

Report to **Planning Committee**
Date
By **Director of Planning and Environment**
Local Authority **Chichester District Council**
Application No. **SDNP/18/03743/FUL**
Applicant **Mr & Mrs Ormerod**
Application **Retrospective change of use of an outbuilding to an exercise studio.**
Address **March House
Oaklands Lane
West Lavington
GU29 0EE**

Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

Reason for Committee Referral: Parish Objection – Officer recommends Permit

The application seeks retrospective planning permission for the change of use of the existing outbuilding to an exercise studio. The studio is a single storey, rectangular shaped building, consisting of white rendered walls and a slate dual pitched roof with half hips at either end.

The studio already exists on site and is considered to have limited impact on the wider landscape of the National Park, being well screened within the existing residential curtilage of March House. In this respect the proposal is considered to comply with the purposes of designation of the South Downs National Park. It is considered that the activities can be readily contained within the structure, so as not to cause a noise nuisance to neighbours.

There is adequate parking to support the number of clients visiting the site, although as part of this application it is proposed to enlarge the parking area. In addition the existing hedge will be cut back to provide improved visibility onto the road. The proposal is considered to be satisfactory in highways safety terms.

For these reasons the application for the retrospective change of use of the existing outbuilding to an exercise studio is recommended for approval.

1.0 Site Description

- 1.1 The site consists of a Grade II listed building known as March House and an outbuilding, located within the domestic curtilage to the east of the dwelling. The outbuilding has been built since the listing was introduced and is therefore not listed in itself.
- 1.2 There is a driveway adjacent to the northern elevation of March House, providing vehicular access to the road known as Dunford Hollow. An existing single detached garage is located directly to the east of the existing vehicle access.
- 1.3 The outbuilding in question is single storey and rectangular in shape. External walls consist of white render with a slate dual pitched roof with half hips at either end.

2.0 Proposal

- 2.1 The application is for the retrospective change of use of the existing outbuilding to an exercise studio.

3.0 Relevant Planning History

SDNP/17/04123/HOUS - Convert double garage to habitable accommodation, internal and external alterations. Erection of a single storey rear extension and a new double garage – Approved

4.0 Consultations

4.1 West Lavington Parish Council

West Lavington Parish Council wishes to oppose the granting of retrospective approval for a change of use of an outbuilding at March House to an exercise studio. The application does not state the real reason for the change of use. It is to enable the continuation of an unauthorised business use of the premises.

The site of March House is at the junction of Oaklands Lane and Dunford Hollow, a position which allows poor vision of vehicles entering Oaklands Lane from Dunford Hollow due to surrounding hedges. By the same token the access/egress for March House is from/onto Dunford Hollow, a lane with a relative high traffic volume of large HGVs servicing the infilling of Pendean Sandpit, visitors cars entering Pendean Nursing Home and visitors to Dunford House Conference Centre. This is a notable danger point not aided by the roadside parking of vehicles by clients of the March House business. Despite the application indicating adequate onsite parking capacity for whatever reason, the offsite parking still occurs.

In section 5.22 of the Planning, Design and Access Statement it offers full compliance with Policy B5 of the Chichester District Local Plan First Review 1999, however the siting of March House adds doubt to the ability to comply with the passage regarding "generating traffic that would materially harm highway safety..... on isolated rural roads". Planning Enforcement Officers have already pointed out it is not the frequency or timing of the activity, but the level of activity that is crucial.

In section 18 of the application form "Employment" it states "no" to the development employing staff. However the website <https://lpo.studio> clearly states two "teachers" in addition to the owner and also references the staffing of a "nanny" in a crèche. The crèche is also a business use in the house that is offered to clients with children but not mentioned in any planning application. That it is part of a commercial venture is illustrated by the listing of charges by age of child on their website.

Complaints made to Chichester District Council by neighbouring residents following the business activities at March House resulted in the two letters from Mr Steven Pattie, Planning Officer (Enforcement) noted in Appendices A and B of the Planning, Design and Access Statement. Latest information provided to West Lavington Parish Council, by neighbours, indicate that the July date for cessation of business activities has not been met and business activities continue.

A viable home business should have no impact on, nor create a potential danger to neighbouring residents, March House's location and size of business activity is not suited to achieving this objective. We therefore request that this application is rejected and also that the continued use of the premises for an unauthorised business enterprise is forbidden.

4.2 WSSC - Highways

Updated comments received 13 December 2018

WSSC as the Local Highway Authority conducted a site meeting with the applicant on 13/12/2018 in order to assess the existing access arrangements and visibility.

Visibility

On site it was observed that due to the narrow nature of Dunford Hollow, the proximity to the junction with Oaklands Lane and the frequent passing of heavy goods vehicles to and from the nearby quarry site, vehicles were travelling at speeds of approximately 20-25mph in this location.

As discussed with the applicant on site, it is noted that the existing close-boarded timber fence and hedge to the west of the access are encroaching on public highway and does significantly reduce visibility in the trailing direction. In principle the LHA are satisfied that sufficient visibility is achievable and maintainable within the designated Highway Boundary for the proposed use of the site, and therefore it would not be appropriate or necessary to condition visibility splays. It is accepted that the positioning of the existing fence and hedge are not within the scope of this application and is a matter to be dealt with via the Local Highway Authority enforcement process.

Parking and turning

The revised plan demonstrates clearly the proposed parking area and parking layout. This indicates that five parking spaces can be accommodated within the extended parking area, in addition to this the existing single garage and construction of double garage will provide a total of 8 parking spaces for both the residential and exercise studio use. As the Design and Access statement indicates that a maximum of 8 clients can be accommodated at once, there may be some additional parking spaces required. However, there appears to be sufficient space on site for additional informal parking as required.

Conclusion

The LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied:

Conditions

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

This retrospective application seeks permission for change of use from residential outbuilding to an exercise studio. The site is located on Oaklands Lane, an unclassified rural road subject to a speed limit of 50mph.

Access and visibility

The site is accessed via an existing access onto Dunford Hollow, an unclassified rural road also subject to 50mph. No alterations to the existing access are proposed. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the existing access. As such there is no evidence to suggest that the existing access is operating unsafely.

This proposal will see an intensification of use of the site over the existing residential use. Vehicular visibility splays have been provided by the applicant, however these have not been drawn in accordance with WSCC standards and the full splay in each direction has not been demonstrated on the plan. As Dunford Hollow is subject to a speed limit of 50mph, Design Manual for Roads and Bridges (DMRB) TD9/93 is the appropriate standard for this location. This sets out a minimum stopping sight distance (SSD) of 160m in each direction at 2.4m from the back edge of the carriageway. However an inspection of WSCC mapping indicates that these splays are likely to be unachievable within this location due to the road geometry and proximity to the junction. In addition to this, due to the narrow nature of the road and the proximity to the junction with Oaklands Road, vehicles are not anticipated to be travelling at the posted speed limit in this location. As such, the LHA would require maximum achievable visibility splays to be demonstrated at the existing access. The visibility splays must intersect land only within the control of the applicant, or within the publically maintained highway and should be drawn to the *nearside edge* of the carriageway (or at a 1m offset to represent the track of a vehicle) in both directions. Vehicular visibility splays can be secured via condition.

Parking and turning

As a guide, WSCC parking standards advise that one parking space per 22m² is required for D2 leisure use, which for this proposal would be 2 parking spaces. However, due to the rural location of this proposal, it is anticipated that additional parking provision would be required. The proposal indicates that the existing driveway will be widened and the available parking area will be extended to provide parking for ten vehicles. A plan has not been provided demonstrating the proposed parking layout and turning arrangements. There appears to be sufficient space on site for a number of vehicles to park in an informal arrangement although this may involve tandem parking or removing the ability for some vehicles to turn on site. Details of parking and turning can be secured via condition.

Conclusion

In conclusion, the LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

4.3 CDC - Environmental Strategy

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

4.4 CDC - Environmental Health

Thank you for the opportunity to comment on this application.

No objection is raised to this retrospective application from an Environmental Health perspective.

Given the location of the exercise studio it is considered that the activities can be readily contained within the structure, as not to cause a noise nuisance to neighbours. There are no recorded complaints on our department's database.

