

Recommendation Report for Planning Permission

**REF NO:** WA/76/19/PL

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

**PROPOSAL:** Retention of kitchen extract system. This application may affect the character & appearance of the Walberton Village Conservation Area.

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| <b>SITE AND SURROUNDINGS</b> |
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|                            |                                                                                                                                                                                                                                                                            |
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| DESCRIPTION OF APPLICATION | The application seeks to retain the installed kitchen extract system.                                                                                                                                                                                                      |
| SITE AREA                  | 0.69 hectares.                                                                                                                                                                                                                                                             |
| 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 brick two-storey imposing building painted yellow. Tiled roof. Three projecting bays to the the front. Single storey pitched, tiled roof, extension to the side. Rear two-storey extension with rear fire escape. On the front of the site is a greenhouse and shed. |
| CHARACTER OF LOCALITY      | Rural location, field with sheep east of the site and rural fields to the north.                                                                                                                                                                                           |

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| <b>RELEVANT SITE HISTORY</b> |
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|             |                                                                                                                                                                          |                                  |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 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<br>23-10-14 |
| WA/29/12/   | Renewal of unimplemented planning permission<br>WA/34/09/ - Proposed alterations and extension to existing care facility                                                 | ApproveConditionally<br>21-08-12 |
| WA/38/11/   | Extension to existing business premises to                                                                                                                               | ApproveConditionally             |

accommodate the relocation of existing retail area and provide additional workshop/storage space (re-submission following WA/54/10/)

03-08-11

WA/54/10/

Extension to existing business premises to accommodate the relocation of existing retail area and provide additional workshop/storage space

Withdrawn  
02-09-10

None.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Walberton Parish Council

Parish Council - No objection.

C.A.A.C - Objection.

- Insufficient information in order to assess potential for impact on the Conservation Area.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Due to the minor visual impact of the proposed development, there is not considered to be any significantly harmful impact upon the Conservation Area.

## CONSULTATIONS

Conservation Officer

Environmental Health

### CONSULTATION RESPONSES RECEIVED:

Environmental Health -

There are not enough details on the application to assess the effectiveness of the ventilation system. Therefore, a condition should be imposed to ensure that the permitted use is not carried out until full details of an extraction system are submitted and approved.

Conservation Officer -

The proposal is for the retention of a kitchen extract system which appears on the roof of the building. The building itself is a new build, which is located outside of the Walberton Village Conservation Area. The conservation area contains a number of impressive buildings of a mixture of age and type and is enhanced by attractive boundary walling (including long sections in flint) and hedges which are visible from the street-scene.

The location of both the building and the extract system means that it is not considered to cause harm to the significance of the various heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments

You will also need to take into account the contents of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. It is not considered to be reasonable to apply said Environmental Health condition, due to the separation distance between the host building, and the nearby residential dwellings. Furthermore, it is considered that there is other legislation under Environmental Health powers that would protect the amenities of the occupiers of the care home.

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:](#)

|       |                                                         |
|-------|---------------------------------------------------------|
| CSP1  | C SP1 Countryside                                       |
| DDM1  | D DM1 Aspects of form and design quality                |
| DDM4  | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1  | D SP1 Design                                            |
| SDSP2 | SD SP2 Built-up Area Boundary                           |

[Walberton Neighbourhood Plan Policy 2017 HP13](#) Design Guidance

**PLANNING POLICY GUIDANCE:**

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice 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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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).

Walberton Neighbourhood Development Plan has been considered during the determination of this application, Policy HP13 is considered to be relevant.

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 is not considered to give rise to any significantly harmful impact upon the character of the host building, or its wider locality.

#### 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 application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy HP13 of the Walberton Neighbourhood Development Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HP13 of the Walberton Neighbourhood Development plan states that where new development would have an effect on the appearance or character of the surrounding area, it is to be of a high quality of design, and must contribute to local character.

Policy HER DM3 ensures that development will only preserve or enhance the character of the Conservation Area of which they area within, or affect the setting of.

##### DESIGN AND VISUAL AMENITY

The proposed development is not considered to give rise to any significantly harmful impact upon the character of the host building, or its wider locality. This is due to its modest scale, and siting allowing it to have a minor appearance within both the application site, and the wider locality. Therefore, the proposed development is considered to be in accordance with D DM1 and D DM4 of the Arun Local Plan. Furthermore, as a result of its lack of harm upon the Conservation Area, the proposed development is in accordance with HER DM3 of the Arun Local Plan.

##### HERITAGE IMPACT ASSESSMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or it setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this

instance, it is considered that the proposed development does not cause harm to the conservation area in which it is partially sited, and as such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

#### **NEIGHBOURING RESIDENTIAL AMENITY**

The proposed development is not considered to give rise to any significant impact upon the residential amenities of neighbouring dwellings by way of overshadowing, or overbearing impact. Additionally, due to the nature of the proposal, it will not result in a loss of privacy. It is not known as to whether the ventilation system will have an odourous impact upon the occupiers of the care home, however, an informative will be added to alert the applicant to the Environmental Health department powers with regard to this. Therefore, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

#### **SUMMARY**

The proposed development is deemed to accord with relevant development plan policies and as such is 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**

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:

- Site Plan - 3112 - L-00 - Rev. A - Apr 19
- Ground Floor Plan - 3112 - L-01 - Rev. A - Apr 19
- First Floor Plan - 3112 - L-02 - Rev. A - Apr 19
- Second Floor Plan - 3112 - L-03 - Rev. C - Apr 19
- Roof Plan - 3112 - L-11 - Rev. A - Apr 19
- Proposed Elevation - 3112 - L-05 - Rev. B - Apr 19
- Courtyard Elevations - 3112 - L-06 - Rev. B - Apr 19

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

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**INFORMATIVE:**

It is noted that the proposed ventilation system may have an odourous impact upon the occupiers of the care home, and therefore, the applicant should be aware of Environmental Health legislation and powers when it comes to this. This could result in a s.80 Abatement Notice, under s.79(1)(d) of the Environmental Protection Act 1990.

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**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.