable.
- The applicant has not considered other out-of-centre sites which might be well connected to the town centre. There are sites in the vicinity of the Arun Retail Park which could be available but we consider that there would be no significant difference in the connectivity with the town centre between any of these and the application site.
- We conclude that, subject to the further assessment of the current proposals for the Hothamton site, the applicant has met the requirements of the sequential test.

Impact on Vitality and Viability of the Town Centre
- the likely impact on the town centre has been overestimated by the applicant because the alternative use of the buildings has not been taken into account. The percentage impact is likely to be nearer 1% than the 2% forecast by the applicant, once this has been taken into account.
- There are two extant planning permissions for retail floorspace in Bognor Regis. The applicant has not estimated the cumulative impact of the proposal together with these developments. However, from our own calculation we estimate that the cumulative impact would be in order of 4.8%. This is approaching a level which should be of concern to the Council, but not necessarily a level where the case for refusal is compelling. The application has to be seen in the context that the majority of this cumulative impact arises from the other developments permitted.

Impact on Investment
- The applicant has, in consultation with the Council identified four investment proposals which might be affected by the proposal. It has demonstrated that the Regis Centre proposal is not significantly reliant on retail development and is therefore unlikely to be affected. It has demonstrated that there are no investment plans for the Retail Quarter (the planning permission for the Morrison redevelopment having been allowed to expire). However we feel that more information is needed on the developer's plans for the Hothamton site before the impact of the Arun Retail Park proposals can be fully assessed.

- The applicant has not addressed the impact on the Oldlands Farm proposals on the basis that it is not a town centre site and therefore does not fall within the scope of pars 26 of the NPPF.

We understand why it is a material consideration for the Council but conclude that because the sale of clothing and food and drink is not permitted from the Oldlands Farm retail floorspace these proposals would not affect the investment. To the extent that they would remove two bulky units from the market, the effect could be considered beneficial.

Overall Conclusion
- Subject to the further assessment of the Hothamton site, we conclude that the application accords with the NPPF and Policy DEV 27 of the adopted local plan and there are no reasons to refuse planning permission on retail planning grounds. We add that the clothing offer in Bognor Regis is weak and that there is a lack of the top quality provision for food shopping in the town. These are significant shortcomings for residents which encourage shopping trips out of the town and both of these proposals would significantly improve the town's retail offer. These qualitative issues are material and weigh in favour of the proposal should there be other objections to the application.

DPDS Retail Planning Consultants- 2nd Response

Following the initial consultation response the Council requested further retail information from the applicants on why they had considered that the Hothampton site was not suitable for the proposed development. This further information was again assessed by the Council's Retail Consultants DPDS.

- The applicants provided comment that the nature of Marks and Spencer's food offer is neither main food nor ordinary top-up shopping, but additional shopping for specific goods, concentrating on pre-prepared meals and chilled foods. In our experience, while M&S do trade in town centres, this is always in prime locations with high footfall. The Hothamton site is fringe town centre location and M&S would not trade successfully from there. At the application site, M&S would draw on the existing food shoppers in the area visiting the Tesco and Sainsbury stores.
- In the context of the named operators where their specific locational requirements can be taken into account, we accept that the Hothamton site would not be suitable for the proposed user.

Comments on Consultation responses:

Comments noted.

The overall conclusions from DPDS Retail Consultants are noted and the Council reaches conclusions on the proposals compliance with retail planning guidance in the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:
- Within Built Up Area boundary
- Floodzone 2 and 3
- Adjacent to Class A Road
- Out of Town Centre in retail planning terms

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV26	Criteria for Retail Development

DEV27	Retail Development Outside the Principal Shopping Areas
GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution

Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing Buildings
QE DM1 Noise Pollution
QE DM2 Light Pollution
QE DM3 Air Pollution
RET DM1 Retail Development
RET SP1 Hierarchy of Centres
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit

and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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."

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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and legislative background.

CONCLUSIONS

Planning permission is sought for the introduction of an additional 177.1 sqm gross external area (GEA)at ground floor level at Unit D2 and the introduction of a 820.7sqm (GEA) of Mezzanine floorspace. At Unit D1 it is proposed to introduce additional mezzanine floorspace of 47.7 sqm GEA which will be for non-trading and a small ground floor extension of 13.3 sqm. It is proposed to change the use of Unit D2 to permit class A1 retail, including clothing and food sales. Associated
facade works to both Units D1 and D2 are also proposed.

The proposed new retail tenant is Next for Unit D2 and Marks and Spencer Simply Food for unit D1.

