

Recommendation Report for Removal of a Planning Obligation

REF NO: A/141/17/PO

LOCATION: Roundstone Farm Shop
Littlehampton Road
Ferring
BN12 6PW

PROPOSAL: Application to discharge a Planning Obligation dated 17/04/1988 under Planning application reference A/11/88 relating to the restriction of retail items sold.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to remove the retail sales restriction which is the subject of a Section 52 Planning Obligation and condition 2 of A/113/88.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Ranch style fencing on frontage to approximately 1.2m height. Hedging to east on field boundary and 1.8m high fencing on western boundary. To north trees/shrubs.
SITE CHARACTERISTICS	Roundstone Farmshop on site frontage. Large tarmaced car park to east. Buildings are single storey with brick elevations and slate roof. Existing access on to A259. The buildings are former farm buildings which have been converted. External flue on east elevation. An internal seating area for 24 people, a kitchen/prep area and WCs and an outside area to the east of the building with picnic benches and tables and chairs are located adjacent to the coffee shop area.
CHARACTER OF LOCALITY	Predominantly rural. Farmhouse and yard to west. Fields to east.

RELEVANT SITE HISTORY

A/81/17/PL	Application for removal of condition No. 2 of previously approved planning application A/113/88 relating to retail sales restrictions	Approve Conditionally 20-07-17
A/113/88	Change of use of redundant farm buildings to farm shop selling farm produced foods, flowers & items associated with gardening. Demolition & re-erection of wall with	App Cond with S106 07-04-89

gates and alterations to end bays of existing barns.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Planning Solicitor

CONSULTATION RESPONSES RECEIVED:

Planning Solicitor - The Deed of Variation has been signed by the Applicant and his wife. The Deed has been sealed and completed.

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
Class A road
Right of Way

DEVELOPMENT PLAN POLICES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

There are no relevant policies in Angmering Neighbourhood Plan.

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 considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 site benefits from planning approval for the removal of condition 2 of A/113/88 which was granted under planning permission A/81/17/PL. The officer report for application A/81/17/PL sets out the justification and reasoning for the decision. This application seeks to remove the same restriction which

was controlled by a planning obligation.

Therefore, in light of the above it is recommended that the proposed removal of the retail sales obligation, in accordance with planning permission A/81/17/PL, is approved under delegated authority.

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 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 the following 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).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE