

Report to **Planning Committee**  
Date of Committee **19 July 2017**  
By **Head of Planning Services**  
Local Authority **Chichester District Council**  
Application No: **SDNP/16/03917/FUL**  
Validation Date: **22 February 2017**  
Target Date: **20 July 2017**  
Applicant: **Mr A Bean**  
Proposal: **Installation of two vent pipes in roof**  
Site Address: **The Hungry Guest, Saddlers Row, Petworth, GU28 0AN**  
Purpose of Report **The application is reported to Committee for a decision**

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**Recommendation: That the application be APPROVED subject to conditions set out in paragraph 10.1 of this report.**

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**Reason for Committee Referral: Parish Objection – Officer recommends Permit**

### **Executive Summary**

The application site lies within the historic core of the Petworth Conservation Area and in a central location at the heart of Petworth town centre.

The site operates as a retail unit selling frozen food. The occupier, The Hungry Guest is a well-known local brand within the South Downs National Park with two other outlets (a café and food shop) both within Petworth.

The application seeks planning permission for the installation of two vent pipes to be painted black to the north facing roofslope of the building. The impact of the vent pipes on the character and appearance of the Petworth Conservation Area is considered to be acceptable and its character will be preserved.

In respect of the impact on the amenity of neighbouring properties, no harm or potential for harm to the quiet enjoyment of neighbouring amenity or relative tranquillity to this area of the Conservation Area has been identified. The application is therefore recommended for approval.

## **1. Site Description**

1.1 The application site is located within the town centre of Petworth and within the historic core of the Petworth Conservation Area.

1.2 The building is semi-detached with a hipped roof located within a prominent location adjacent to the pedestrian and vehicle access to the primary car park within the town centre. The building is lawfully used for retail purposes specifically the sale of frozen food. The Hungry Guest is a prominent and successful attribute to the Petworth town centre with a café and bakery also located in two separate locations within the town centre.

1.3 To the north of the application site is the rear elevation of a residential, dwelling, a Grade II listed building. To the east and south are commercial buildings varying in use types. West is the access road to the main car park.

## **2. Relevant Planning History**

2.1 There is no recent planning history.

## **3. Proposal**

3.1 The application seeks planning permission to install two vent pipes to the north elevation of the existing roofslope. The vent pipes project 50cm from the base and are to be painted black in colour.

3.2 The vent pipes exhaust warm air generated from the operation of the freezer units within the building.

## **4. Consultations**

### **4.1 Parish Council**

#### Comments received 13 March 2017

Objection - stainless steel vents are not in keeping with a conservation area. Plain tile vents would be more suitable.

- Town Council advised that the vents can be painted black

#### Comments received 27 April 2017

Committee needs further information regarding why exactly the tile vent would be unsuitable? Until this arrives the objection remains in place.

- Town Council advised that 'We cannot use tile vents as they do not let enough air flow through them as previously stated. The maximum air flow manufactured for tile vents is 7000mm<sup>2</sup> which falls short of the required stated by the unit manufacturers Minimum 10,000mm<sup>2</sup>'

Comment received 22 May 2017

Why not use 2 tile vents rather than one which will give 14000mm<sup>2</sup> which is 4000mm<sup>2</sup> over the amount stated as a requirement? Objection remains

#### **4.2 CDC Environmental Health Officer**

The proposal is simply to allow warm air to be exhausted to atmosphere rather than in to the loft space. The velocity of the air is low so I do not expect that there will be any aerodynamic noise. Similarly, the in line fans that provide air movement are similar to those which one would use in a domestic premises for local exhaust ventilation in bathrooms.

Therefore I have no objection to the development. As a precaution I would recommend that the following condition is applied to any permission granted.  
Suggested condition:

##### Noise from Plant

The two vent pipes hereby permitted shall not emit any distinguishable, discrete, continuous tones (whines, hisses, screeches, hums etc) or distinct impulses (bangs, clicks, clatters or thumps). The plant shall be maintained in such a condition that no noises as described are generated.

Reason: To prevent noise giving rise to significant adverse impacts on health and quality of life as a result of the new development.

The applicant has indicated that he is willing to paint the pipes. He has asked for guidance on any colouring of the vent pipes that you might require because if painting is necessary he would like to do so before they are installed.

#### **4.3 Historic Buildings Advisor**

The host building is a later twentieth century outbuilding to the rear of the Former Granary, which is hemmed in by listed buildings. Whilst in a prominent location in a public car park, the position of the vents on the northern roof slope and their small scale means that they are unlikely to be conspicuous. Where necessary, this could be further mitigated by the use of a matt terracotta colour for the vents to blend in with the roofslope or alternatively a matt black.

### **5. Representations**

No third party letters of representation have been received.

### **6. Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Chichester District Local Plan First Review (1999). The relevant policies to this application are set out in section 7, below.

