

Report to	Planning Committee
Date	12 June 2014
By	Director of Planning
Local Authority	SDNPA (Arun District Area)
Application Number	SDNP/14/00100/FUL
Applicant	Mr and Mrs Fuente
Application	The change of use of the Coach House from holiday accommodation (C3 use with no seasonal restriction) to a separate C3 dwelling use unrelated to Mill Lane House with external alterations, erection of new double garage and creation of new access from Top Road
Address	Mill Lane House, Slindon Top Road, Slindon, Arundel, BN18 0RP

Recommendation: That planning permission be granted subject to:

- **the conditions set out in paragraph 10.1 of this report; and**
 - **the completion of a S106 agreement for the payment of a £10,345 affordable housing contribution**
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Executive Summary

The proposal is to change the use of the existing holiday let to a single open market dwelling. This would include the external alterations to the building, works to subdivide the plot, the erection of a double garage and creation of a vehicular access from Top Road. It is considered that the proposal is acceptable in principal and that it would preserve and enhance the character and appearance of the Slindon Conservation Area and the National Park. Highway safety would be safeguarded whilst there would be an acceptable impact upon neighbouring residential properties. A financial contribution is required towards the provision of affordable housing.

The application was considered by committee on 10th April and deferred for the submission of additional plans demonstrating further details of access and the proposed garage and additional information on the impact of the proposed driveway on the conservation area, the change in levels and gradient of slope required, the boundary fencing, surface water run-off and the amount of excavation required..

I. Site Description

- 1.1 The application site constitutes the former Coach House of Mill Lane House and is set in the grounds of, and to the immediate west of, Mill Lane House. Permission was granted in 1990 to convert the Coach house from a stable and garage to two holiday lets on the ground floor with ancillary accommodation to Mill Lane House above. Both the Coach House and Mill Lane House itself sit within a 1.2Ha corner plot between Mill Lane and Top Road in the northern part of Slindon.
- 1.2 The Coach House is a detached two storey brick property with a pitched tiled roof. The existing access, serving both Mill Lane House and the Coach House, is via a gravel driveway off Mill Lane. Both buildings are set in a large garden, with a large lawn to the rear of the Coach House, and woodland in the northern half of the plot. There is a high stone and brick wall along the boundary with Mill Lane and part of the southern boundary, up to approximately the Coach House. There are a group of Evergreen Oak trees and a Small

Leaved Lime in the vicinity but the approach from the east along Top Road consists mostly of scrub (Elm, Holly, Hawthorn) growing along and on the top of a built up bank. There is a drawn up Eucalyptus with little visual merit located to the south east of the Coach House. Two Hornbeam trees grow within the south east corner of Mill Lane House.

- 1.3 Slindon does not have a defined settlement boundary. However, the application site is situated within the Slindon Conservation Area. The South Downs Landscape Character Area Assessment 2011 defines the site as being within the Arun to Adur Open Downs character area.

2. Relevant Planning History

- 2.1 In 1990 planning permission was granted under reference SL/6/90 for the conversion of the Coach House (previously used as a stable and garage) for use as holiday accommodation, comprising of two units, on the ground floor and a flat on the first floor as ancillary accommodation to Mill Lane House.

