

Recommendation Report for Planning Permission**REF NO:** R/149/12/**LOCATION:** Focus, Unit A
New Road
Rustington**PROPOSAL:** Alterations to car park layout, access and landscaping**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

The application comprises the rearrangement of the layout of the existing car park including improved pedestrian walkways, a new pedestrian/cycleway to the north of the retail park, facilities for buses and cyclists.

The application includes the expansion of the existing surface area of the car park on the northern and eastern perimeters and improved landscaping.

The proposed amendments to the car park will reduce the total car parking numbers from 300 to 288. The new layout will provide for a bus access lane and set down area during the period that the existing vacant Unit A is used temporarily for A1 retail use. When the temporary use has finished the number of parking spaces will increase to 305 parking spaces.

SITE AREA

0.7 ha

RESIDENTIAL DEVELOPMENT DEN

N/A

TOPOGRAPHY

Predominantly flat though at a lower level than the A259 which runs along the northern boundary.

TREES

A number of non-protected mature trees on the site.

BOUNDARY TREATMENT

Trees and shrubs on three sides

SITE CHARACTERISTICS

Site is the car park to the front of the existing retail warehouses at Rustington Retail Park. A railway line exists to the south and the entire southern boundary benefits from tree cover. A Halfords and Pets at Home Unit abut the application site to the east whilst a Sainsbury's foodstore with associated car parking is situated further east beyond the main access road.

CHARACTER OF LOCALITY

Part of an existing retail park in an out of town centre location.

RELEVANT SITE HISTORY

R/149/12/

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 Conditionally 10-08-1987
R/54/06/	Construction of a restaurant building for use for purposes within Class A3 of the Use Classes Order 1987 (as amended)	Approve Conditionally 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 Conditionally 03-10-2008
R/103/10/	External alterations, reconfiguration of car parking, pedestrian and cycle access to provide refurbished retail unit	Approve Conditionally 18-08-2010
R/105/10/	Erection of mezzanine floor	Approve Conditionally 18-08-2010
R/10/11/	Variation of condition 4 attached to planning application Ref: R/194/87 to allow for the sale of food within the Focus retail unit, Rustington Retail Park; alterations to the external elevations; and a new mezzanine comprising an additional 465sqm retail floorspace.	Approve Conditionally 15-07-2011
R/210/11/	Renewal of unimplemented planning permission 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 Conditionally 05-12-2011

Planning permission currently resolved to be permitted under R/60/12 is an important consideration as it the temporary use of the Focus Unit as A1 retail is driving the need to reconfigure the site-layout and to include the provision of a bus stop.

REPRESENTATIONS

Representations received:

Rustington Parish Council

Rustington Parish Council- no objection

Comments on Representations received:

Response noted.

CONSULTATIONS

WSSC Local Development Divis.

Southern Water Planning
Parks and Landscapes
Council's Arboriculturalist
Engineers (Fluvial Flooding)
Engineering Services Manager

Consultations responses received:

ARUN DISTRICT COUNCIL ARBORICULTURAL OFFICER

- Incorrect tree identification from applicants; 4 lime trees with high visibility and prominence
- Slight branch health decline, possibly linked with the inhospitable hard surface landscaping beneath the tree crowns and predicted capped rooting areas.
- Proposed modification of the green islands could lead to ground disturbance of underlying roots.
- Retaining/increasing impermeable tarmac will adversely affect tree health to exacerbate the decline in health.
- Suggests condition to improve conditions of the trees.

ARUN DISTRICT COUNCIL PARKS AND LANDSCAPES

- No comments received.

ARUN DISTRICT COUNCIL ENGINEERING DEPARTMENT

- Proposal for soakaways is acceptable in principle.
- Full ground water monitoring and percolation testing will be required to support and infiltration design.
- Suggests condition on ground water monitoring.

SOUTHERN WATER

- No objection

WEST SUSSEX COUNTY COUNCIL STRATEGIC PLANNING CONSULTATION

- No objection on highway or transport grounds to the application.
- Request condition to ensure that eventual form of car park one temporary Focus retail unit is ended accords with the submitted plans.
- Conditions suggested.

Comments on Consultation responses:

No comments

POLICY CONTEXT

Designation applicable to site:

- Within Built up Area Boundaries
- Class A road

DEVELOPMENT PLAN POLICIES

South East Plan:

[SEPCC1](#)
[SEPCC2](#)

Sustainable Development
Climate Change

Arun District Local Plan:	SEPCC4	Sustainable Design and Construction
	SEPCC6	Sustainable Communities and Character of the Environment
	SEPNRM1	Sustainable Water Resources and Groundwater Quality
	SEPNRM10	Noise
	SEPNRM11	Development Design for Energy Efficiency & Renewable Energy
	SEPT4	Parking
	GEN12	Parking in New Development
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN2	Built-up Area Boundary
	GEN34	Air Pollution

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 effect on the local highway network and vitality and viability of identified primary shopping areas.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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, 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/or legislative background.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

CONCLUSIONS

PRINCIPLE AND POLICY

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.