It is noted Section 6.17 Parker Dann's Planning, Design and Access Statement July 2018 that it is suggested that a planning condition is attached to any permission granted that restricts the use of the exercise studio to the current ownership of March House. This would seem a reasonable restriction.

5.0 Representations

5.1 Two third party objection letters raising the following concerns:

- Increase of traffic which would increase the likelihood of f accidents on the blind corner.
- Clients parking on the road.
- Commercial use.
- The use could be accommodated in nearby places such as the Grange where proper parking and back up facilities are abundant.
- An application made elsewhere in 2014 for commercial swimming pool and treatment roof was refused for traffic reasons.
- Genuine risk of a road traffic accident due to already high levels of movement including HGV's.

5.2 Eighteen third party letters of support, making comment on the following matters:

- Brings business and local members of the community together.
- Plenty of parking within the property to support the business.
- Helps local mums and families to achieve health and fitness goals.
- No issued with turning onto the road.

6.0 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 **Chichester Local Plan First Review (1999)** and the following additional plan(s):

- South Downs National Park Local Plan - Submission 2018
- SDNPA Partnership Management Plan 2014

6.2 The relevant policies to this application are set out in section 7, below.

National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

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

6.4 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.

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

7.1 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 on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF02 - Achieving sustainable development
- NPPF06 - Building a strong, competitive economy

- NPPF08 - Promoting healthy and safe communities
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

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

Chichester District Local Plan

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

- BE11 - New Development
- BE12 - Alterations, Extensions and Conversions
- B5 - Rural Area - New Build and Extension
- R2 - Provision of Facilities in Rural Area
- RE1 - Development in the Rural Area Generally
- RE12 - Rural Diversification
- RE14 - Conversions in the Rural Area
- RE17 - Community Facilities in the Rural Area

Partnership Management Plan

7.4 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.

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

- General Policy 1
- General Policy 29

- General Policy 48
- General Policy 49

The Draft South Downs National Park Local Plan

7.5 The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September to 21 November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the saved policies within the Chichester Local Plan First Review (1999), the policies within the Submission South Downs Local Plan (2018) are currently afforded considerable weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings
- Strategic Policy SD19 - Transport and Accessibility
- Development Management Policy SD22 - Parking Provision
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings
- Strategic Policy SD34 - Sustaining the Local Economy
- Development Management Policy SD43 - New and Existing Community Facilities

8.0 Planning Assessment

8.1 The main issues arising from this proposal are:

- i) The principle of the use of the building as an exercise studio
- ii) The impact of the development on highway safety
- iii) The impact of the development on the character and appearance of the SDNP
- iv) The impact of the development on the neighbouring amenity
- v) Other issues

i) The principle of the use of the building as an exercise studio

8.2 The application seeks retrospective planning permission for the use of the existing outbuilding by the current owner of the property for the holding of exercise classes. The classes are held for a maximum of 8 persons at any one time and classes are currently held three days per week with the studio also being used on Saturday mornings for teaching ballet. Whilst some business activity can take place as part of an existing residential use, it is considered that the business being run from March House has reached a level where a material change of use has occurred and planning permission is required, mainly due to the number of people visiting the site and the resultant increase in activity and traffic movements.

8.3 The level of activity and therefore the impact of the business however remains relatively low key. Exercise classes are currently run on three days per week from 9.30 am until 12.30 pm. The applicant has confirmed the maximum number of persons attending a class would be eight. In addition class sizes are limited by the size of the building which measures only 53 square metres. Planning policy supports proposals that contribute to the rural economy, particularly paragraph 83 of the NPPF which states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and through well designed new buildings.

ii) The impact of the development on highway safety

8.4 Concern has been raised by the Parish Council in respect of highway safety and the suitability of the site access which is in close proximity to the road junction between Oaklands Lane and Dunford Hollow. Dunford Hollow is used to access Pendean sandpit, Pendean Nursing Home and Dunford House conference centre and therefore is well used including by HGV's.

