ARUN DISTRICT COUNCIL

Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)
Application for Planning Permission
DECISION NOTICE

Application Ref: R/60/12/

1 **To Addressee**

WYG Planning & Design
Ropemaker Court
12 Lower Park Row
Bristol
BS1 5BN

2 **Site Address**

Unit A
Rustington Retail Park

BN16 3RT

3 **Description of Development**

Temporary use of former Focus retail unit as Class A1 food store for the period of 18 months

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 .

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:

Temporary Store Site Location Plan CHQ.11.9647- PL10A
Temporary Store Existing Site Plan CHQ.11.9647- PL11 A
Temporary Store Proposed Site Plan CHQ.11.9647- PL12 A
Temporary Store Proposed Store Plan CHQ.11.9647- PL13 A
Temporary Store Elevations CHQ.11.9647- PL14 A
Temporary Store Ex. / Prop. Roof Plan CHQ.11.9647- PL15

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

3 Prior to first use of the temporary food retail store hereby approved, the applicants will confirm in writing with the local planning authority that the existing Sainsbury's at Unit C Rustington Retail Park has ceased trading.

Reason: To accord with the stated intentions of the submitted Design and Access Statement in accordance with Policy GEN7 of the Arun District Local Plan.

4 The net retail sales area (defined by the National Retail Planning Forum, and reproduced in Appendix A of the PPS4 Practice Guide, 2009) for the temporary store hereby approved shall not exceed 2,004 square metres. No mezzanine floors are to be inserted in any part of the building, retail floorspace or non-retail floorspace areas, whatsoever, without the prior approval of the Local Planning Authority.

Reason: To accord with the stated intentions of the submitted Design and Access Statement, and the submitted Retail Impact Assessment in accordance with the NPPF.

5 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To safeguard the residential amenities of the local area in accordance with policies GEN7 and GEN 32 of the Arun District Local Plan.

6 The retail store shall only be open for trade between the hours of 07.00 and 23.00 Monday to Saturdays and will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays. Except for the week (7 days) immediately before Christmas Day, when the retail store shall only be open for trade between the hours of 06.00 and 24.00 Monday to Saturday and will comply with the Sunday Trading Act (or subsequent replacement) on Sundays.

Reason: To comply with Arun District Local Plan policy GEN32, the applicant s submitted Noise Assessment and in accordance with the NPPF.

7 A maximum of 1 HGV delivery per hour will be made to store between the hours of 07.00 and 23.00 Mondays to Saturdays.

Reason: To comply with Arun District Local Plan policy GEN32, the applicant s submitted Noise Assessment and in accordance with the NPPF.

8 A maximum of 4 HGV deliveries at a rate of 1 delivery per hour shall be made to the retail store during the hours of 23.00 to 07.00 Mondays to Saturdays.

Reason: To comply with Arun District Local Plan policy GEN32, the applicant s submitted Noise Assessment and in accordance with the NPPF.

9 Grocery on-line deliveries shall only be made between the hours of 07.00 and 23.00 daily.

Reason: To comply with Arun District Local Plan policy GEN32, and to safeguard the residential amenity of the area in accordance with the Arun District Local Plan

10 No new development shall be occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for minimum 314 customer cars and a minimum of 20 cycles to be parked and for the loading and unloading of (number to be agreed) vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Sufficient on-site car and cycle parking shall also be provided for staff, the exact numbers to be submitted to and approved in writing by the Local Planning Authority. The parking/turning area shall be used and retained exclusively for its designated purpose.

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

11 Before the development is occupied, the proposed bus lay-by on the retail park spur road shall be designed/constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

12 No development shall start until a Construction Management Plan, to include details of:

Element 1: Public Safety, Amenity and Site Security
Element 2: Operating Hours, Noise and Vibration Controls
Element 3: Air and Dust Management
Element 4: Stormwater and Sediment Control
Element 5: Waste and Materials Re-use
Element 6: Traffic Management, including lorry routing and site operative vehicle parking

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

13 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), nor would it have an unacceptable impact on the vitality and viability of local retail centres, and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, GEN18, DEV26, DEV27, GEN32, GEN33, GEN34

Regional Spatial Strategy for the South-East: SEPCC1, SEPCC2, SEPCC4, SEPCC6, SEPT4, SEPRN1, SEPRN11

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.

Case Officer: Mr C Cronin

Date of Decision: **1 November 2012**

Karl Roberts
Assistant Director Planning & Economic Regeneration

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

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).