

PLANNING APPLICATION REPORT

**REF NO:** WA/105/24/PL

**LOCATION:** Flintcroft Surgery  
The Street  
Walberton  
BN18 0PJ

**PROPOSAL:** Change of use of doctor's surgery (Use Class E) to place of worship (Use Class F1). This application affects the character and appearance of the Walberton Village Conservation Area, affects the setting of listed buildings and is in CIL Zone 2 (Zero Rated) as other development.

<b>SITE AND SURROUNDINGS</b>
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<b>DESCRIPTION OF APPLICATION</b>	<p>This application seeks a change of use from a doctor's surgery (Use Class E) to place of worship (Use Class F1) alongside some minor associated external changes. There is no change to the existing parking provision.</p> <p>The proposal seeks to operate as a place of worship between the hours of 19:00 - 21:00 on Monday and 06:00 - 08:00 on Sundays.</p>
<b>SITE AREA</b>	552sqm.
<b>TOPOGRAPHY</b>	Predominantly flat with a decline to the west at the access onto Parsons Walk.
<b>BOUNDARY TREATMENT</b>	Low flint wall to the southwest site boundary with wooden fencing and trellising behind. Low hedge planting to the southeast and west site boundaries, dense mature planting and shrubs with a low brick wall to the northwest boundary and post and rail timber fencing to the northeast site boundary.
<b>SITE CHARACTERISTICS</b>	Single storey building that was a dwelling but converted to a surgery in the 1980's. The building features facing brickwork and a hipped roof with a rear garden and front and side driveway. It is on the junction of Maple Road/The Street.
<b>CHARACTER OF LOCALITY</b>	Predominantly residential with incidental retail amenities such as a parade of shops to the North. The area has a dominant rural character with low density housing, greenspace and vegetation.

<b>RELEVANT SITE HISTORY</b>
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WA/15/23/PD	Prior approval under Schedule 2 Part 3 Class MA for the change of use of former doctors surgery to 2 No. residential dwellings.	No Object'n + Conds 18-05-23
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WA/15/23/PD - This application granted prior approval for the conversion of the building into two residential dwellings.

## REPRESENTATIONS

Walberton Parish Council - Objection:

- Concerns about parking in the area.
- Concerns relating to potential noise nuisance for neighbouring properties.
- Seeks clarity as to whether the proposal would be operational outside of the specified hours.

1 Objection from nearby occupier:

- Concerns regarding a lack of parking provisions in the area.
- Concerns for pedestrian safety due to narrow pavement and unsuitable camber.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. All relevant planning matters are discussed within the conclusions section of this report.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

WSCC Highways (LHA) - No Objection:

- Data supplied to WSCC by Sussex Police reveals there have been no recorded injury accidents in the vicinity over the last five years.
- There is no evidence to suggest the access is operating unsafely or the change of use would exacerbate an existing safety concern.
- The evidence demonstrates a significant reduction of potential daily vehicular movements to/from the site. The proposal would not represent a material intensification of movements to/from the site.
- 4 car parking spaces would be retained on site and be sufficient based on the submitted data.
- Any overspill parking would have to be accommodated on-street, which the LHA does not anticipate would give rise to a highway safety concern or parking capacity issue.

Environmental Health - No objection with conditions:

- Request conditions relating to maintenance of extraction equipment, Construction Management Plan, unexpected contamination, a lighting scheme, a Noise Management Plan, and asbestos.
- Advised an informative relating to statutory nuisance.

Conservation Officer - Advice:

- The change of use, and loss of a chimney stack provided the replacement tiles are appropriate, with have a neutral impact on the Conservation Area.
- If the windows and doors are proposed to be changed, these would need to be of an appropriate detail and suitable for the Conservation Area.
- With consideration of the above, the proposal would not harm the significance of the Conservation Area or the settings of nearby Listed Buildings.

Conservation Area Advisory Panel (CAAP) - No Objection:

- The change of use would not harm the Conservation Area, but any changes in fenestration design would need to be of an appropriate detail.

Southern Water - No Objection.

Drainage Engineers - No response.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Given the limited extent of the works and the absence of mechanical equipment or external lighting proposed, conditions pertaining to the maintenance of extraction equipment, control of external lighting, provision of a construction management plan, and unexpected contamination are not necessary. The control of asbestos is covered by separate legislation and not necessary to be controlled under this application.

### POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary.

Walberton Village Conservation Area.

Lidsey Local Flood Risk Zone.

Lidsey Treatment Catchment Area.

WSCC Minerals Consultation Area.

Surface Water Flood Risk (1 in 1000).

### DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

[Walberton Neighbourhood Plan Policy 2019-2031](#) Built up boundary (BUAB)

[HP1](#)

Walberton Neighbourhood Plan Policy 2019-2031 Design Guidance

HP13

Walberton Neighbourhood Plan Policy 2019-2031 Retention of Employment Land

CL3

Walberton Neighbourhood Plan Policy 2019-2031 Recreation Facilities

CL7

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

**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 compliant with relevant Development Plan policies in that it would result in the reuse of a vacant employment site without unduly compromising the visual amenities or character of the area, and subject to conditions, would maintain acceptable residential amenities for neighbours.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is compliant with these criteria in that it does not harm the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

**OTHER MATERIAL CONSIDERATIONS**

There are no other material considerations to be weighed in the balance with the Development Plan.

## CONCLUSIONS

### PRINCIPLE

The site is in the Built-Up Area Boundary and as such, is acceptable in principle, subject to consideration of relevant Development Plan policies in accordance with policies SD SP2 of the Arun Local Plan (ALP), and Policy HP1 of the Walberton Neighbourhood Development Plan (WNP).

Paragraph 125(c) of the NPPF states 'Planning... decisions should: give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. This gives substantial weight to the re-use of the site which has remained vacant for approximately 3 years.

### CHARCATER & DESIGN

The proposal is for the change of use of a Doctor's Surgery (Flintcroft Surgery) to a Class F1, more specifically Class F1(f) (Public worship or religious instruction). The proposal would include some internal layout alterations, and the resultant loss of one of two chimney stacks on the building. No other external alterations form part of this proposal.

The site has been used as a community service (a surgery) for many years. Recently it has been vacant without a use. The proposal would reinstate a use to the site which would make efficient use of the land, and maintain its general character as a site that serves the local community, albeit one which would not necessarily cater for all in the community relative to the former use which is more universally required. The physical alterations would have a minimal impact on the visual amenities and character of the area, and a condition has been attached to ensure replacement tiles are of an appropriate detail.

The proposal would not harm the visual amenities or the character of the area in accordance with policies D SP1, D DM1 & D DM4 of the ALP, and Policy HP 13 of the WNP.

### LOSS OF EMPLOYMENT LAND

The proposal would result in the loss of an existing employment site however, the site has been vacant and permanently closed since 2022. The use would involve employment, albeit likely to a lesser extent than the previous full-time 3 No. doctor practice with associated staff. It is material that the site has recently gained prior approval for conversion to 2 No. residential units which would result in a wholesale loss of the employment site.

The proposal would likely result in a reduction of employment, but would maintain its functionality as a community facility and benefit from part-time employment. The proposal is compliant with Policy CL3 of the WNP.

### NEIGHBOURING RESDIENTIAL AMENITY & NOISE

The lawful use as a surgery would be conducive to continuous activity on site during relatively standard daily operating hours however, the operational activities of a surgery would not likely produce excessive noise levels.

The proposal seeks to operate as a place of worship between the hours of 19:00 - 21:00 on Monday and 06:00 - 08:00 on Sundays, with the unit being closed for the remainder of the week. Such activities often involve the singing, amplified speech, music, and/or musical instruments which can produce noise. The hours of operation proposed are very limited but can be very early in the morning or late in the evening where residents will likely be asleep, and where background noise levels are very low. Early Sunday mornings in particular are noise sensitive as these are often the quietest times of the week and residents

are typically asleep. The host building is approx. 7m and 9m from the neighbouring residential units 'Flintcroft' and 'Myrtle Cottage'. Thus, operating as a place of worship at the times proposed could cause undue and disruptive noise disturbance at these neighbouring properties.

With the above in mind, Environmental Health have recommended no objection subject to conditions. One of which requires the provision of Noise Management Plan (NMP) prior to the commencement of the development. The NMP would require the applicant to provide specific details regarding the hours of operation, management responsibilities during operations, measures to control noise from activities and operations at the site (including the operation of any equipment, plant, or building services), and minimising noise from vehicles, deliveries and servicing. The users of the site would be required to operate in accordance with the approved NMP.

Officers have amended the wording of the suggested NMP condition to state that for the first 3 years of use, annual reviews of the approved NMP shall be undertaken to ensure it reflects current operational site practices (including but not limited to operational hours). Additionally, where within this 3-year period, the operator or the Local Planning Authority receives substantiated complaints, or has concerns that site activities or operations are having, or may have, a detrimental impact to the local amenity, the NMP will require to review, and any changes to the NMP necessary to address these concerns would thereafter be required to be implemented to the satisfaction of the Local Planning Authority.

The proposal would encourage a limited number of users to park on nearby streets or within the village shops car parks at the off-peak hours proposed. The arrival of these users would result in noise generation by way of engines running/turning off, and car doors opening and closing. Whilst the operational hours proposed, and by extension, arrival times, are off-peak and in quiet times, the limited number of predicted users and parking options that would spread out the users, would not likely result in any unacceptable noise impacts on neighbouring residents.

