

REPORT UPDATE

Application No: A/81/17/PL

Reason for the Update / Changes

Reason for Update/Changes:

A revised Location Plan itemising the use of buildings and an additional plan EL01 has been submitted updating the original block plan to show the present access and building configuration. The coffee shop area of the application site is excluded from the proposal to accord with the recent permission A/26/14. The plans condition has been amended accordingly.

Of the total floor area of 642sqm, 145m² is currently used as offices, toilets and storage.

Note: The changes to recommendation, conditions are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

A/81/17/PL

Recommendation Report for Planning Permission

REF NO: A/81/17/PL

LOCATION: Roundstone Farm & Shop
Littlehampton Road
Angmering

PROPOSAL: Application for removal of condition No. 2 of previously approved planning application A/113/88 relating to retail sales restrictions

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal seeks permission to use the buildings north of the A259 which include the farm shop and coffee shop for unrestricted retail purposes. The application site extends to the parking area which accommodates a minimum of 76 parking spaces, to the east of the site. The farm shop is restricted by condition 2 of planning permission A/113/88 which states

'At no time shall any retail sales take place other than in respect of farm produce, including fruit and plants and items associated with gardening and garden use'.

	The proposal is to remove this restriction from the buildings to allow retail sales of any products from the site.
SITE AREA	Approx 5,740sq m.
RESIDENTIAL DEVELOPMENT DENSITY	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/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 gates and alterations to end bays of existing barns.	App Cond with S106 07-04-1989
A/73/13/	Application for a removal of condition 2 following a grant of planning permission A/113/88/ to enable premises to sell a wider range of goods	Refused 16-07-2013
A/26/14/	Regularisation of use of cafe.	ApproveConditionally 15-05-2014
A/128/14/PL	Application for the removal of condition 3 following grant of planning permission A/42/14/PL to remove storage building once	Refused 23-10-2014 <i>Appealed</i>

use ceases.

Appeal:
Allowed+Conditions
18 06 2015

REPRESENTATIONS

Representations received:

Angmering Parish Council

Objection - The information provided by the applicant was insufficient for the Committee to form a view on what might be done with the site, were the condition to be removed. A change of use to allow more general retail sales to take place on the site had concerning implications for the surrounding area, and in particular highway safety on an already very busy stretch of the A259.

Comments on Representations received:

The information/details submitted are considered sufficient to determine the application. County Highways have no objection to the proposal on highway safety grounds. The proposal seeks permission for unfettered retail use, to allow for the sale of a broad range of items which is why there are no further details.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

County Highways - No Objection. It is not considered the proposed use will differ from its previous use as a farm shop.

Trips to the site are already catered for in terms of car parking provision. There could be a change to the size of deliveries of the product ranges are to be changed, this therefore should be provided to ensure the existing delivery and servicing arrangements which are in place will be suitable.

As the shop is located on the A259 it is accessible and the access into the site is wide with good visibility. Therefore apart from confirmation over the size of delivery vehicles and where these may/may not load/unload no objection is raised subject to the imposition of a Delivery / Servicing Management Plan condition.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

GEN2
GEN3
GEN7
GEN12
DEV1

Built-up Area Boundary
Protection of the Countryside
The Form of New Development
Parking in New Development
Conversion of Rural Buildings for Industrial

DEV26

DEV27

DEV31

or Business Use
Criteria for Retail Development
Retail Development Outside the Principal
Shopping Areas
Farm Shops

Publication Version of the Local
Plan (October 2014):

SD SP2 Built-Up Area Boundary
SD SP3 Gaps Between Settlements
EMP SP1 Employment land provision
EMP DM1 Employment land:
Development Management
RET DM1 Retail Development

PLANNING POLICY GUIDANCE

NPPF

NPPG

National Planning Policy Framework

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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.

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).

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

PRINCIPLE

The site lies outside the built up area boundary in a rural area adjacent to the A259. It also lies within a Gap Between Settlements within the Publication Version of the Local Plan. There are no relevant designations or policies within the Angmering Neighbourhood Plan.

The application seeks removal of condition 2 of A/113/88/ which states

'At no time shall any retail sales take place other than in respect of farm produce, including fruit and plants and items associated with gardening and garden use'.

The reason for the condition was that unrestricted retail sales would be contrary to the Council's policy in respect of the rural area, where normally only that development essential in the interests of agriculture or forestry is normally permitted.

The proposal relates to use of the existing buildings which have a footprint of 600sqm and does not include any extensions to the building footprint. A retail use is already existing and therefore policy DEV1 of Arun District Local Plan conversion of rural buildings is not considered to be relevant. The application falls to be determined against the countryside, retail and employment policies of the local plan and publication version and the National Planning Policy Framework (NPPF).

BACKGROUND AND PLANNING HISTORY

When the farm shop originally opened there was an identified need for a local convenience food and garden store in the immediate area. Since then a large number of retail units have been opened along Littlehampton Road including ASDA opposite which have had a detrimental impact

on perceived retail sales from the farm shop.

Planning application A/73/13 was submitted in 2013 to remove condition 2 as now proposed. County Highways raised concerns relating to the need for more information relating to existing and proposed traffic levels, details of goods to be sold, demonstration that parking is adequate, provision of sustainable access considerations and demonstration of suitability of access. The application was refused for the following reasons:

'Based on the limited information submitted and lack of an adequate justification for the proposal the Local Planning Authority is not satisfied that the sale of an increased range of goods could be carried out without adversely impacting on the rural character of the area or that the existing parking and access are acceptable for the proposed use. The proposal is therefore contrary to policies GEN3, GEN7 and GEN12 of the Local Plan and the National Planning Policy Framework'.
and

'The proposal would result in an expansion of a retail use on a site that is not sustainably located contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.'

