REF NO: **A/67/11/PO**

LOCATION: Worthing Garden Centre
Littlehampton Road
Angmering

PROPOSAL: Application for the Modification of Planning Obligation dated 9th May 2001 imposed on planning permission limiting use of goods that can be sold from the site

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to modify the existing Section 106 Agreement on the premises to more accurately reflect what goods are expected and sold from a modern garden centre.
SITE AREA	Approximately 1.5 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	The site slopes slightly downwards from south to north, away from the road.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is marked by approximately 1.5 metre high hedge. The remainder of the site is enclosed by trees and hedging of varying heights with additional 2 metre high chain link fencing in places.
SITE CHARACTERISTICS	The main building on the site is a purpose built single storey warehouse type building which has a corrugated metal gable valley roof. The building has been extended to the sides and front. The building houses a garden centre and some of the extensions contain separate enterprises. There is a hard surfaced parking area to the front and west side of the building. There is also hard surfacing to the east and rear of the building on which items for sale such as plants and gardening equipment are displayed. There are a number of signs displayed on the front boundary as well as to the front of the building.
CHARACTER OF LOCALITY	The site is located beside a stretch of dual carriageway which cuts through relatively flat ground at the foot of Highdown Hill. The site is outside the built-up area but there are a number of garden centres on either side of the carriageway as well as glasshouses, fields and other agriculture related industries adjacent to the road.

RELEVANT SITE HISTORY

A/20/10/A	1 No. externally illuminated fascia sign & 2 No. externally illuminated pole mounted board signs	Approve Cond 16-04-2010
A/21/10/A	1 no. externally illuminated fascia sign on south elevation.	Refused 10-06-2010 **Appeal: Dismissed 29 11 2010**

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

WSCC Local Development Divis.

Consultations responses received:

West Sussex County Highways: No objection

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	DEV32	Garden Centres

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth

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 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

This application is for the variation of the existing Section 106 Agreement restricting the goods that can be sold from the garden centre. The original Deed was signed on 9 May 2001. This original Deed was signed at the same time and on the same terms as a number of other garden centres, including Findon Garden Centre and Roundstone Garden Centre. A new Section 106 Agreement has recently been agreed with Roundstone Garden Centre in relation to a new planning permission.

It was considered that the revised Section 106 Agreement for Roundstone Garden Centre reflects the goods that are sold within a modern garden centre, and will not adversely affect the vitality or viability of any existing centres.

This proposal, after negotiation, is similar to that that accompanied the planning permission granted to Roundstone Garden Centre, and it is considered that the changes are acceptable and will not have an adverse impact on the vitality or viability of local centres.

It is therefore recommended that the application be approved in accordance with list of products submitted with the agents e-mail of 30 June 2011.

RECOMMENDATION

APPROVE