## National Planning Policy Framework (NPPF) and Circular 2010

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### **6.2 National Park Purposes**

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

### **6.3 Relationship of the Development Plan to the NPPF and Circular 2010**

In addition to the above the following paragraphs and sections of the NPPF are also considered relevant to the determination of this application:

Section 3, 7, 11 and 12

Paragraphs 14, 17, 28, 115, 128, 129

The draft South Downs Local Plan Preferred Options 2015 was approved by the South Downs National Park Authority on 16 July 2015. The public consultation on the document took place between September and October 2015 and the National Park Authority is considering the responses received during that consultation period. The document and the policies contained therein are now a material consideration when determining planning applications within the National Park however, it is acknowledged that at this stage the policies will carry limited weight.

The following policies are considered relevant to this proposal:

SD1 - Sustainable development in the South Downs National Park

SD6 - Design

SD8 – Relative Tranquillity

SD11 - Historic Environment

SD27 – Sustaining the Rural Economy

SD29 – Town and Village Centres

SD39 - Conservation Areas

#### **6. 4    The South Downs Partnership Management Plan**

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPNP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

##### **General Policy 1**

Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.

#### **7.     Planning Policy**

The following policies of the Chichester District Local Plan First Review (1999) are relevant to this application:

- BE6 Conservation Areas
- BE11 New Development

#### **8.     Planning Assessment**

8.1    The main issues arising from this proposal are:

- i)    The impact of the development on the character and appearance of the existing building and the Petworth Conservation Area
- ii)   Impact of the development on neighbouring amenity
- iii) Impact on the character and appearance of the South Downs National Park
- i)    Impact of the development on the character and appearance of the existing building and the Petworth Conservation Area

8.2    The application site is located within a commercial environment within the town centre. Development here for commercial purposes is expected to lead to a positive contribution to the vibrancy and vitality of the town centre whilst appearing sympathetic and discrete within the historic conservation area.

8.3    The proposal seeks to enhance the functionality of the existing A1 retail use of the building allowing an existing operation to diversify the range of products available for sale. This is considered to lead to a positive impact on vitality and vibrancy in this location particularly where it supports a local and established brand in Petworth.

8.4    The proposed scale of the vent pipes is considered proportionate to the roof slope. In consultation with the Council's Historic Building's Advisor it is noted that the scale of the pipes is unlikely to appear conspicuous, however this could be improved further if the pipes are painted terracotta or matt black. The applicant has advised that they are agreeable to the vent pipes being painted black.

8.5 The scale of the proposal along with the siting and use of colour will not lead to a harmful impact on the character of the existing building or the historic appearance of the Petworth Conservation Area which will be preserved. The proposal is therefore considered to comply with policies BE6 and BE11 of the CDLP 1999

ii) Impact of the development on neighbouring amenity

8.6 The Council's Environmental Health officer has confirmed that the pipes are to be used to allow warm air to be exhausted to the atmosphere rather than the loft space. The velocity of the air is low and unlikely to create aerodynamic noise. The line fans that provide air movement are similar to those used for domestic purposes such as local exhaust ventilation in bathrooms.

8.7 Furthermore the proposal is unlikely to omit odours, smells or noise which could lead to harm to the quiet enjoyment of neighbouring amenity or the relative tranquillity of this area of the conservation area. The Environmental Health Officer has requested a preventative condition to reduce harm over the life time of the ventilation system. The proposal is considered to comply with policy BE11 of the CDLP 1999.

iii) Impact of the development on the South Downs National Park

8.8 The application is considered to facilitate the ongoing functioning of an existing business, a well-known local brand within the South Downs National Park. Supporting the progress and development of a local business is considered to lead to an enhancement to the rural diversification of the area whilst also contributing to the vitality and vibrancy of the Petworth town centre.

8.9 The proposal will preserve the character of the Petworth Conservation Area, a designated heritage asset. Consequently the proposal is unlikely to lead to harm to the cultural heritage of the South Downs National Park.

## **Conclusions**

9.0 The proposal is considered acceptable in relation to its impacts on the character and appearance of the Petworth Conservation Area and the amenities of neighbouring occupiers. The application is therefore considered to comply with the objectives of policies BE6 and BE11 of the Chichester District Local Plan and the first and second purpose of designation of the South Downs National Park.

## **10 Recommendation**

It is recommended that the application be APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the schedule of plans in 'Appendix 2 - Plans Referred to in Consideration of this Application'.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The vent pipes hereby approved shall be painted matt black prior to the commencement of use and shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful impact on the historic conservation area.

4. The two vent pipes hereby permitted shall not emit any distinguishable, discrete, continuous tones (whines, hisses, screeches, hums etc.) or distinct impulses (bangs, clicks, clatters or thumps). The plant shall be maintained in such a condition that no noises as described are generated.