3. Proposal

- 3.1 The application seeks to change the use of the Coach House to an open market dwelling and to subdivide the property from Mill Lane House to create a new residential curtilage of 0.37Ha including the insertion of a beach hedge between the properties. A new double garage is proposed along with a parking area and the creation of a new vehicular access from Top Road.
- 3.2 The proposed alterations to the Coach House consist of the insertion of various windows and doors to the elevations, the erection of an open sided porch, erection of a balcony area and removal of existing storm porch.
- 3.3 A new parking and turning area and double garage would be created to the west, in front of the main elevation of the Coach House with a section of the existing retaining wall removed to accommodate the garage and parking area. Amended plans of the garage have been received proposing a slightly lower ridge height from the previous scheme reducing the height from 6.2m to 5.4m.
- 3.4 A new access from Top Road leading to the south of this turning area and garage will be created. The access will require the removal of several category C (low quality) trees and scrub, part of a beech hedge which is currently not visible to the general public, and the removal of several dead elms and hawthorn to provide visibility splays. The access will involve cutting back into the earth bank to create a 1 in 5 sloping access ramp. The access will extend approximately 18 into the site, 3m wide with reinforced earth banks to be planted with vegetation. 1.5 metre high timber gates set on rising hinges opening inwards towards the site with 1.5m high post and rail fencing either side will be set approximately 5m back from Top Road. A beech hedgerow will be reinstated either side of the gate with the post and rail fence removed once the hedge is fully established. The earth bank either side of the access will be planted with ivy and periwinkle. Holm Oak and Holly trees will be planted to replace dead elms and scrub to the west of the proposed access outside of the visibility splays where vegetation allows.

4. Consultations

- 4.1 **WSCC Highways Officer:** No objection subject to conditions regarding access and surface water. Visibility is fair in both directions, and with low speeds of vehicles evident, as well as the rural nature of the proposal site a 2.0 metre 'X distance' for the access would be appropriate. There have been no recorded traffic collisions in the vicinity of the proposed access indicating a low risk to highway users.
- 4.2 **SDNPA Historic Buildings Officer:** Objection as it is not an appropriate place within the conservation area to create a new access and shares the National Trust's concerns.
- 4.3 **Arun District Council:** No objection on arboricultural grounds subject to conditions.

4.4 **Slindon Parish Council:** Have no objections to the principle of a change of use but raise concerns with regards to the safety of the introduction of a new access onto Top Road.

5. Representations

5.1 Four third-party representations have been received commenting on the application with one letter of support and three objecting to the proposed new access.

5.2 The supporting representations raised the following points:

- Benefit to community to have permanent residents in occupation
- Minimal impact on the environment

5.3 The objecting representations raised the following points:

- The new entrance would result in some loss of off street parking.
- The narrow width of the lane has resulted in dangerous traffic movements
- The proposed access will be dangerous to horse riders using the lane.
- There would be inadequate visibility from the proposed access

5.2 **The National Trust:** No objection to the proposed change of use but have concerns with regards to the visual appearance of the new highway access and the impact upon the character of the Conservation Area.

6. Planning 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 Arun District Local Plan 2003 and the relevant policies to this application are set out in section 7, below.

6.2 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.

6.3 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.

National Planning Policy Framework and Circular 2010

6.4 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.

6.5 Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that “special attention shall be paid to the desirability of preserving or enhancing the character of the area”.

6.6 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

6.7 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 SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan. Policy 43 supports tourist facilities including a mix of quality accommodation.

7. Planning Policy

7.1 The following policies of the Arun District Local Plan (2003) are relevant to this application:

- AREA2: Conservation Areas
- DEV2: Conversions of rural buildings for residential re-use
- DEV17: Affordable housing
- DEV36: Change of use of hotel and guest houses
- GEN3: Protection Of The Countryside
- GEN7 The Form Of New Development
- GEN12: Parking In New Development.

8. Planning Assessment

8.1 The main issues in this case are whether the loss of tourist accommodation is acceptable, whether conversion to residential use is appropriate and the impact of the proposal on the conservation area.

8.2 Policy DEV36 relating to the change of use of hotel and guest accommodation seeks to retain existing tourist accommodation unless it is not viable to do so. Policy 43 of the Partnership Management Plan supports tourist facilities including a mix of quality accommodation.

