PLANNING APPLICATION REPORT

REF NO: **R/105/10/**

LOCATION: Focus Do It All
Rustington Retail Park
Rustington

PROPOSAL: Erection of mezzanine floor

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the insertion of a mezzanine floor of 1,858 sq.m. (20,000 sq.ft.)into the existing building. This is in addition to the existing mezzanine of 110 sq.m. (1,185 sq. ft.). The extent of the proposed mezzanine is broadly comparable to the difference between the existing floorspace to be retained and the proposed floorspace which remains extant under Planning Permission R/72/08. An allowance is made for the Permitted Development Right to provide up to 200 sq.m. retail space within an existing building without the need for Planning Permission. The overall retail sales space of the proposals is significantly less than the extant scheme if regard is had to the garden centre which comprises part of the extant scheme (641 sq.m.).
SITE AREA	0.32 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat although at a lower level than the road.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Trees and shrubs to three sides.
SITE CHARACTERISTICS	Existing DIY Store, comprising the western part of the Rustington Retail Park.
CHARACTER OF LOCALITY	Retail Park. A railway line exists to the south and the entire southern boundary benefits from tree cover. A Halfords and Pets at Home abut the Application Site to the east whilst a Sainsbury's Foodstore with associated parking is situated further east beyond the main access road.

RELEVANT SITE HISTORY

R/194/87	35,000 sq ft of ground floor non-food retail warehouse space plus 1,100 sq ft of ancillary offices on first floor with associated vehicle parking to County Planning standards site roads and alterations to existing highways	Approve Cond 10-08-1987
R/272/87	Outline application for 18,000 sq ft of non-food retail warehouse space and associated car parking	Approve Cond 16-12-1987
R/24/87	Outline application for 10,000 sq ft of non-food retail warehouse space with associated vehicle parking to County Planning standards and supporting service area and service road	Withdrawn 15-11-1988
R/156/93	Non-compliance with Condition No 5 imposed on planning permission R/194/87 for new external sales area, and provision of extra car parking.	Approve Cond 01-11-1993
R/135/94	Formation of new external compound as garden centre	Approve Cond 30-11-1994
R/171/94	Details in pursuance of R/272/87 for non-food retail warehouse space-altered elevations and floor plan layout (previously approved and partly implemented under consent R/216/88).	Approve Cond 08-03-1995
R/172/94		Approve Cond 08-03-1995
R/32/95		Approve Cond 28-06-1995
R/155/95	Formation of new entrance doors to the front elevation and new roller shutter door entrance to the side elevation for proposed sub division of retail store.	Approve Cond 13-12-1995
R/54/06/	Construction of a restaurant building for use for purposes within Class A3 of the Use Classes Order 1987 (as amended)	Approve Cond 20-06-2006
R/72/08/	Alterations to Rustington Retail Park to incl. the demolition of the existing Focus Unit (& associated garden centre), relocation of electricity sub-station, construction of 3 retail units (including garden centre), alterations to car park & associated landscaping alterations	Approve Cond 03-10-2008

R/103/10/	External alterations, reconfiguration of car parking, pedestrian and cycle access to provide refurbished retail unit	Approve Cond 18-08-2010
R/48/82	Approval of reserved matters R/9/80 right turn facility off A259 into Barn nursery site improved junction cond; 1(d)	Approve Cond 07-04-1982
R/47/86	45000sqft of Nonfood warehouse 70270sqft of Ind & office 50 Sheltered res units 5000sqft restaurant 10000sqft office	Refused 23-10-1986
R/62/86	10000sqft high tech Ind space 35000sqft nonfood warehouse 50000sqft superstore 50 units sheltered housing	Refused 23-10-1986
A/206/86	Outline application for 35,000 sq ft non retail warehouse space with associated vehicle parking etc	Approve Cond 14-01-1987
R/231/86	O/L App for 35 000sqft of non food retail warehouse space associated vehicle parking site roads and alt to highway	Approve Cond 14-01-1987

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

WSCC Local Development Divis.
Southern Water Planning
Environmental Health
Environment Agency

Consultations responses received:

Environment Agency - No objection

Southern Water - No objection

County Highways - No objection

Environmental Health - No comments

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Inside Built-Up Area
Class 'A' Road

Class 'B' Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV26	Criteria for Retail Development
	DEV27	Retail Development Outside the Principal Shopping Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPG13	Transport

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 and the effect on the vitality and viability of town centres.

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. Nor would it have any adverse effect on the viability and vitality of Rustington or Littlehampton Town Centres.

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/or legislative background.

CONCLUSIONS

The site lies within the built-up area as defined in the Arun District Local Plan where the principle of development is acceptable subject to normal Development Control criteria being met.

The existing DIY Retail Unit has a Planning Permission that is restricted to non-food goods. This proposal is to erect a mezzanine floor within the building of 1,858 sq.m. This is a significant increase in floorspace but is approximately the equivalent to the increase in floorspace allowed under extant Planning Permission R/72/08 on this estate. The District Council's Retail Consultant at the time indicated that this amount of floorspace would not have an adverse impact on the vitality and viability of Rustington and Littlehampton Town Centres.

Although the existing unit is restricted only to non-food its only occupier would meet the terms of "bulky goods" type store, and in this way has little impact on the existing town centres. The Retail Consultant previously indicated that if the additional floorspace was restricted to "bulky goods" then the impact on the town centres would be minimal, and the proposal would be in line with PPS6. PPS6 has now been superseded by PPS4, however, it is still considered that the situation is the same and that the introduction of other non-food types of operation, for example clothing, shoes etc., would have an adverse impact on the town centres.

County Highways and the other Consultees have no objections to the proposals.

However, if this application was to be approved, Planning Permission R/72/08 would also be implemented and if this was to happen then this would mean an unacceptable increase in retail floorspace. Therefore, a Condition would be required that the extant Planning Permission would not be implemented if this permission was carried out, and the Applicant's Agent has agreed to this.

It is, therefore, recommended that the application be approved subject to the Conditions set out below.

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 This permission relates to the following approved plans:
dwg 5279/112 site layout
dwg 5279/123 proposed ground floor plan
dwg 5279/122 proposed mezzanine option B

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 mezzanine floorspace hereby permitted shall not be used otherwise than for the sale of furniture and floor coverings; domestic electrical and gas appliances; cycles and cycle parts and accessories; pets and pet supplies; stationary and office supplies and equipment; hardware, DIY goods and decorators' supplies, and garden products; and goods and services for the repair and maintenance of motor vehicles; and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the vitality and viability of the town centre and the prospect of town centre developments in accordance with PPS6 and

4 The development hereby approved shall not be occupied until a Travel Plan completed in accordance with current advice from the Department of Transport has been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote and encourage sustainable transport amongst staff in accordance with PPG13 Transport.

5 The planning permission hereby granted shall not be exercised in addition to or in combination with planning permission R/72/08 dated 3rd October 2008 and shall be treated as an alternative to that permission.

Reason: To prevent a net increase in retail floorspace which would have an adverse effect on the vitality and viability of Rustington and Littlehampton town centres in accordance with PPS4 Planning for Sustainable Economic Growth.

6 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise. Nor will there be an adverse effect on the vitality and vibility of town centres.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN2, DEV26, DEV27

NATIONAL POLICIES: PPS1, PPS4, PPG13

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.