Since then the applicant has tried to keep the shop going, but over this 3 year period the shop has been declared bankrupt twice. The current stock is being sold off and the shop will then close.

POLICY CONSIDERATIONS

County Highways now have no objection to the proposal. The use of the site is limited by the existing building footprint and any extension would require the submission of an application for planning permission and would be considered separately.

Paragraph 24 of the National Planning Policy Framework (NPPF) refers to the need for sequential testing to planning applications for main town centre uses that are not in accordance with an up-to-date Local Plan. However paragraph 25 states that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. This application falls within this excluded category so sequential testing is not necessary.

Paragraph 26 of the NPPF states 'when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm)'

This floor area of the site is below this threshold and therefore an impact assessment is not required.

Paragraph 28 of the National Planning Policy Framework states that planning policies should support economic growth in rural areas, promote development and diversification of agricultural and other land-based rural businesses and promote the retention and development of local services and community facilities such as local shops. The proposal is consistent with this.

It is considered that the proposal would represent diversification of the rural economy and is therefore compliant with policy GEN3 of the Local Plan. It would also provide safe access and given that it represents use of existing retail footprint to unrestricted retail use would not

adversely impact on the character of the area. The amount of activity generated by the use has declined recently, but in the past the level of activity and volume of sales was much greater. It would therefore accord with policies GEN7 and GEN12. The site is considered to be sustainably located given the presence of nearby bus routes and the cycle and pedestrian access opposite which is facilitated by a designated crossing with a central refuge.

Policy DEV27 allows for retail development outside principal shopping areas provided it does not impact on these areas. Given the limited 600sqm footprint of the retail area proposed and the height of the building this is unlikely to materially impact on existing retail areas and many of the goods currently available to purchase from the site are already sold from the principal shopping areas.

Policy RETDM1 part 3 refers to retail development outside the town centres and local service centres which states that applications for food and non-food retail will be permitted provided that the scheme meets the impact tests of the NPPF, is easily accessible by the highway network and public transport, includes provision for access by cycle and on foot and includes appropriate provision for people with disabilities. The proposal is considered to accord with this policy in that it is below the threshold for an impact test, it is easily accessible by car and bus and accessible by bicycle and on foot. The site is also flat and level and is already accessed by disabled.

For the reasons set out above the proposal is also considered to accord with policies SD SP2, SDSP3, EMP SP1, EMP DM1 and RET DM1 in the publication version of the Local Plan.

IMPACT ON RURAL CHARACTER

Given that county highways have no objection, that the building is already in retail use and that the footprint and potential floor sales would not alter it is considered that the change in products sold from the site would not adversely impact on the rural area. Although previously refused County Highways now have no objection to the proposal and the increased effort made by the applicant to continue with the existing retail use in the intervening period has not resulted in sufficient return to allow the restricted retail use to continue.

The buildings have previously been converted without significant alteration or extension and are sympathetic in terms of form, bulk and visual design and the associated traffic can be accommodated by the site access and local road system. The parking is existing and already in use. The daytime use of the premises would reflect the nature and traffic and activity levels previously associated with the farm shop when it was first opened and the volume of sales was greater. However the introduction of traffic movements after 6pm would represent an unsatisfactory increase in opening hours which would have a detrimental impact on the rural character of the area. It is therefore proposed to impose a condition restricting the hours of operation to 6pm to ensure no additional activity, traffic or lights are generated in the evenings.

APPROPRIATENESS OF CONDITION 2

Paragraph 206 of the NPPF states that planning conditions should only be imposed if they comply with the following 6 tests:

- Necessary,
- Relevant to planning,
- Relevant to the permitted development,
- Enforceable

- Precise and reasonable in all other respects.

To determine whether a condition is reasonable it is necessary to determine whether a proposal would be acceptable without its imposition. The increase in items sold at the premises would not significantly impact on the character and appearance of the area or highway safety and unrestricted use of the site is considered acceptable. The condition is not necessary since the extent of use of the premises is already determined by the floor area for sales. If the building was still in agricultural use it could be used for unrestricted retail purposes in accordance with Class R of the General Permitted Development Order. Further with the ASDA store opposite and Haskins and Wyevale to the east and west it is clear that the premises is close to other larger and unrestricted retail uses and it is questionable whether such a restriction is reasonable or justifiable on a site located in close proximity to other retail outlets.

When originally imposed in 1998 the condition reflected policies to only allow agricultural and forestry uses in the countryside. The character of the agricultural market and other retail use of this part of the A259 has altered with the changes in retail use. These policies have now been altered with the NPPF and other emerging local plan policies which seek to encourage business use and diversification of the rural economy. The justification for the condition is therefore outdated.

It is considered that the condition is unnecessary and unreasonable in that it excessively restricts the retail use of the site and prevents the premises from effectively competing with other unrestricted retail units.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions

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 CONDITIONALLY

- 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:
Location Plan 85/24/13/B, substitute Site Layout, Parking and Visibility Plan revA and Location Plan EL06.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No unrestricted retail sales shall take place from the buildings until such time as a Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once the use has commenced it shall operate only in accordance with the approved Plan.

Reason : To safeguard the operation of the public highway in accordance with policy GEN7 of Arun District Local Plan.

- 4 The premises shall not open for business except between the hours of 0900 hours and 1800 hours on Mondays to Saturdays inclusive and 0900 hours and 1600 hours on Sundays and bank holidays.

Reason: To ensure that the proposed development does not prejudice the rural character of the area in accordance with Arun District Local Plan policies GEN2, GEN3 and GEN7.

- 5 Retail sales shall not take place anywhere on the site except within the existing buildings.

Reason: To ensure that the proposed development does not prejudice the rural character of the area in accordance with Arun District Local Plan policies GEN2, GEN3 and GEN7.

- 6 **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

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planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.