Subject to consideration of the Noise Management Plan, it is anticipated that noise levels associated with the operations on site could be sufficiently mitigated to preserve local amenity. It should be recognised that this permission would not indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

Subject to appropriate condition, the proposal would be in accordance with policies QE SP1, QE DM1 & D DM1 of the ALP.

## HIGHWAYS

Based on the TRICS traffic movements assessment provided, which has been reviewed by WSCC Highways, the permitted use could generate up to 287 car movements per day alongside alternative modes of transport, whereas the proposed could generate just 12 two-way movements per day. This is a substantial reduction though it is unlikely that the previous use facilitated such intense and frequent movements given its size. Notwithstanding this, the assessment has been reviewed by WSCC Highways and no concerns regarding the methodology employed have been raised.

Whilst representations have identified issues with on-street parking provisions in the area, the operational hours proposed for the place of worship are Mondays 19:00 - 21:00, and Sundays 06:00 - 08:00, with the site remaining closed for the rest of the week. Parking spaces within the adjacent car park would likely be unoccupied during these hours and the adjacent road 'Parsons Walk' is a one-sided residential street with footpaths on both sides. It is not subject to parking restrictions and dwellings along the street have ample off-street parking provisions. The immediately adjacent stretch of Parsons Walk is also approx. 200m long.

Given the limited parking overspill proposed, which is a significant reduction over the lawful use, the

proposed hours of operation, and the parking opportunities available in the immediate area, the overspill of parking is unlikely to cause result in significant disruptions of parking in the area.

It is acknowledged the site has been vacant for a number of years, and so vehicular movements will have been infrequent if not absent during this time. The site could lawfully be brought back into use as a surgery or indeed, likely any number of alternative uses within the same Use Class (Class E). The limited vehicular movements to and from the site would not result in any unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

The proposal has not included the provision of cycle storage facilities. The site would appear to have capacity for including two cycle parking space to the front/side of the site without prejudicing car parking provisions. However, requiring that any cycle storage space be sheltered, could result in the bulk and design of such a structure prejudicing the visual amenities and historic character of neighbouring buildings and the area. A more minimalistic provision would be acceptable and sufficient in this context. No quantitative guidance regarding the number of spaces is provided within the Arun Parking Standards for Class F1 (formerly D1) uses, but instead points to a site specific assessment/consideration. Given the scale of the development, a requirement of two secure cycle storage spaces would be ample for its use. A condition has been attached requiring the submission of details to be agreed for such provisions.

The proposal is in accordance with policy T SP1 of the ALP, and Paragraph 116 of the NPPF.

#### FLOOD RISK

The site is partially at low risk of surface water flooding (at the access) and partially within the Lidsey local flood risk zone. The site is an existing development and the vulnerability classification would remain the same. As a change of use, the proposal is exempt from the requirements of a Sequential Test or Exception Test, and there would be no increase of flood risk on site or elsewhere as a result of the development.

The proposal is in accordance with Policy W DM2 of the ALP.

#### HERITAGE

The site is in the Walberton Village Conservation Area and is adjacent to Grade II Listed Buildings (Myrtle Cottage, Magnolia Cottage, and The Coach House).

The Walberton Village Conservation Area can be divided into a number of distinct character areas. The site is in a character area which consists of modern development, constructed alongside a new section of road designed to by-pass a narrow section of The Street. This section is roughly central to the Conservation Area and is of a mixed residential and retail/service use.

The Grade II Listed Buildings form an attractive and traditional group that contribute towards the Conservation Area and part of the immediate context for this site.

The proposal involves the change of use from a vacant doctors surgery to a place of worship with minimal external alterations. The external alterations being limited to the removal of one of two chimney stacks and infill with roof tiles that are conditioned to match in material, colour, and finish to the existing roof tiles. The change of use will have a minimal impact on the character of the area and whilst the loss of a chimney stack is regrettable, the retention of the second chimney stack on the building would ensure this architectural quality of the building is retained. The proposal would not result in harm to the significance of the Conservation Area or the setting of adjacent Listed Buildings.

The proposal is in accordance with policies HER SP1, HER DM1 & HER DM3 of the ALP.

**SUMMARY**

The proposal is in accordance with relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

**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.

**CIL DETAILS**

This application is not CIL liable.

**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 Location Plan & Block Plan 1355/04 (Dated: July 2024).
- Existing & Proposed Floor Plans Option 2 1355/05 (Dated: July 2024).
- Proposed Elevations 1355/03, Rev. D (Dated: July 2024).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D SP1, D DM1, HER SP1, HER DM1, HER DM3,



and Walberton Neighbourhood Development Plan Policy HP13.