8.5 Following the receipt of the consultation response from the Parish Council, West Sussex County Council (WSSCC) Highways has conducted a site visit with the applicants and has concluded that the proposal would not have a 'severe' impact on the operation of the highway network. Currently visibility to the west is restricted because of a fence and vegetation on highway land. This reduces visibility, however, the highway authority is satisfied that sufficient visibility is achievable and maintainable within the designated highway boundary. It is therefore not considered necessary to impose a condition requiring retention of visibility splays. The Local Highway Authority enforcement process will be used to ensure the removal of the fence and vegetation from highways land. In respect of car parking, the highway authority is satisfied that sufficient car parking can be provided within the site. Therefore from a highway safety point of view the proposal is considered to be acceptable and one condition requiring the provision of a parking and turning area on the site is proposed.

iii) The impact of the development on the character and appearance of the SDNP

8.6 The outbuilding the subject of this application is well screened and hidden from view with various hedgerows around the site boundary. It cannot be seen from the highway or public rights of way. The materials match that of the main property and therefore blend in with the existing development.

8.7 The outbuilding and its current use have limited impact on the wider landscape character of the national park, being set back within the site and well screened. Any car parking will be contained within the property boundary. The proposal is considered to comply with policies BE11 and R2 of the Chichester District Local Plan 1999, policies SD1 (Sustainable Development), SD4 (Landscape Character) and SD7 (Relative Tranquillity) of the Submission South Downs Local Plan 2018

iv) The impact of the development on neighbouring amenity

8.8 The studio is sited near to the boundary of the site. The adjoining property, Bracken Hall, is the closest residential property, to the east, which is separated from the application site by a high hedgerow. It is considered that the activities can be readily contained within the structure, as not to cause a noise nuisance to neighbours. The Council's Senior Environmental Health Officer has raised no objection to the proposal.

8.9 In conclusion on this issue, the change of use to an exercise studio is unlikely to lead to harm to neighbouring amenity and therefore complies with policy BE11 of the Chichester District Local Plan 1999.

v) Other issues

- 8.10 The Parish Council comment that it appears that a crèche is also run from the site. However it is understood that the owner employs a nanny and should any of her clients need to bring their young children whilst partaking in a class, the existing childcare provider can look after them for a small fee. This would be of a scale ancillary to the use of the property as a dwelling and would not constitute a separate business being run from the site.

9.0 Conclusion

- 9.1 The change of use of the outbuilding to an exercise studio is considered to have limited impact on the character of the National Park, set within the existing grounds of the main dwelling. The proposed use does not adversely impact on residential amenity due to it being contained within an existing building and there are adequate parking facilities on the site. WSCC are of the opinion that no highway safety issues arise from the development. The application is therefore recommended for approval.

10.0 Reason for Recommendation and Conditions

- 10.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the building hereby permitted shall be used as an exercise studio and for no other purpose (including any other purpose in Class D2 only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the exercise studio hereby permitted shall be restricted to the sole ownership with the main dwelling March House at the site from which it shall not be let, sold separately, or severed thereafter.

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the building hereby permitted shall revert back to its original use if the main property is sold and shall be used only for purposes incidental to the enjoyment of the March house and for no other purpose.

Reason: To maintain planning control in the interests of amenity of the site.

4. The premises shall not be used except between the hours of 09:00 and 13:00 Monday to Saturday and at no time on Sunday, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

5. There shall be no more than 8 clients and their cars visiting the premises at any one time. All cars are to be parked within the existing driveway and shall not be parked along the main road.

Reason: To safeguard the amenities of neighbouring properties and in the interests of road safety.

6. Details of the vehicle parking and turning spaces must be provided within 3 months from the date of approval and submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

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

11.0 Crime and Disorder Implications

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

12.0 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.

13.0 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.

