

WA/125/06/**PLANNING APPLICATIONS REPORT**

DESCRIPTION/ ADDRESS	- Boarding cattery (Departure from the Development Plan). Meadowbrook, Yapton Lane, Walberton.
-------------------------	---

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use of residential garden land to boarding cattery (Use Class Sui generis)
	Single storey detached cattery building to measure approximately; 2.4m in height, 18.3m in length, and 4.2m in width
SITE AREA	0.4 hectare approximately
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	Various trees up to approximately 6m high that will be unaffected by this application.
BOUNDARY TREATMENT	Front boundary kept by 1.8m high close boarded fencing with trees and bushes up to approximately 6m.
SITE CHARACTERISTICS	Two storey detached dwelling formed of brown brick walls and slate tiled pitched roof
CHARACTER OF LOCALITY	Rural comprising variety of detached dwellings along the west side of Yapton Lane. Nurseries to rear

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
WA/36/99/	Demolish existing sub-standard bungalow & garage & replace with a chalet house & double garage. Demolish existing dwelling once new dwelling is completed. (Departure from the Development Plan).	Approved Conditionally 23-07-1999
WA/80/99	Demolish existing sub-standard bungalow & garage & replace with a chalet house & double garage. Demolish existing dwelling once new dwelling is completed. (Departure from the Development Plan).	Approved Conditionally 12-11-1999
WA/124/06	Continuance of use without compliance with conditions 3 & 4 imposed under WA/80/99 relating to the demolition of the previous building, occupation of the new building and use of land for parking,	Approved Conditionally 01-02-2007

WA/125/06/**RELEVANT PLANNING HISTORY**

REFERENCE	DESCRIPTION	DECISION
	turning and garaging of vehicles	

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Walberton Parish Council	No objection
LOCAL GROUPS	None
OTHERS	None

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
County Highways	Awaited
District Environmental Health	<ul style="list-style-type: none"> No objection Premises will require license under the Animal Boarding Establishments Act and details have been passed to the Dog Warden

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Class B Road Tree Preservation Order WA/2/68 (A1)

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan: LOC2, DEV1, DEV5, DEV4, CH1, ERA1, ERA5, NE8 Arun District Local Plan: GEN1, GEN3, GEN4, GEN7, GEN12, GEN27, GEN32, GEN33, GEN34

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG13	Transport
PPS23:	Planning and Pollution Control
PPG24:	Planning and Noise

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 and impact on the rural locality.

WA/125/06/**COMMENT ON CONSULTATION RESPONSES**

Noted. In the event of the application being recommended for approval, the comments from Environmental Health will be attached to the decision notice by way of an informative

COMMENT ON REPRESENTATIONS RECEIVED

Noted

ASSESSMENT OF PROPOSAL**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 not to comply with relevant Development Plan policies in that it is a new commercial use outside of the defined built-up area and does not comply with the exceptions in policy GEN3.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

The proposed cattery business is unlikely to be acceptable in a built-up area (such as a residential suburb) due to resultant noise intrusion and disturbance. Whilst residential properties surround the site, this rural location is characterised by properties set within substantial plots with sufficient distances between properties and site boundaries to mitigate any resultant adverse noise intrusion and disturbance.

The commercial activity is to be small-scale (the applicant estimates a maximum of five customer cars per day) and run by the inhabitants of the Meadowbrook property. Sufficient parking is provided on the site to the front of the property. As such, the proposed use is not considered to materially adversely increase in traffic movements to and from the site.

The design and style of the proposed building to be utilised for the cattery business is single storey and not considered obtrusive in the rural locality.

WA/125/06/**CONCLUSIONS**

The proposed cattery business is unlikely to be acceptable in a built-up area (such as a residential suburb) due to resultant noise intrusion and disturbance. Whilst residential properties surround the site, this rural location is characterised by properties set within substantial plots with distances of approximately 7m and greater between properties and site boundaries and substantial boundary screening. Therefore this location is considered to mitigate any adverse noise intrusion and disturbance resultant from the use onto the residential amenities of neighbouring properties.

The commercial activity is to be small-scale (the applicant estimates a maximum of five customer cars per day) and run by the inhabitants of the Meadowbrook property. Sufficient parking is provided on the site to the front of the property. As such, the proposed use is not considered to materially adversely increase in traffic movements to and from the site.

The design and style of the proposed building is to be utilised for the cattery business is single storey and not considered obtrusive in the rural locality. Given boundary screening, that no windows or other openings are present in the south elevation of the cattery building, and retention of distances greater than 1m between the proposed building and site boundaries, it is not considered that this proposal would detrimentally harm the residential amenities of any neighbouring property.

Further given the proposed building single storey and of a rural style and design, it is considered that the proposal would not be conspicuously visible in the street scene, and would not conflict with the established character of the rural area

It is therefore recommended that the planning application should be approved, subject to the conditions set out overleaf.

WALBERTON

WA/125/06/

Boarding cattery (Departure from the
Development Plan)

Meadowbrook
Yapton Lane
Walberton

RECOMMENDATION

Approve Conditions

- 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 use hereby approved shall be used for the benefit of Mr and Mrs C Woollerton and otherwise shall be discontinued permanently and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance.

- 3 No development shall be carried out until the shed indicated on the plans hereby approved to be removed and existing on the application site at the date of this permission has been demolished, the debris removed from the site and the site cleared.

Reason: In the interests of the amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 4 Details of any external lighting/floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of nearby residents in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN33 of the Arun District Local Plan.

WALBERTON

WA/125/06/

-
- 5 INFORMATIVE: The use hereby permitted does not prohibit the use of the dwellinghouse and garden area for residential amenity purposes.
- 6 INFORMATIVE: The applicant is advised of the following comments from Arun District Environment Health:-
- " The premises will require a license under the Animal Boarding Establishments Act and details have been passed to the Dog Warden."

REPORT UPDATE

Application No :	WA/125/06
Agenda Page No :	65 - 71
Reason for the Update Walberton Parish Council representation received: No objection	
Officer Comment: Noted.	
*Delete as appropriate Note: Changes to recommendations, conditions and/or reasons for approval will always be accompanied by a new replacement recommendation sheet.	

