

Recommendation Report for Planning Permission

REF NO: R/82/14/PL

LOCATION: Sainsburys Supermarkets Ltd
Unit C
New Road Rustington

PROPOSAL: Application for the variation of conditions 2 & 11 of previously approved planning permission R/59/12 - relating to approved plans & parking/cycle spaces

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is to vary conditions 2 and 11 of planning application R/59/12/ to amend the list of approved drawings and to amend condition 11 regarding car parking on site.
SITE AREA	2.34ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat but a lower level than the main road by up to 2 metres.
TREES	There are a number of trees along the southern and western boundaries that will not be affected by the proposals.
BOUNDARY TREATMENT	Northern boundary is marked by a 1.5 - 4 metre tall retaining wall with the A259 beyond. Eastern boundary is marked by a variety of trees of up to 6 metres in height, beyond which is Darlington Court a residential care home. The majority of the southern boundary is distinguished by a 3 - 3.5 metre high closed board fence. The western boundary is marked by the site access road, beyond which is the rest of Rustington Retail Park.
SITE CHARACTERISTICS	The site is occupied by a Sainsbury's superstore. The area to the south of the site is a residential road with a number of caravans and chalets which are occupied year round.
CHARACTER OF LOCALITY	The area is an out of town centre retail park with residential properties to the south and east of the site. The A259 a dual carriageway

A road, which is part of West Sussex County Council Local Transport Plan 3 "Strategic Route Network", is to the north of the site.

The southern end of the site is a residential estate with a number of caravan and chalet properties along Dinsdale Field and brick built properties along Burmill Mews. The removal of a number of trees along the southern boundary of the site ensures that the superstore under construction is immediately visible from these properties on Dinsdale Field.

The area to the north of the site is open agricultural fields which gives the site a semi-rural character along the northern road frontage.

RELEVANT SITE HISTORY

R/59/12/	Demolition of existing foodstore. Construction of A1 Class retail foodstore, service yard, covered customer car park and landscaping improvements.	Approved Cond + S106 01-11-2012
R/25/13/DOC	Application to discharge conditions 3 & 12 of planning application R/60/12 - Constriction management plan & confirmation of trading	DOC Approved 21-03-2013
R/34/13/DOC	Application to discharge conditions 5,12,13,17,20 and 21 imposed under planning application R/59/12	DOC Part Approved 07-06-2013
R/172/13/DOC	Application to discharge condition 18 (SUD System details) following a grant of planning permission R/59/12/	DOC Approved 03-09-2013
R/221/13/DOC	Application for details reserved by conditions 11 (cars and cycles, loading and unloading), 14 (ventilation), 22 (goods vehicle access), 23 (main public site access), 24 (lighting), 25 (Service Yard Management Plan), 26 (modified service yard access) and 27 (modification of pedestrian crossing) following a grant of planning permission R/59/12/	DOC Part Approved 25-11-2013
R/250/13/	Application for Variation of Condition 2 following a grant of planning permission R/59/12 relating to revised plans.	ApproveConditionally 26-02-2014

Application R/59/12/ granted full planning permission for the demolition of the existing store and

its replacement with a new superstore at Unit C, Rustington Retail Park.

Application R/144/13/NMA was an application under S96a of the Town and Country Planning Act 1990 which requested permission for the same amendments as is subject to this application. This "Non-Material Amendment" application was refused on 02/09/2013 as it was considered that the range of amendments to the proposed scheme was not "minor" in nature.

Application R/250/13 was an application to amend the approved drawings granted permission for a number of changes and amendments to the layout and elevations pursuant to application R/59/12.

REPRESENTATIONS

Representations received:

Rustington Parish Council

Rustington Parish Council - No objection

Comments on Representations received:

No comments.

CONSULTATIONS

Arboriculturist

Environmental Health

Engineering Services Manager

Economic Regeneration

Environment Agency

Head of Planning Policy & Cons

Southern Water Planning

Network Rail

Worthing Borough Council

Parks and Landscapes

WSCC Strategic Planning

Highways Agency

Consultations responses received:

Environment Agency- no objection

West Sussex County Council - 1st Response

Further information requested in relation to number of staff employed, travel modes, maximum numbers of staff on site etc.