8.3 Saved policy DEV2 related to the conversion of rural buildings for residential use, states that proposals for the conversion of buildings for residential use outside the built-up area will not be permitted unless:-

- (i) either, it has been demonstrated that reasonable attempts have been made to market and use the premises for business purposes, and the application must be supported by a statement of the efforts which have been made; or, residential conversion is a subordinate part of a scheme for business re-use;
- (ii) the building is structurally sound, of permanent construction, and capable of conversion without rebuilding or significant alteration or extension;
- (iii) the resultant building and use will not have an adverse effect on the rural character of the area and is sympathetic to its setting in terms of form, bulk and visual design. Particular regard will be given to the impact of any residential curtilage on the character of the countryside;
- (iv) where the building is of historic or architectural importance, there is no adverse effect on the character and appearance or features of architectural or historic interest, internally and externally, which the building possesses, or its setting; and
- (v) the traffic to be generated by the new use can be safely accommodated by the site access and the local road system.

8.4 The applicant has supplied viability information with the application advising that the Coach House has declined in success as a holiday let achieving only a 32% occupancy rate and presenting year on year and net financial losses from 2008 to 2013. Given the current linkage to Mill Lane House and the works required to separate the two it is considered that it has been demonstrated that the current use is unviable and is not an attractive proposition to potential purchasers. There is alternative tourist accommodation available within the area, including Gumber Bothy and Slindon Camping and Caravan Site, which will ensure the loss of the holiday units is not detrimental to the second purpose of the National Park.

8.5 The proposed external amendments to the Coach House to facilitate its use as a single dwelling will not have a detrimental impact upon the character and appearance of the Slindon Conservation Area and the wider landscape character. There would be no detrimental impact upon the residential amenity of neighbouring properties.

8.6 The land to be retained for the Coach House is already in use as the garden for Mill Lane House and therefore there would not be any erosion of the open countryside. Good sized

plots for either property would be retained and, as there are a variety of properties and plot sizes in the vicinity of the site, they would not detract from the character and appearance of the Slindon Conservation Area.

- 8.7 The proposed garage would be of a sympathetic design and set deep into the plot limiting its visual impact due to the high hedges along the southern boundary along Top Road. The submitted amended plans have further reduced the visual impact of the proposed garage.
- 8.8 Further to the previous submission the amended plans have further reduced the visual impact of the proposed access. The construction of the proposed access should not impact upon significant trees on site including three Evergreen Oaks and a Lime tree. The protective fencing proposed is adequate to prevent direct impact upon their root protection area. The proposal involves the removal a several groups of trees but these have been assessed as low quality and several of the trees proposed to be removed are dead or damaged. Part of the beech hedge will be removed but at present this hedge is not visible to the public. Removed dead Elms will be replaced with Holm Oak and Holly and therefore the proposal presents an opportunity to enhance the planting along the bank.
- 8.9 A low key design is now proposed using natural materials with the gate set 5m back from the highway. The impact could be further reduced by painting the timber gate dark green and secured by condition. The proposed post and rail fencing is appropriate to the character of the area and will be planted with a replacement beech hedge which will screen the proposal and provide natural security. The entrance would not appear out of place and the entrance banks would be planted with native vegetation. The banks of the access on the site will be planted with ivy and periwinkle and the access is largely screened behind the gates and vegetation.
- 8.10 Whilst the SDNPA Historic Buildings Officer objects to the proposed location of the access the applicant has examined other possible locations and advises that no alternative access to the proposed separated dwelling is available. The applicant has considered using a shared access utilising the existing driveway for both Mill Lane House and the Coach House. The applicant advises that this would necessitate creation of a car parking area to the south-east of the Coach House requiring the further removal of the beech hedge. The applicant advises that such a merged parking area would be more visually intrusive from the junction of Mill Lane and Top Road. The applicant also points out that visibility splays on this existing access are limited. Such an arrangement would also impact on the amenity of the occupants of the existing dwelling.
- 8.11 Concerns have been raised in relation to the safety of the proposed new access. The County Highways Officer has confirmed, subject to the recommended conditions that the access as proposed would be acceptable with regards to highway safety and visibility. Sufficient off-road parking is proposed within the site.
- 8.12 Subject to the suggested conditions it is considered that the proposed entrance would have an acceptable level of impact on the Conservation Area.
- 8.13 As the proposal is for an open market dwelling where none currently exists Saved Policy DEV17, and its associated guidance note, requires a financial contribution of £10,345. The applicants are agreeable to this and the recommendation is subject to the satisfactory completion of a s106 agreement in this respect.

