Recommendation Report for Planning Permission

REF NO: **R/24/13/**

LOCATION: Unit A
New Road
Rustington Littlehampton

PROPOSAL: Erection of temporary structures adjacent to western elevation of the store, along with various permanent aesthetic and access alterations to main building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for the erection of temporary structures adjacent to the western elevation of the existing store and some minor elevational changes.
SITE AREA	1.6 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat though at a lower level than the A259 which runs along the northern boundary.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Trees and shrubs on three sides.
SITE CHARACTERISTICS	Existing former garden and DIY retail unit with temporary consent for food retail during the development on Unit A. A railway line exists to the south and the entire southern boundary benefits from tree cover. Two other retail units (Halfords and Pets at Home) abut the application site to the east. The aforementioned 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/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space with associated vehicle parking to County Planning standards and supporting service area and service road	Withdrawn 15-11-1988

No comments.

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 Conditionaly 03-10-2008
R/103/10/	External alterations, reconfiguration of car parking, pedestrian and cycle access to provide refurbished retail unit	Approve Conditionaly 18-08-2010
R/105/10/	Erection of mezzanine floor	Approve Conditionaly 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 Conditionaly 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 Conditionaly 05-12-2011
R/149/12/	Alterations to car park layout, access and landscaping	Approve Conditionaly 21-09-2012
R/60/12/	Temporary use of former Focus retail unit as Class A1 food store for the period of 18 months	Approved Cond + S106 01-11-2012
R/4/13/A	3 No non-illumintated wall mounted fascia signs to the East and West elevations and 2 No non-illuminated Welcome wall signs to the North elevation	Approve Conditionaly 26-02-2013

REPRESENTATIONS

Representations received:

Rustington Parish Council

- no objection

Comments on Representations received:

No comments

CONSULTATIONS

WSCC Strategic Planning

Parks and Landscapes

Environmental Health
Engineering Services Manager

Consultations responses received:

West Sussex County Council Strategic Planning- No objection on highways or transport grounds

Arun District Council Environmental Health- no EH comment

Arun District Council Engineers - no comments

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- Adjacent to A grade road
- "Out of Centre" for the purposes of the National Planning Policy and PPS4 Practice Guidance
- Outside the Principal Shopping Areas for the purposes of Local Plan Policies DEV 26 and DEV27Local Gap on oppostie side of A259

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN34	Air Pollution
	GEN7	The Form of New Development
	DEV27	Retail Development Outside the Principal Shopping Areas

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 amenity, aural amenity, public safety, quality of the environment and impact upon the character of the local area.

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."

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 application is for the erection of temporary structures adjacent to the western elevation of the existing store which was previously used by Focus as a garden centre area. The applicant's require extra back of house space to accomodate a bakery, staff accomodation, offices and to accomodate plant. These temporary structures have a total aresa of 453 square metres and will be linked by a new canopy. The existing garden centre mesh perimeter fence is to be retained to ensure that the facilities are secure.

It is not considered that the proposed temporary structures will have an appreciable impact on the character and appearance of the building. The proposed structure will not exceed 5.15 metres in height and as such will site below the roof line of the existing building and will not add any bulk or result in an addition that will be out of scale in the context of the site.

In addition to the temporary structures that application includes some minor amendments to unit A (the former Focus Unit- now temporary sainsburys store). The proposals include refinishing the existing roof canopy over the store entrance in white along with refinishing the cladding in light grey. A replacement fire exit door on the eastern elevation will also be installed and will be fully glazed with mid grey door frame. The existing double door to the garden centre area is to be partially infilled with provision of a new single door to provide access to this area.

The proposed buildings will be removed following the closure of the temporary store and a condition will be added to ensure their timely removal. The minor changes to the building wil remain when Sainsburys vacate the store.

It is considered that the proposed changes will enable the unit to effectively accomodate its temporary use by Sainsburys. The NPPF places significant weight on accomodating the needs of business and it is considered that the propsoed changes are minor in nature and do not have a detrimental affect on the character and appearance of the area. The application is therefore recommended for approval.

HUMAN RIGHTS ACT

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 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

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 no negative impact has been identified, no mitigation measures are required.

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 temporary structures hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the temporary use of Unit A as approved by Planning Application R/60/12.

Reason: To protect the character and appearance of the locality in accordance with policy GEN7 of the Arun District Local Plan.

3 The development hereby approved shall be carried out in accordance with the following approved plans:

CHQ.11.9647-PL30 'Temporary Store Site Plan'
CHQ.11.9647-PL32 'Temporary Store Proposed Site Plan'
CHQ.11.9647-PL33 'Existing/Proposed Store Plan'
CHQ.11.9647-PL14 'Temporary Store Elevations'
CHQ.11.9647-PL34 'Temporary Store Elevations'
CHQ.11.9647-PL36 'Temportary Store Proposed BLock Plan'

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.

4 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed 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.

5 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: GEN7, GEN3, GEN12, GEN9, DEV32

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.

6 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.