

DECISION NOTICE

Application Ref: R/298/21/PL

1 To Addressee

DWD
6 New Bridge Street
EC4V 6AB

2 Site Address

Land at
Rustington Retail Park
New Road
Rustington
BN16 3RT

3 Description of Development

Erection of a drive-thru coffee shop (Use Class E) with associated parking, service arrangement, landscaping and associated infrastructure. This application is in CIL Zone 4 (zero rated) as other development.

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 plans and subject to the following conditions.

- 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
 - Site Location Plan: 3713-SRA-XX-XX-D-A-PL-001-P2
 - Proposed Site Plan: 3713-SRA-XX-XX-D-A-PL-055-P2
 - Proposed Level 0 Plan: 3713-SRA-XX-XX-D-A-PL-060-P2
 - Proposed Roof Plan: 3713-SRA-XX-XX-D-A-PL-061-P2
 - Proposed North & East Elevations: 3713-SRA-XX-XX-D-A-PL-071-P1
 - Proposed South & West Elevations: 3713-SRA-XX-XX-D-A-PL-072-P1
 - Proposed AA & BB: 3713-SRA-XX-XX-D-A-PL-081-P1
 - Landscape Plans: 210-002_P2
 - Planting Plans: 210-201_P3
 - Tree Constraints Plan: 210-001_P1

- Plant Schedule: 210-SCH-001_P3

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The landscaping scheme as shown in Landscape Plans: 210-002_P2 shall be implemented before occupation and opening of the premise.

Maintenance operations shall be in place to ensure establishment of the proposed landscape scheme and replacements undertaken within 12 months of completion of any planting failing to thrive.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 4 The use hereby permitted shall only be open to the public 07:00am to 22:00pm hours - Monday to Sunday including Bank Holidays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with D DM1 of the Arun Local Plan.

- 5 Prior to the use commencing details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2011).

Reason: To protect the amenity of local residents in accordance with Policy QE DM2 of the Arun Local Plan.

- 6 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reasons: To ensure protection of species and their habitats in accordance with ENV DM5 of the Arun Local Plan.

- 7 Prior to commencement of the development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
1. A Site Investigation Scheme, based on previous preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. Based on the Site Investigation Scheme and the detailed risk assessment (1), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Note: Any changes to these components, (1) to (3) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and

approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 8 Details of the storage of rubbish including the number and capacity of bins for the proposed retail unit shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation and opening of the retail unit. The bins shall thereafter be permanently provided for the uses.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and QE DM3.

- 9 No development shall be commenced, including any works of demolition until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. Thereafter the approved plan shall be implemented and adhered to throughout the entire construction period. The plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- a) An indicative programme for carrying out of the works;
 - b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
 - c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
 - d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - e) The parking of vehicles of site operatives and visitors;
 - f) Loading and unloading of plant and materials, including permitted times for deliveries;
 - g) Storage of plant and materials used in constructing the development;

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 10 No development hereby permitted shall commence until details including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment, compressors, generators or plant or equipment of a like kind, installed within the site including prediction of noise from vehicle trips which has the potential to cause noise disturbance to any noise sensitive receivers, have been submitted and approved by the Local Planning Authority. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development

Management Procedure)(England) Order 2015. 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.



Neil Crowther
Group Head of Planning

Case Officer: Amber Willard

Decision Issued: **18th March 2022**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

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 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, and you want to appeal against this planning application decision, 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 you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State 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.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

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).