14.0 Proactive Working

- 14.1 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.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Louise Kent
Tel: 01243 534734
email: lkent@chichester.gov.uk

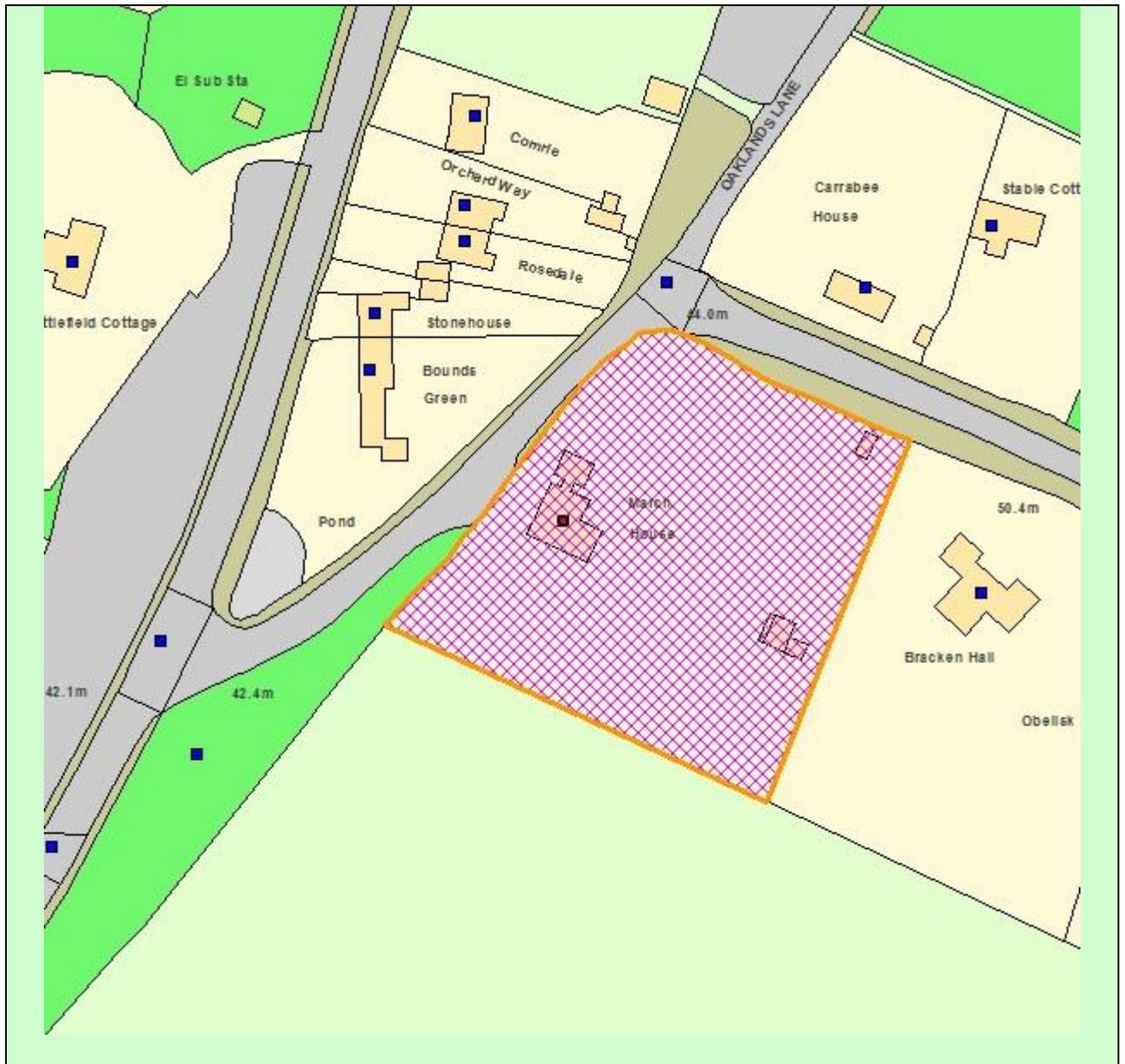
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this
Application

SDNPA Consultees

Background
Documents

Appendix 1

Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2016) (Not to scale).

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 - Location and Block Plans	02434-100		27.07.2018	Approved
Plans - Existing Plan and Elevations	02434-101		27.07.2018	Approved
Plans - Existing Site Plan	02434-102		27.07.2018	Approved
Plans - Proposed Plan and Elevations	02434-103		27.07.2018	Approved
Plans - Proposed Site Plan	02434-104		27.07.2018	Approved

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