Within Unit D1, the proposed mezzanine would be a replacement for the existing mezzanine with a small addition. It is understood that the mezzanine should be able to be provided without the need for planning permission on the basis that replacement of the existing floorspace, if carried out as part of a single operation, would not require planning permission, which the subsequent addition of less than 200sqm would also not require permission.

Unit D2 would be used for Class A1 retail including the sale of clothes, footwear and accessories(as well as other ancillary goods) to allow Next to trade from the premises. Unit D1 would be used for Class A1 retail including the sale of food (as well as ancillary goods) to allow M&S Simply Food to trade from the premises.

Suitable conditions will be included to restrict the proposed development's use to those proposed.

VISUAL AMENITY of THE AREA

The application proposed to remove the existing brickwork and cladding and to replace it with a similar palette of materials executed in a more contemporary style. The proposal includes a new high level canopy over the northern elevation where customers will enter the proposed stores. Full height glazing spans from ground to the canopy, providing high visibility into the units and allows passing vehicles to see activity within. The elevations are broken up with panels of brickwork and composite cladding which will be placed in front of the existing metal columns creating a cleaner flush finish across the front of the units.

The proposed development will ensure investment is made on the existing retail park to update the premises to the modern standards expected by retailers and customers. The changes to the elevations of the building will improve the aesthetic appearance of the area for the long term future.

It is considered that the proposal will contribute to improving the character of this key approach to Bognor Regis replacing units that are currently tired and dated. Taken alongside the new Sainsbury's opposite, the proposed development would contribute to establishing a modern and attractive gateway to the town.

RETAIL IMPACT

The retail impact has been considered in detail by the Council's retail consultant. A summary of their report is included above in the "Consultation Responses" section.

The most up to date retail planning policies are found in the National Planning Policy Framework.

NPPF Paragraph 24 requires applicants to apply a sequential tests to planning applications for main town centre uses. The applicants presented evidence on their assessment of a number of sequentially preferable sites within Bognor Regis including the Regis Centre and Hothampton Car Park.

The Council's retail consultant has assessed this information, and in light of the named operators has concluded that the conclusions of the applicants are reasonable given the circumstance of the site.

NPPF Paragraph 26 requires applicants to assess the impact of the proposal on planned investment in a centre and the impact of the proposal on town centre vitaility and viability.The Council's retail consultant has assessed the applicants retail impact assessment for the effect of the proposal on these two key considerations.

In terms of the impact on vitality and viability he has identified that the proposed scheme is likely to divert approximately 1% of trade from existing town centre stores, with most of the trade coming from other out of centre stores in Bognor Regis (Tesco, Sainsbury's, Lidl) and from Chichester. DPDS have estimated that the cumulative impact (that is the impact when taking into account other approved stores in Bognor Regis) would be in order of 4.8%. They consider this to be "approaching a level which should be of concern to the Council, but not necessarily a level

where the case for refusal is compelling." He continues by concluding that the actual contribution of this proposal to the cumulative impact is not so significant as to warrant refusing the application.

Regarding impact on investment, DPDS has provided an assessment of the likely impact on planned investment at the Regis Centre and Hothampton site. They have concluded that due to the differences between the proposed schemes and the application proposal that there is unlikely to be an unacceptable impact on planned investment in Bognor Regis Town Centre.

The Council has considered the information submitted by the applicants and carefully evaluated the advice provided by DPDS on detailed retail issues. It is considered that the proposed development would not present a significant and demonstrable harm (as required in NPPF paragraph 14) and therefore the application should not be resisted on the sequential assessment or retail impact grounds.

FLOOD RISK ASSESSMENT

Development in the context of flood risk is regulated through the planning process via the NPPF. The NPPF provides a classification of types of development according to their vulnerability. Retail, office and light industrial development is considered 'less vulnerable' to flooding. The proposals would not change the vulnerability of the development and would not therefore increase the level of risk in the local area.

The site is located in Flood Zone 3 but this is considered to be due to the fact that EA Flood Maps do not take account of the presence of flood defences. The Council's Strategic Flood Risk assessment shows that the site is at low risk of flooding from fluvial sources associated with the Aldignbourne Rife and is protected to a 1 in 200 year standard of protection from tidal flooding by defences at the coast near to Butlin's.

The NPPF also states that 'less vulnerable' development is appropriate within Flood Zone 3a but that 'more vulnerable' development will be subject to both the Sequential Test and the Exception Test. Given the small scale of the proposals, the fact that the Site is defended from flooding, and that the proposals will not increase the vulnerability of the development, it is considered to be appropriate development in this location.