West Sussex County Council - 2nd Response

Based on the further information provided by the application on 10/04/2014 and 20/04/2014 which annotated the site plan to clarify the provision of cycle parking and provided a swept path plan for a fire and rescue service vehicle the authority has no objection to the application.

Arun District Council Environmental Health - no objection

Arun District Council Economic Development- no objection

Highways Agency- no objection

Arun District Council Parks and Landscapes- no objection

Southern Water- no objection

Network Rail- no objection

Comments on Consultation responses:

No comments.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Class A road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN12](#)

Parking in New Development

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 and residential amenity.

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."

The proposal is not considered to conflict with relevant Development Plan policies in that it would not have a harmful effect on the character of the area and the surrounding street scene.

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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

CONCLUSIONS

The site is subject to planning permission (ref. R/59/12) which permitted the demolition of the existing foodstore, and construction of a new class A1 retail foodstore, service yard, covered car park and landscaping.

This application seeks to amend the wording of condition 11 to read as follows:

"The development shall not operate other than in accordance with drawing CHQ.11.9647 - PLO5-E, showing a minimum of 551 car parking spaces which includes 532 customer spaces and 19 staff spaces and a minimum of 48 customer and staff cycles. At all times, the parking layout shall facilitate the loading and unloading of vehicles and allow space for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose".

The applicants have submitted Drawing No. CHQ.11.9647-PL05-E to illustrate a total of 551 customer and staff car parking spaces will be provided on site, including 19 staff car parking spaces and 532 customer car parking spaces. Therefore, the total number of spaces remains the same; however, 19 spaces within the total number provided are dedicated for staff parking. In accordance with Condition 11, a total of 25 bicycle hoops are provided which each hoop holding two bicycles, thereby equating to a total provision of 50 bicycle parking spaces.

Since opening in October 2013, the store has been through its busiest trading period of the year, (Christmas) with both colleagues and customers using the 551 spaces and there were no reported issues or queuing in the store car park.

Consequently, the predicted accumulation numbers provided in the original application's Transport Assessment and a lack of reported problems since the store opened provides justification for the proposed amendment to Condition 11. It is clear that there is adequate parking available for both customer and staff use and this has not lead to any highway issues.

Condition 2 of planning permission R/59/12 states that the development should be carried out in accordance with the approved plans as listed. As part of this amendment application, the applicants are requesting that the approved plan Proposed Site Plan Ground Level CHQ.11.9647 - PL05 is substituted and Condition 2 is re-written to include the amended plan Proposed Site Plan Ground Level CHQ.11.9647 - PL05 Revision E. This revised drawing shows slight amendments to the layout of the car park including a turning circle for a minibus to enter and leave the site in forward gear.

It is therefore considered that the proposed amendments to the conditions are acceptable and the application is accordingly recommended for approval. The revised wording for conditions 2 and 11 (taking into account previous amendments to the approved plans agreed through application R/250/13) specifying the approved plans for the scheme are set out below.

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 8 (right to respect for private and family life) and 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 neutral impacts have 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).

RECOMMENDATION

APPROVE

- 1 The development shall not operate other than in accordance with drawing CHQ.11.9647 - PLO5-E, showing a minimum of 551 car parking spaces which includes 532 customer spaces and 19 staff spaces and a minimum of 48 customer and staff cycles. At all times, the parking layout shall facilitate the loading and unloading of vehicles and allow space for vehicles to turn so that they may enter and leave the site in forward gear. 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

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accommodation of cycles vehicles clear of the highways in accordance with policy GEN12 of the Arun District Local Plan.

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

Site Location Plan- CHQ.11.9647- PL01
Existing Site Plan- CHQ.11.9647- PL02
Existing Store Plan- CHQ.11.9647- PL03
Existing Elevations- CHQ.11.9647- PL04
Existing Roof Plan- CHQ.11.9647- PL16
Proposed Site Plan Ground Level - CHQ.11.9647- PL05 Revision E
Proposed Site Plan Store Level - CHQ.11.9647- PL06 C
Proposed Store Plan- CHQ.11.9647- PL07 B
Proposed Elevations- CHQ.11.9647- PL08 A
Proposed Roof Plan- CHQ.11.9647- PL09 A

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.