TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL

DECISION NOTICE

Application Ref: R/215/08/

1 **To Addressee**

Rapleys LLP
51 Great Marlborough Street
London
W1F 7JT

2 **Site Address**

102 Worthing Road
Rustington

3 **Description of Development**

Demolition of existing structures & redevelopment to provide new forecourt (incl canopy, underground tanks & pumps), sales building (Class A1), car care facilities, car parking & associated access

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 of the proposed car wash and shop/cafe 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 car wash and shop/cafe buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

CONDITION 3 The petrol filling station shall not be used until the forecourt has been laid out and surfaced in accordance with details approved by the Local Planning Authority and the forecourt shall thereafter be kept free from displays of vehicles or goods, obstructions, erections and structures other than the pump installations.

Reason: In the interests of amenity in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

CONDITION 4 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme both hard and soft. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the use 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 policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

CONDITION 5 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 the the new shop/cafe and car wash shall not be used until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

CONDITION 6 Notwithstanding the information shown on the submitted plans the development hereby approved shall not include consent for any external lighting/floodlighting columns which shall be the subject of a separate application. This shall be submitted to, and approved in writing, by the Local Planning Authority before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the amenities of nearby residents in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7, GEN33 of the Arun District Local Plan.

CONDITION 7 The shop/cafe building shall be closed to members of the public except between the hours of 0700 hours to 2300 hours Monday to Saturday, and 0900 hours to 1800 hours on Sundays and Bank Holidays. Outside of these hours the only transactions that will be permitted will be for the sale of petrol/diesel goods, with transactions to be made only through an external security hatch, and customers shall not be admitted into the shop building.

Reason: In view of the intesified use, to safeguard the amenities of neighbouring properties in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

CONDITION 8 The car wash facilities shall be within a fully enclosed structure and car washing shall only take place with the doors closed. Details of the accoustic specification of the equipment to be installed in the car wash shall first be submitted to, and approved in writing by the Local Planning Authority, and the details shall be implemented and permanently maintained in the use of the car washing facility.

Reason: To safeguard the amenities of neighbouring properties in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

CONDITION 9 The car wash shall only be operated between 0900 hours and 2200 hours in any one day.

Reason: To safeguard the amenities of neighbouring properties in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

CONDITION 10 No development approved by this planning permission shall be commenced until:

(a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and recptors has been produced.

(b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assesment to be undertaken relating to the potential impact of land contamination, and;
- refinement of the Conceptual Model, and;
- the development of a Method Statement detailing the remediation requirements.

(c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

(d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To protect the environment and prevent harm to human health.

CONDITION 11 Development of the site will be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health.

CONDITION 12 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statements(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. If appropriate, future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

CONDITION 13 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of controlled waters by ensuring the provision of satisfactory means of surface water disposal.

CONDITION 14 Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.

Reason: To prevent pollution of controlled waters.

CONDITION 15 Before Air Conditioning and refrigeration plant is used on the premises it shall be suitably enclosed or screened in accordance with a scheme to be agreed with the Local Planning Authority.(It should be demonstrated that the enclosure/screening will ensure that the maximum permitted noise level arising from the plant will not exceed 25dB(A) at the boundary with any noise sensitive premises.)

Reason: In the interests of the residential amenities of the occupier of the neighbouring property in accordance with Policies GEN7 and GEN32 of the Arun District Local Plan.

CONDITION 16 Before the use is first commenced, provision shall be made at the premises for the collection of customer waste in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be maintained to the satisfaction of the Local Planning Authority whilst the use is taking place.

Reason: In the interests of the amenities of the locality in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

CONDITION 17 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 policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 18 The ancillary cafe shall not exceed 22 square metres of the total floorspace within the sales building hereby approved.

Reason: In order to restrict the use of the site to an acceptable level and in order to protect the residential amenities of surrounding properties in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

INFORMATIVE:
The applicant is advised that this permission shall not purport or be deemed to authorise the display of advertisements shown on the submitted plans, for which separate consent may be required under the provisions of the Town and Country Planning (Control of Advertisments) Regulations 1992 (as amended).

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.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1,LOC1,NE10

LOCAL PLAN: GEN7,GEN32,GEN33,GEN34,DEV27

NATIONAL POLICIES: PPS1,PPG4,PPS6,PPS23,PPG24

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

Case Officer: Mrs A Gardner

Date of Decision: **26th November 2008**

Date Decision Issued: **26th November 2008**

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

ZJ Ellwood

Zachary Ellwood
Interim Head of Development Control

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 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 Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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 First 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 District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions 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).