

Recommendation Report for Planning Permission

REF NO: WA/66/19/PL

LOCATION: Walberton Place Care Home
Yapton Lane
Walberton
BN18 0AS

PROPOSAL: Application for variation of condition following planning permission WA/28/14/PL relating to condition no.2 - Revised siting of building footprint

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application relates to the revised position of the approved care home building. The previously existing 2 storey care home building has been demolished and replaced with an 80 bedroom care home, comprising 38 single en-suite rooms at ground floor and 42 single en-suite rooms at first floor. It has become evident that the care home has been constructed in a slightly different position and the site boundaries are also slightly altered. This application seeks approval for these minor revisions to the footprint and position of the building and red edge to the application site.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Brick wall to front of Yapton Lane. Post and wire fencing to side adjacent to the field. Mature hedging and metal entrance gates on Yapton Lane
SITE CHARACTERISTICS	Large two-storey recently completed and occupied care home.
CHARACTER OF LOCALITY	Rural location, fields to east and north

RELEVANT SITE HISTORY

WA/28/14/PL	Demolition of existing care home and re development of new purpose built care home. This application affects the character and appearance of Walberton Conservation Area	ApproveConditionally 23-10-14
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WA/28/14/PL has been implemented and the care home is occupied. Following visits to the site by officers it became apparent the footprint and siting of the building have altered very slightly from that approved and the boundaries of the site have a slightly different configuration. This application has been submitted to regularise these disparities.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Walberton Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Conservation Area Advisory Committee - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Outside Built-up Area

Class B Road

Tree Preservation Order (TPO/1/1987)

Abuts Conservation Area

Building or Structure of Character

DEVELOPMENT PLAN POLICIES[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
WDM1	W DM1 Water supply and quality
ENVDM4	ENV DM4 Protection of trees
HDM2	H DM2 Independent living and care homes
CSP1	C SP1 Countryside

[Walberton Neighbourhood Plan Policy 2017 HP1](#) Spatial Plan of the Parish

Walberton Neighbourhood Plan Policy 2017 HP13 Design Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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.

The relevant policies in the Walberton Neighbourhood Plan (WNP) have been taken into account in the determination of this application.

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 there would no materially adverse effect on visual amenity and the character of the area or the residential amenities of nearby properties.

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 and abuts the Walberton Conservation Area. The existing gates are on the Local List and therefore development must be very sensitive to the location. However, a replacement building of identical height and scale to the existing property together with the approved extension was approved under WA/28/14/PL and the development is acceptable in principle in this location. This application only seeks consent to a slight relocation of the building. Consideration of this application is therefore limited to the impact on visual and residential amenity of the revised position and its relationship with site boundaries.

VISUAL AMENITY AND IMPACT ON THE CHARACTER OF THE AREA

The movement of the building and its relationship with site boundaries is not readily apparent. The

changes are less than 0.5m in relation to any of the site boundaries. The building has moved slightly closer to the north and west boundaries. The changes result from an incorrect original survey and this application reflects the building as now constructed. From a distance the changes are imperceptible and there is no change to the visual impact of the building when viewed from outside the site. The design and proportions of the building are as approved. The new care home replaces a building that had been empty for some time which had been deteriorating visually. The replacement building enhances and improves the setting of the Conservation Area. The proposal therefore accords with policies DDM1, DSP1 and HERDM3 of Arun Local Plan.

LOSS OF A BUILDING OR STRUCTURE OF CHARACTER

The proposal does not result in the loss of a designated structure of character. The entrance gates and piers are recognised as a structure of character and they will be retained and refurbished as part of the development. This is controlled by condition.

RESIDENTIAL AMENITY

The closest residential property is The Old Vicarage. The nearest part of its residential curtilage is 56m and would not be significantly affected by the amended siting of the replacement building. The additional activity generated by an additional 10 bedrooms would not materially increase the overall activity levels at the site and was considered and accepted as part of the original approval .

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 approved shall be carried out in accordance with the following approved plans;
Location L-12 A
Site Plan L-00A
Ground Floor L-01-A
First Floor Plan L-02 A
Second Floor L-03 B
Elevation Drawings L-05 B
Courtyard Elevation Drawings L-06 B
Section Drawings L-04
Roof Plan L-11 C
Ground Floor Fire Strategy Plan L-07
First Floor Fire Strategy Plan L-08
Second Floor Fire Strategy Plan L-09
Sections L-10

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 2 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission WA/28/14/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number WA/28/14/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 3 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 planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.