- 3 Prior to the commencement of the development hereby approved, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The NMP shall provide details as appropriate, including but not necessarily restricted to, the following matters:

1. Hours of operation
2. Management responsibilities during operating hours
3. Measures to control noise from activities and operations at the site (including the operation of any equipment plant or building services)
4. Minimising noise from vehicles, deliveries, and servicing.

Operations on site shall be undertaken in strict accordance with the approved NMP.

For the first 3 years of use following the commencement of the use hereby permitted, annual reviews of the approved NMP shall be undertaken to ensure it reflects current operational site practices. Any changes to the NMP necessary to address these concerns shall be implemented to the satisfaction of the Local Planning Authority.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE SP1. This must be a pre-commencement condition because it is necessary to have such measures in place before the use commences.

- 4 No part of the development shall be first occupied until 2 No. secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 5 The materials and finishes of the roof tiles used to infill the roof following the removal of the chimney stack hereby permitted, shall match in material, colour, and texture to those of the existing building.

Reason: In the interests of amenity in accordance with Arun Local Plan policies D SP1, D DM1, D DM4, HER SP1 & HER DM3.

- 6 Prior to the first use of the development hereby permitted, 1 No. Swift bird box shall be installed no lower than 0.3m below the eaves along the northern elevation of the building.

Reason: To provide ecological enhancement on site and contribute to a Biodiversity Net Gain in accordance with Arun Local Plan Policy ENV DM5.

- 7 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

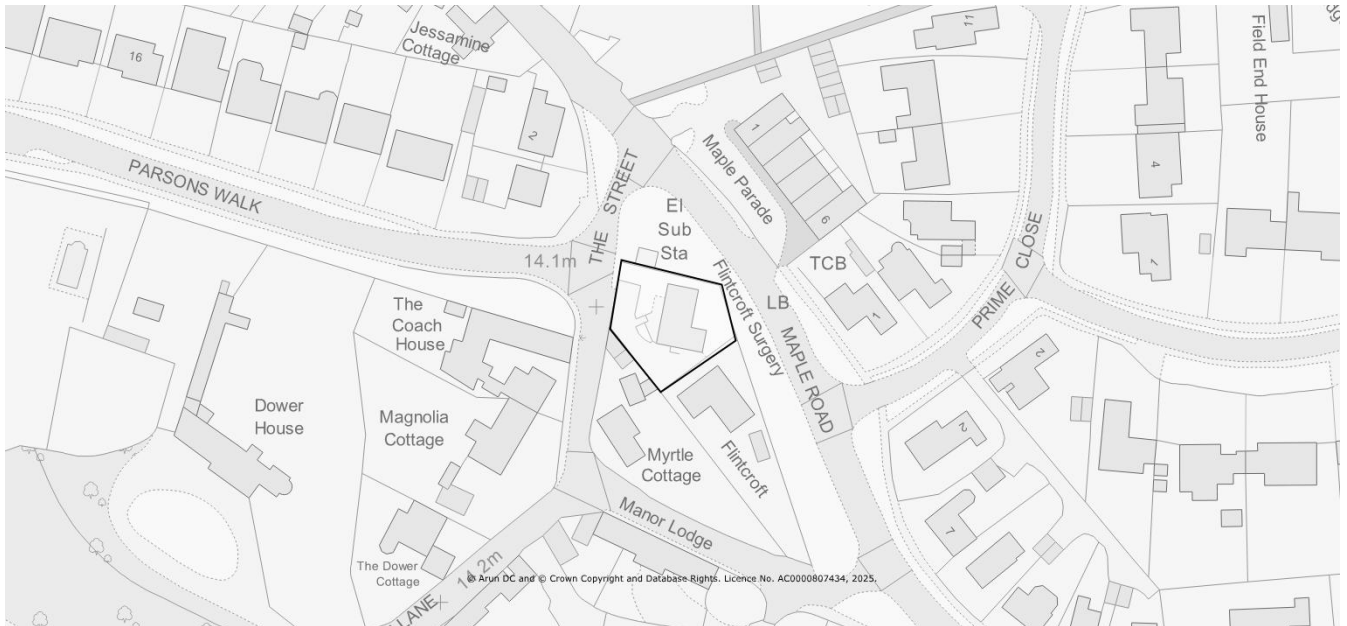
Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 8 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Team: [pollution@arun.gov.uk](mailto:pollution@arun.gov.uk), 01903 737555.
- 9 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.

#### BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or by clicking on this link and clicking on View Documents.](https://www.arun.gov.uk/weekly-lists)

**WA/105/24/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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