

Recommendation Report for Planning Permission**REF NO:** AB/107/14/PL**LOCATION:** Brooklands
Priory Lane
Arundel**PROPOSAL:** Change of use from dwelling house (C3 Dwelling House) to holiday let (Sui Generis).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to conversion of the 8 bedroom dwelling to holiday let accommodation. No external alterations are proposed. The accommodation includes an internal swimming pool.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by a mix of 1.5m high post and rail fencing and areas of flint and brick walling
SITE CHARACTERISTICS	The property is predominantly single storey with 2 storey accommodation being the principle barn linking the two wings and enclosing an entrance courtyard. The elevations are brick and flint and the roof pitched with clay tiles. In addition the property has stables and a swimming pool attached to the rear and an integral garage within the north wing.
CHARACTER OF LOCALITY	Predominantly rural. Surrounding development is low density and mixed in style.

RELEVANT SITE HISTORY

AB/22/96	New indoor swimming pool and stable block	ApproveConditionally 19-04-1996
AB/116/07/	Change of use from two dwellings to single dwellinghouse	ApproveConditionally

17-10-2007

AB/64/12/CLE

Application for Certificate of Lawfulness for
an existing use - Use of property as Holiday
Let

Approve

18-01-2013

REPRESENTATIONS

Representations received:

Arundel Town Council

7 letters of support including a local Councillor. Brooklands brings valuable visitors to the Arun area, all of whom use local restaurants and facilities and are actively encouraged to visit local attractions. These visitors from outside the Arun area, stay for a minimum of 2 nights on a self catering basis, so have to use local shops and services for provisions and entertainment.

Brooklands is an active member of the Arundel Chamber of Commerce and is contributing to the Tourism strategies included in the Arundel Neighbourhood Plan and the Arun District Local Plan on tourism related development. This is the type of accommodation that Arundel and the surrounding areas need. The proposal will increase the use of shops and businesses in the town. The current owners are encouraging families which is conducive to creating a peaceful neighbourhood.

3 letters of objection - Peace and tranquility enjoyed by neighbours came to an abrupt end when applicants arrived in 2007. There have been countless incidents whereupon the occupants of Brooklands have caused nuisance and offence by their word, actions and general behaviour, including berating children, littering, people turning up at all hours of the day and night, constant noise from large groups of people. Concern that the number of 'groups' to which the property has been let will increase and with it noise and disruption. The once quiet and barely used lane has become a busy street. Speed restrictions are ignored. The applicants do not have a good relationship with their neighbours.

There are only 14 residents in this small community, 20 Brooklands' guests clearly overpower the combined total residents. The property originally had 7 bedrooms. Other rooms have been converted to create 3 further bedrooms. This does not accord with the original planning consent. There is not ample parking for guests in the curtilage. Guests continually park in the driveway causing disruption. Neighbours are constantly affected by slamming of car doors and alarms going off. Taxis and minibuses come and go all day and night. Guests arrive late at night. Neighbours bedroom is less than 20m from the southern side of the property where there is a communal barbeque area where guests regularly entertain late into the evening. Police have been called twice to deal with loud and drunken behaviour. Guests congregate outside neighbours entrance to smoke. Food delivery and outside catering vehicles constantly visit the site. Neighbours constantly have strangers in the community.

Applicants are not affected by comings and goings as they no longer live there. The dwelling would be lost from the available housing supply and the Council cannot show a 5 year housing land supply. The conversion will not create any new jobs. 14 car parking spaces with anticipated 8 movements per vehicle per day are not sustainable.

The proposal will not create contribute to the social, economic and environmental conditions. The site is outside the settlement boundary and would have an adverse effect on neighbours and in the absence of material considerations it should not be granted. It does not accord with the needs of agriculture. Although this is for holiday use, owing to its location and

distance from tourist attractions there would be heavy reliance on the car. Traffic cannot be safely accommodated on the road network. The proposal does not represent quiet informal recreation or diversification. Complaints regarding un neighbourliness are likely to increase since owners no longer live on site.

Comments on Representations received:

The proposal would bring additional visitors to Arundel and the surrounding area. At least some of those visitors would leave the site and generate additional revenue to local businesses. Compliance with tourism policies are a material planning consideration.

The part of the site that is the subject of this application is located behind the existing holiday let further from neighbouring properties. Some of the complaints relate to incidents with the applicants when they were occupiers of the premises. Whilst the number of potential visitors is high, and potentially greater than the total number of immediate residents, the site is unlikely to be fully let all year round and an 8 bedroom dwelling if fully occupied by a large family would generate a comparable level of activity. If further bedrooms have been created by internal layout changes following the original planning permission this would have been permitted development when the premises was occupied as a single dwelling house.