CONCLUSIONS

The application falls to be determined against Development Plan policies and against the National Planning Policy Framework (NPPF). Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Officers have carefully considered the various economic, social and environmental impacts and benefits associated with the proposals. The site will deliver significant investment in an existing dated out of town centre retail park where one of the anchor units has been vacant for a significant period. The named operators will be new to Bognor Regis, and Arun District and will mark a substantiate improvement in choice for shoppers in the District.

The proposed retail development has been assessed against the requirements of the NPPF. The Council's retail consultant identified the proposal as being likely to have an acceptable effect on Bognor Regis Town Centre.

The proposed development is located close proximity to other retail developments. The proposal is not considered to conflict with the character of the area, and will improve a building at a key entrance location to the town. In conjunction with the attractive Sainsbury's store opposite will improve the image and perception of Bognor Regis as a place for business.

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

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal a neutral impact has been identified upon those people with the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

As a neutral impact has been identified, no mitigation is necessary.

RECOMMENDATION

APPROVE CONDITIONALLY

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 and statements:

Location Plan URBAR(08)0001 RevD00
Existing Site Plan URBAR(08)0002 RevD00
Proposed Site Plan URBAR(08)0003 RevD00
Existing Ground Floor Plan URBAR(08)0004 RevD00
Proposed Ground Floor Plan URBAR(08)0005 RevD00
Existing Mezzanine Level Plan URBAR(08)1001 RevD00
Proposed Mezzanine Level Plan URBAR(08)1002 RevD00
Existing Roof Plan URBAR(08)2001 RevD00
Proposed Roof Plan URBAR(08)2002 RevD00
Existing Elevations URBAR(08)7001 RevD00
Proposed Elevations URBAR(08)7002 RevD00
Existing Sections URBAR(08)8001 RevD00
Proposed Sections URBAR(08)8002 RevD00

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

3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roof of the proposed extension to the building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

4 The gross floorspace of Unit D1 hereby permitted shall not exceed 1452.2 square metres. The mezzanine floor of Unit D1 hereby permitted shall not be used for retail sales. No further additional floorspace shall be created, whether by extension or internal alterations including installation of mezzanine floorspace, unless approved in writing by the local planning authority.

Reason: To ensure no adverse impact on Bognor Regis town centre in accordance with policy DEV27 of the Arun District Local Plan.

5 The gross floorspace of Unit D2 hereby permitted shall not exceed 1715.5 square metres. No further additional floorspace shall be created, whether by extension or internal alterations including installation of mezzanine floorspace, unless approved in writing by the local planning authority.

Reason: To ensure no adverse impact on Bognor Regis town centre in accordance with policy DEV27 of the Arun District Local Plan.

6 The retail units D1 and D2 hereby permitted shall not be subdivided to create further retail units unless approved in writing by the local planning authority.

Reason: To prevent unacceptable sub-division, and ensure that several small stores small enough to be accommodated in the existing town centre or the proposed new town centre developments are not created in accordance with policy DEV27 of the Arun District Local Plan.

7 Unit D1 hereby permitted shall only be used for the sale and the display of the following goods:

- DIY Supplies;
- Electrical Goods;
- Gardening requirements;
- Floor Coverings;
- Household Hardware;
- Furniture;
- Car Accessories;
- Food and Drink (including ancillary goods thereto and an ancillary cafe/coffee shop).

And for no other purposes (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 as amended) without the prior permission in writing of the Local Planning Authority. Goods falling outside this 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

8 Unit D2 hereby permitted shall only be used for the sale and display of the following goods:

· DIY Supplies
· Electrical Goods
· Gardening requirements
· Floor Coverings
· Household Hardware
· Furniture and Accessories
· Car Accessories
· Clothing footwear and accessories;
· An ancillary cafe/coffee shop (upto a maximum floorspace of 140 square metres)

Goods falling outside this range including seasonal goods may be sold only where they form a strictly minor and ancillary part of the proposed store's operation (ie no more than 20% of gross floorspace)."

And for no other purposes (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 as amended) without the prior permission in writing of the Local Planning Authority.

Reason: To protect town centre viability, in accordance with the NPPF and policies DEV26 and DEV27 of the Arun District Local Plan 2003

9 The retail stores 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 stores 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.

Additionally the stores may for two days a year open between 00.01 and 24.00 (Weekdays and Saturdays only), including the weeks immediately before Christmas Day and Easter Sunday referred to above.

Reason: To comply with Arun District Local Plan policy GEN32, and to protect the amenity of the area.

10 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle parking so approved shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

11 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.