9. Conclusion

- 9.1 It is considered that the proposal is acceptable in principal and that it would preserve and enhance the character and appearance of the Slindon Conservation Area and the National Park. Highway safety would be safeguarded whilst there would be an acceptable impact upon neighbouring residential properties. The applicant has agreed to make a financial contribution towards affordable housing.

10. Recommendation and Conditions

- 10.1 It is recommended that the application be approved subject to the completion of a S106 agreement for the payment of a £10,345 affordable housing contribution and the following

conditions;

1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

2. 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).

3. No development shall commence until samples of materials to be used for external walls, roofs and windows of the proposed garage, materials to amend the existing building and materials to construct the proposed gate have been submitted to and approved, in writing, by the SDNPA. All materials used shall conform to those approved.

Reason: To safeguard the character and appearance of the Slindon Conservation Area and South Downs National Park in accordance with Saved policies AREA2 and GEN7 of the Arun District Local Plan 2003 and the NPPF.

4. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions to the dwelling house shall be constructed or buildings shall be erected within the curtilage.

Reason: To safeguard the character and appearance of the Slindon Conservation Area and South Downs National Park in accordance with Saved policies AREA2 and GEN7 of the Arun District Local Plan 2003 and the NPPF.

5. The vehicular access onto Top Road, hereby permitted, shall not be brought into use until visibility splays of 2 metres by 43 metres have been provided in accordance with submitted plan reference 81022-01. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of highway safety in accordance with the NPPF

6. The proposed access shall not be used until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

7. No dwelling, hereby permitted, shall be first occupied until provision has been made within the site to prevent surface water draining onto the public highway in accordance with plans and details to be submitted to and approved, in writing, by the SDNPA. The details shall be implemented as agreed.

Reason: In the interests of highway safety in accordance with the NPPF.

8. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Eco Urban Ltd dated 27 May 2013 shall be installed prior to any demolition, construction or groundwork commencing on the site. This protective fencing shall be retained throughout the construction period.

Reason: To ensure the protection of trees on site

9. Before development commences details of soft landscape works shall be submitted to and approved by the SDNPA in writing. These details shall include:

1. written specifications (including cultivation and other operations associated with

plant and grass establishment:

2. schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
3. retained areas of grassland cover, scrub, hedgerow, trees and woodland;
4. manner and treatment of watercourses, ditches and banks:
5. a schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation.

The landscape scheme shall be implemented in full or in accordance with the approved details within the next planting season following removal of the trees.

Reason: To improve the appearance of the site in the interests of visual amenity.

10. Within one calendar month of the gates hereby approved being installed they shall be painted dark green. The RAL colour shall first be agreed in writing by the SDNPA and thereafter the gate shall be maintained in that colour.

Reason: To safeguard the character and appearance of the Slindon Conservation Area and South Downs National Park in accordance with Saved policies AREA2 and GEN7 of the Arun District Local Plan 2003 and the NPPF.