The level of car parking provided (14 spaces) within the site is satisfactory. Any resulting parking on the driveway is a private matter.

The distance of 20m to a neighbouring bedroom from the site boundary is considered adequate to ensure no materially adverse effects result to residential amenity. In addition, conditions are suggested that would ensure no loud music is played after 10.30pm and that occupiers do not cause annoyance or nuisance to adjoining neighbours. Since the applicant will be letting out 2 adjoining holiday units it will be in her interest to ensure that neither unit causes a nuisance to the other or customers will not return. Deliveries of food and parcels/takeaways would be generated by a large single dwelling and this needs to be offset against the traffic generated by the proposal.

The site is located within the countryside. However it has permission for unrestricted residential occupation within the curtilage and therefore the use of the site does not fall to be considered against the Countryside Protection policies of the Local Plan. The proposal does not result in the loss of residential use and housing land supply issues are not therefore relevant to consideration of the proposal.

The applicant has provided a plan to indicate where parking is available within the site, although it is acknowledged that some of this space is allocated to the adjacent site, the space available is considered adequate for the holiday let use.

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health - We would object to this development unless a suitable Noise Management Plan has been put in place. The aim of the Noise Management Plan should be to put in place reasonable measures to reduce the noise impact of sources associated with the premises. Since people are generally less tolerant of avoidable noise, particular attention must be paid to reducing or eliminating avoidable noise. It is also advised that the Noise Management Plan is regularly reviewed and updated. It should include inside and outside music noise, deliveries and refuse collections, garden areas, customers and car parking and complaints.

Comments on Consultation responses:

- comments noted. A condition is imposed relating to the submission of a Noise Management Plan.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	DEV35	Tourism Development Requiring a Coastal Location
Publication Version of the Local Plan (October 2014):	SD SP2	Built-Up Area Boundary
	C SP1	Countryside
	D DM1	Aspects of Form and Design Quality
	TOU SP1	Sustainable tourism and the visitor economy

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham &

Eastergate; Felpham, Bersted, Yapton and Littlehampton.

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 would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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

The site is located within a predominantly rural location, the surrounding development is low density and mixed in style. No external changes are proposed within the application.

The provision of tourist accommodation accords with policy DEV35 of the Local Plan provided it does not detract from the character of the surrounding area. In this particular case the building is existing and no extensions are proposed, so the only impact on the surrounding area with regard to character would be that resulting from a change in activity levels. Residential use of the premises remains. It is not considered there would be a significant increase in these levels when compared with those generated by an 8 bedroom family dwelling. In addition the adjoining section of the building is already used for holiday purposes. The use would not therefore be out of keeping with the existing character of the area.

The main consideration in relation to the proposal is the impact on neighbouring residential amenity. It is accepted that holidaying groups are likely to evidence a propensity towards entertainment and enjoyment greater than the typical weekend use of a residential property. However, the application site and those adjoining have large residential curtilages with space between the properties and their boundaries. The closest point of any of the application buildings to the boundary with adjacent properties is 11m to the south and 8m to the west. The buildings closest to the site boundaries are stores and garages to the south and a garage to the west which provide a buffer to adjoining residential properties from noise from guests once they have arrived at the site. Noise from cars arriving and leaving the site are unlikely to be significantly greater than those generated by a large 8 bedroom dwelling. The applicant's have advised that they will not let the premises for stag or hen parties and the 'Terms' of their existing let stipulates a maximum number of 20 guests and that guests do not cause annoyance or disturbance to neighbouring properties which includes playing loud music after 10.30pm. If these restrictions are controlled by condition it is considered that there would be no materially adverse impact on the residential amenities of adjoining properties. Since the applicant will be letting out 2 adjoining holiday units it will be in her interest to ensure that neither unit causes a nuisance to the other or customers will

not return.

The conversion of the property to holiday let accommodation is not considered likely to give rise to an adverse impact on the character of the building or the surrounding rural area. It would accord with tourism policies. Further it is not considered likely to have a materially adverse effect on the residential amenities of neighbouring dwellings subject to the proposed conditions.

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for private and family life number and description) 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 neutral 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).

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 11069/01, 11069/02 and parking plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment

in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The accommodation shall be let out in accordance with the 'terms and conditions' submitted by the applicant in support of the application on 15-10-2014.

Reason: In the interests of the residential amenities of adjoining properties in accordance with policy GEN7 of Arun District Local Plan.

- 4 Within 2 months of the date of this permission, a Noise Management Plan shall be submitted to and approved by the Local Planning Authority and the use shall be carried out in accordance with the approved Plan.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.