Reason: To prevent noise giving rise to significant adverse impacts on health and quality of life as a result of the new development.

#### **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

#### **12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

#### **13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

#### **14. Proactive Working**

**Tim Slaney**

**Director of Planning**

**South Downs National Park Authority**

Contact Officer: Jenna Shore

Tel: 01243 534734

email: [jshore@chichester.gov.uk](mailto:jshore@chichester.gov.uk)

Appendices

Appendix 1 - Site Location Map

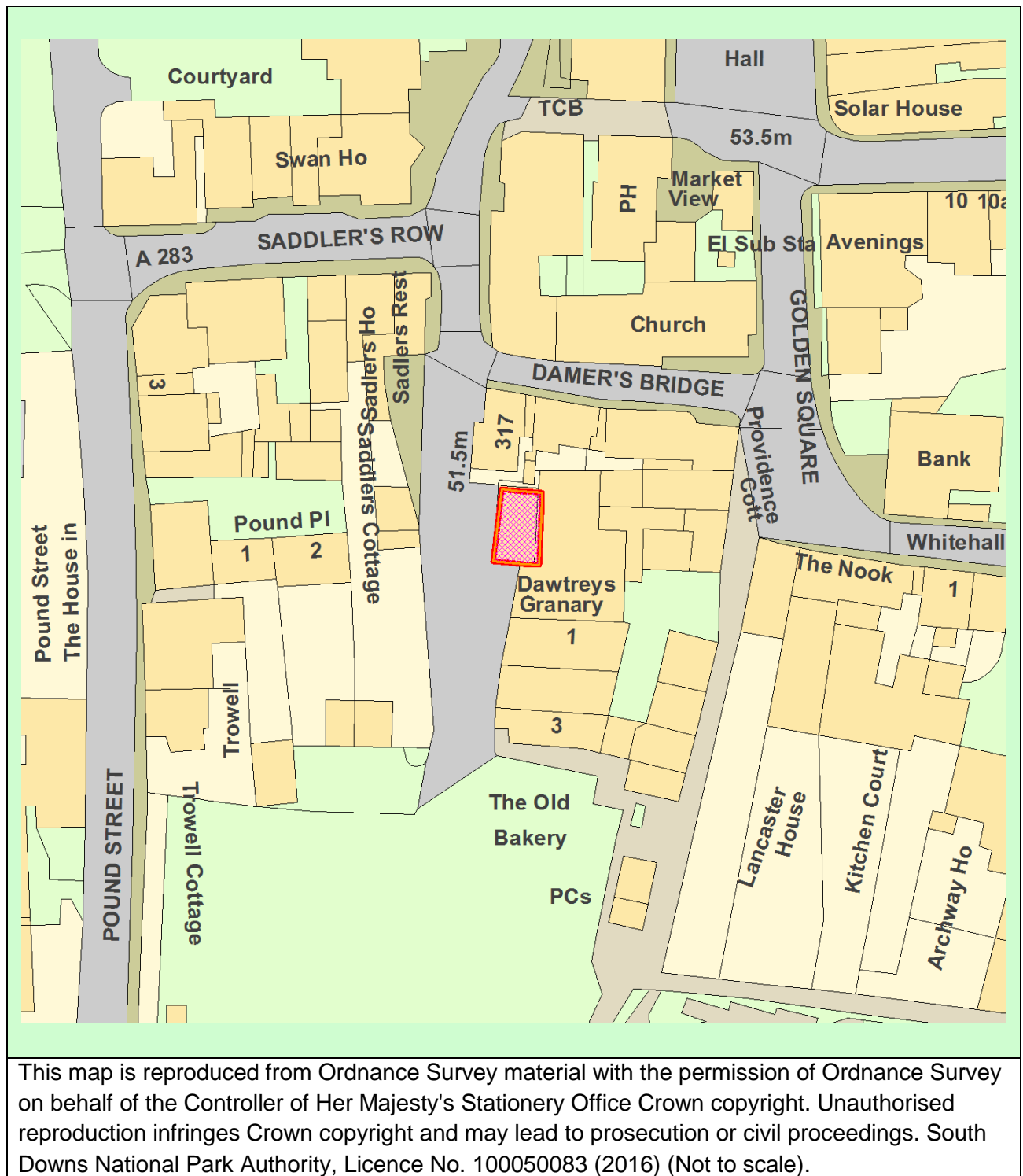
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

## Appendix 1

### Site Location Map





## **Appendix 2 – Plans Referred to in Consideration of this Application**

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Location and Block Plan (A3)	550.01		24.02.2017	Submitted
Plans - Existing North and West Elevations (A3)	550.02		24.02.2017	Submitted
Plans - Proposed North and West Elevations. Roof Plan (A3)	550.03		24.02.2017	Submitted

**Reasons:** For the avoidance of doubt and in the interests of proper planning.