11. Crime and Disorder Implication

- 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 Equalities Act 2010

- 13.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

14 Proactive Working

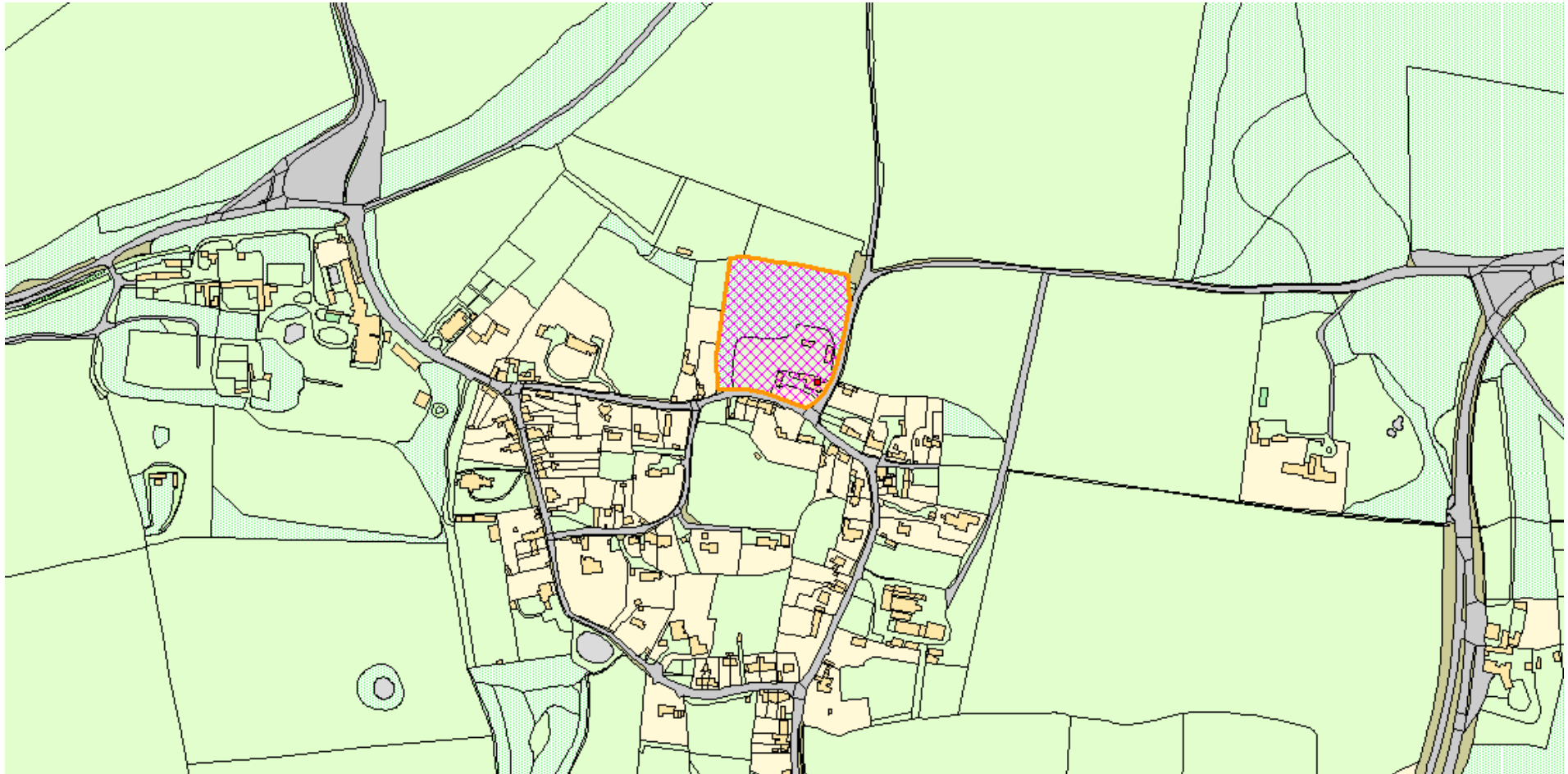
- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of pre-application advice from the SDNPA Development Management Officer and SDNPA Design Officer, the opportunity to provide additional information to overcome technical issues and the opportunity to amend the proposal to add additional value as identified by SDNPA Officers and consultees.

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Appendices I. Site Location Map
SDNPA Consultees Director of Planning & Legal Services

Background Documents

<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MZ55Y8TUIV000>



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