The impact of the temporary loss of 12 parking spaces will have to be assessed in relation to the parking standards set out in the Arun District Local Plan and West Sussex County Council Parking Standards.

DRAINAGE AND FLOOD RISK

Paragraph 103 of the National Planning Policy Framework states:

"When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."

Policy GEN9 of the Local Plan seeks to ensure that sites on which new development is provided can be adequately drained and does not cause flood risk to existing properties. A proportionate Flood Risk Assessment has been submitted alongside the application, confirming that the site is in floodzone 1 where there is a low risk of flooding.

The post development drained area of 17,038 square metres is greater than the pre-development impermeable area 545 square metres. Therefore, an increase in the rate and volume of surface water run-off will be expected. The applicants propose new soakways to accommodate the additional impermeable areas on the site, the detailed design of which will be controlled by condition. The report concludes that even if allowance is made for global warming and increased rainfall, that the proposed it is likely that the increase in surface water run-off from the site can be adequately dealt with without increasing the risk of flooding to the site or neighbouring properties. The council's Drainage Engineer is satisfied with this information and has confirmed that this can be managed through condition. This would ensure compliance with the above policy and guidance.

PARKING ISSUES

There are a number of applications that relate to the existing parking area including R/60/12 for the temporary use of Unit A as A1 retail; and R/210/11 which approves a mixed use scheme comprising 1,858 square metres A1 retail, 3,550 square metres comparison retail and a 414 square metre garden centre. It is considered that application R/210/11 presents the "worst case scenario" where parking demand would be greatest and has thus been used as the basis for this assessment.

Local Plan Policy GEN12 establishes the Council's policy on parking provision and establishes parking standards which are detailed in Appendix 2. West Sussex Parking Standards are contained in the County Council's "County Parking Standards and Transport Contributions Methodology Supplementary Planning Guidance". These standards are maximum parking standards. these are set out below.

- Non-food retail: 1 per 20 square metres
- Food retail: 1 per 14 square metres
- Garden Centres: 1 per 30 square metres

Based on these standards the maximum allowance is for 324 spaces. The applicants are providing 288 spaces which is within these standards.

It is not considered that loss of 12 spaces would result in any adverse impact on the surrounding highway network and this view has been supported by the highway authority. Furthermore, the improvements to access and manoeuvrability would mitigate the loss.

VISUAL AMENITY

There would be no significant adverse effects. The proposed works are minor in nature and only a small area of soft landscaping would be removed as part of the alterations. It is not considered that there would be any significant adverse effects on the visual amenity of the surrounding area.

The applicants have indicated that they intend to retain the trees in the existing car park.

PROPOSED LAYOUT and EVENTUAL LAYOUT

The applicants intend to implement the proposed layout to compliment the proposed temporary use of the vacant Unit A as set out in planning application R/60/12/. The proposed layout includes provision for bus set down and pick up and other design features necessary to support an A1 food retail use such as shopping trolley collection bays.

The applicants intend to exercise permitted development rights following the conclusion of the temporary permission R/60/12 to rearrange the parking layout to increase the number of parking spaces to 305 through the removal of the bus set down area and bus lane.

This eventual layout has been viewed by the various consultees listed above none of whom have expressed concern with the proposal. The layout is considered acceptable and the applicants are commended for affording the District Council this opportunity to comment.

CONCLUSION

The proposal is considered to be acceptable and will have no significant adverse impact on the amenities of the area or highway safety.

Other matters such as landscaping, tree protection, and drainage can be dealt with by condition. 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 The development hereby approved shall be carried out in accordance with the following approved plans:

Existing Site Plan CHQ.11.9647-TSPL01

Proposed Site Plan Temporary Layout CHQ.11.9647- TS PL02

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 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, materials storage, facilities for operatives, and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and the free flow of traffic in accordance with policy GEN7 of the Arun District Local Plan.

- 4 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 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.

- 5 The existing trees shall be retained and protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity, /the ecological quality/and for the environment of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Existing impermeable surfaces within a 5m radius from each of the four Lime trees should be carefully removed and replaced with a permeable, preferably, three dimensional cellular confinement system type of construction as recommended in BS5837 (2012) Section 7.4 'Permanent Hard Surfacing within the RPA'. A method statement detailing construction and appropriate design of the new permeable surfaces should be submitted to the planning department for approval as a Condition.

Reason: To protect tree roots from damage likely to lead to the loss of the tree in the interests of the visual amenities of the locality in accordance with Policy GEN7 of the Arun District Local Plan.

- 7 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

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.

RELEVANT POLICIES

LOCAL PLAN: GEN 2, GEN7

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 8 INFORMATIVE: