

TOWN AND COUNTRY PLANNING ACT 1990



DECISION NOTICE

Application Ref: R/210/11/

1 To Addressee

Chase & Partners
20 Regent Street
St James's
London
SW1Y 4PH

2 Site Address

Land at Rustington Retail Park
New Road
Rustington
BN16 2RT

3 Description of Development

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

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 plan and subject to compliance with the conditions specified.

CONDITION 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)

CONDITION 2 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 buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

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

- CONDITION 3 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.

- CONDITION 4 No development shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

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

- CONDITION 5 The buildings shall not be occupied until the parking spaces and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- CONDITION 6 The use of any land for car parking shall not be commenced until it has been laid out, surfaced and drained and such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policy GEN7 of the Arun District Local Plan.

- CONDITION 7 The building hereby permitted shall not be occupied until space has been laid out within the site in accordance with details approved by the Local Planning Authority for the turning of vehicles clear of the public highway and such space shall not thereafter be used other than as a turning area.

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

- CONDITION 8 The development shall not proceed until details of the proposed surface water drainage and means of disposal have been submitted and approved by the Local Planning Authority. Surface water drainage will be carried out in accordance with such details and in conjunction with associated building works.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the proper overall planning of the site in accordance with policies GEN7, GEN9 of the Arun District Local Plan.

- CONDITION 9 No works pursuant to this planning permission shall be carried out until details of the position and intensity of all lighting fittings shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in accordance with policy GEN7 of the Arun District Local Plan.

- CONDITION 10 The retail warehouse hereby permitted shall not be used otherwise than for the sale of furniture and floorcoverings; 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 PPS4 and policy DEV 27 of the Arun District Local Plan.

- CONDITION 11 If during development, any visibly contaminated or odorous material not previously identified is found to be present at the site it must be investigated. The local planning authority must be informed immediately of the nature and degree of contamination present. The developer shall submit a Method Statement which must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of controlled waters in accordance with PPS23 Planning and Pollution Control.

- CONDITION 12 The Local Planning Authority shall be informed in writing immediately of any items of archaeological interest unearthed during the building operation and given a reasonable opportunity for an examination of the artifact and the site where it was found.

Reason: To enable items of archaeological interest to be recorded in accordance with the policy AREA 17 of the Arun District Local Plan.

- CONDITION 13 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 by the Local Planning Authority.

Reason: To promote and encourage sustainable transport amongst staff in accordance with policy GEN14 of the Arun District Local Plan.

- CONDITION 14 All external glazing should be laminated. Final exit doors and windows shall accord with LPS1175 SR3. Final doors which open outwards should have hinge bolts.

Reason: To help crime prevention in accordance with GEN18 of the Arun District Local Plan.

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

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 amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN 7, GEN9, GEN12 GEN18, GEN26, GEN27, GEN32, GEN33

NATIONAL POLICIES: PPS1

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

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mr C Cronin

Date of Decision:

5th December 2011

Date Decision Issued:

5th December 2011



Karl Roberts
Assistant Director Planning Services &
Housing Strategy

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, if 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 if 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 (12 weeks in case of a householder appeal) of the date of this notice, whichever period expires earlier.

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, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at www.planningportal.gov.uk/pcs

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).