TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL

DECISION NOTICE

Application Ref: FG/33/10/

1 **To Addressee**

Wiggins Family-Country Fayre
Littlehampton Road
Ferring
Worthing
West Sussex
BN12 6PN

2 **Site Address**

Country Fayre
Littlehampton Road
Ferring
BN12 6PN

3 **Description of Development**

Amend car park layout with ancillary changes to support an unrestricted A1 retail use. Amendment to previous approval FG/174/08/. This application also falls within the parish of Angmering. This application is a Departure from the Development Plan.

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 plan and subject to compliance with the conditions specified.

CONDITION 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).

CONDITION 2 This permission relates to the following approved plans:-

2210 : 03
LGPS/CF/LP01

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

CONDITION 3 The floorspace hereby permitted shall be limited to a maximum of 6,336 square metres for total retail sales area, (this figure shall include normal operating space such as walkways or aisles in the food facility), and of that figure a maximum of 2,800 square metres shall be for convenience food sales as defined within PPS4 - Planning for Sustainable Economic Growth.

Reason: To prevent an escalation of retail sales within the site in accordance with PPS4 - Planning for Sustainable Economic Growth.

CONDITION 4 There shall be no sub-division of the premises, which shall be built in one stage and operated as one unit.

Reason: To prevent the foodhall being constructed and operated separately in accordance with PPS4 - 'Planning for Sustainable Economic Growth.'

CONDITION 5 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 6 Within 3 months of the building hereby permitted being bought into use, the cycle parking and car and lorry parking spaces and turning facilities shown on the submitted plans shall be provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of cycles and the parking and turning of vehicles.

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.

CONDITION 7 The building hereby approved shall not be occupied until such time as a Travel Plan, prepared in accordance with the most recent national guidance, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage sustainable travel to the site and lessen dependency on the use of the private car in accordance with PPG13 Transport.

CONDITION 8 Within 3 months of the building hereby permitted being bought into use, all other existing buildings shall be obliterated and all resulting debris permanently removed from the site to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amentiy in accordance with policy GEN7 of the Arun District Local Plan

CONDITION 9 The servery/coffee area within the building hereby permitted shall not be bought into use until a means of ventilation for the extraction and disposal of cooking odours has been provided in accordance with details to be submitted to and approved by the Local Planning Authority. The facility shall thereafter be provided and retained for such use.

Reason: In the interests of the amenities of the locality in accordance with policy GEN7, GEN34 of the Arun District Local Plan.

CONDITION 10 Details, including sections, materials and drainage, of the overflow car park shall be submitted to and approved by the Local Planning Authority, and the overflow car park shall be provided in accordance with the approved details.

Reason: To ensure satisfactory visual and drainage in accordance with policy GEN7, GEN9 of the Arun District Local Plan.

CONDITION 11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 12 The development shall not proceed until details of the proposed surface water and foul drainage and means of disposal have been submitted and approved by the Local Planning Authority. Surface water drainage shall be carried out in accordance with such details and in conjunction with associated building works. No building shall be occupied until the foul drainage works have been carried out in accordance with such details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policy GEN7, GEN9 of the Arun District Local Plan.

CONDITION 13 The overflow car park areas to the front of the site, shall not come into operation for use unless and until 90% of the new main car park is occupied.

Reason: To safeguard the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan

CONDITION 14 The retail unit hereby approved shall not be used for the sale of bulky white electrical and gas goods or for the sale of pets.

Reason: For the avoidance of doubt and in the interests of the amenities of the locality in accordance with PPS 4 and GEN 7 or the Arun District Local Plan.

INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission was granted because, although the proposed development does not comply with the policies in the Development Plan Listed below in that the site is within a Strategic Gap and outside the built-up area boundary and the proposal does not meet the operational needs of agriculture, forestry, informal recreation etc. There are material considerations which indicate that it can be granted.

These material considerations are that there is an extant planning permission (FG/174/08) for the building and the car parking and that a retail use is in existance on the site which is within the countryside.

RELEVANT POLICIES

LOCAL PLAN: GEN3, AREA 10

NATIONAL POLICIES: PPS7, PPS4

This paragraph is to comply with Article 22 General Development Procedure Order 1995

INFORMATIVE: An application will need to be made to remove the Planning Obligation on the site, as this is covered by separate legislation to the Planning Acts.

Case Officer: Ms E E Hearsey

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Date of Decision: **19th August 2010**

Date Decision Issued: **3rd September 2010**



Karl Roberts
Assistant Director Planning Services &
Housing Strategy

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 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 Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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 First 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 District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions 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).