

Recommendation Report for Planning Permission

REF NO: FG/46/20/PL

LOCATION: The Tudor Close Public House
Ferringham Lane
Ferring
BN12 5NQ

PROPOSAL: Conversion of the existing Public House (Class A4) to create 7 No residential units comprising 5 No 1-bedroom units & 2 No 2-bedroom units & the erection of 2 No 2-bedroom semi-detached chalet bungalows with associated car parking & landscaping. This application may affect a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to convert the existing building into 5 x 1 bedroom and 2 x 2 bedroom flats and to add two x 2 bed bungalows in an extension of the building to the rear of the property. Associated parking would be to the front of the building and to a parking area at the rear of the property.
SITE AREA	0.18 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2 metre close boarded fence.
SITE CHARACTERISTICS	The application site is a large thatched roof, part single, part two storey building which is in use as a public house with associated access and parking around the outside .
CHARACTER OF LOCALITY	The locality is mixed with residential areas to the west, south and north and Ferringham Lane village centre to the east which consists of a parade of shops with residential properties above.

RELEVANT SITE HISTORY

FG/156/08/	Form 5no. new hotel rooms within existing public house/restaurant premises including new entrance doors & windows. New fire escape doors to rear (south) & side (west) elevations & internal courtyard elevation.	ApproveConditionally 23-12-08
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council
No response received.

48 x Letters of objection:

- Loss of pub unacceptable.
- Inappropriate size and design of new development.
- Overdevelopment.
- Overlooking & loss of light and privacy of houses behind on Garden Park.
- Impact on trees at Garden Park.
- Two chalet bungalows to rear unacceptable.
- Out of character with village.
- Additional traffic and parking congestion.
- No need for additional flats.
- An asset of community value.
- Propose partial retention as public house/part development into residential use.
- Impact on local drainage system unacceptable.
- Harm to Building of Character caused by chalet bungalows.
- Adverse impact of electric charging points on character of building.
- No place for bin stores.
- Some support for retention of existing building.

COMMENTS ON REPRESENTATIONS RECEIVED:

The pub has not been designated as an asset of community value as hoped for in the Ferring Neighbourhood Plan.

CONSULTATIONS

Arboriculturist
Engineering Services Manager
Engineers (Drainage)
Economic Regeneration
Parks and Landscapes
Conservation Officer
Ecology Advisor
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

ADC Drainage Engineers - No objection subject to pre-commencement conditions.

WSCC Highways - No objection subject to conditions.

ADC Conservation Officer - Objection. The conversion of the Tudor Close and the associated works are considered to be acceptable. However, the proposed two bungalows cannot be supported in their current form.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
WITHIN BUILT UP AREA BOUNDARY
BLDGS SPEC CHAR

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

Ferring Neighbourhood Plan 2014 Policy 1A

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

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

Policy 1A of the Ferring Neighbourhood Plan is considered relevant to this application.

The public house is on a list of properties within the Neighbourhood Plan intended to be made assets of community value. However this has not progressed any further.

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 not considered to comply with relevant Development Plan policies in that the two storey extension to the rear of the property would be of an unacceptable design, would fail to be visually subservient to the host building and would harm the property as a designated building of character. In addition there are proposed first floor windows that will unacceptably overlook the rear and front garden of 12 Ferringham Lane to the west.

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

PRINCIPLE

The application falls to be assessed against policies within the Arun Local Plan (ALP) which include policies OSR DM1, D DM1, D DM2, D SP1, D DM4, T SP1 and HER DM2.

OSR DM1 requires that community (which would include public houses in accordance with the National Planning Policy Framework) and cultural facilities should not be redeveloped for other uses unless a robust and up-to-date assessment has been undertaken which has clearly shown the facilities to be surplus to requirements.

Policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM2 requires that internal space standards are appropriate as guided by the Nationally Described Space Standards. Policy D DM4 requires that extensions and alterations to existing buildings sympathetically relate to the existing building, are visually subservient to it and blend in to the character and appearance of the area.

Policy HER DM2 requires that alterations and extensions to buildings of character are not harmful.

Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

COMMUNITY FACILITIES

Policy OSR DM1 seeks to protect community facilities unless a. 'a robust and up-to-date assessment has been undertaken which has clearly shown the facilities to be surplus to requirements.'

The applicant has provided detailed marketing information showing that the use as a public house is not viable. The evidence includes:

- two marketing statements showing details of marketing as a public house having been carried out between 2010 and 2019 showing a lack of interest in the property as a public house.
- a personal statement from the applicants with a chronology of the failed attempts since 2008 to see the premises as a going concern.

Included above is reference to renovations/improvement to the Pub having been made and reductions in the asking price of the building having taken place.

Paragraph 92 of the National Planning Policy Framework (NPPF) seeks to protect valued facilities and services and are retained for the benefit of the wider community. This would apply to the Tudor Close as a public house. Para 92 also confirms at part a. that public houses are a community facility and defines them as such.

However as demonstrated in the marketing evidence many attempts to sell on the property have been made and the use as a public house is clearly unviable.

The proposal is therefore seen to be compliant policy OSR DM1 of the ALP and the NPPF.

DESIGN

The conversion of the existing building is considered to be acceptable. The objection to this proposal is the extension to add two bungalows to the rear of the property. This could be characterised as a form of backland development where Aruns emerging Design Guide states they should be subservient to the existing property.

The roof of these new units will rise above the single storey thatched central roof of the front elevation of the building detrimentally altering the appearance the building with its thatched roof. The new roof would not be visually integrated or subservient to the existing building in conflict with policy D DM4 of the ALP and the emerging Arun Design Guide.

The extent of the extension across the bulk of the rear of the plot would result in a cramped and overdeveloped appearance to the building/plot.

The area is characterised by detached single and two storey detached houses sitting comfortably on their plots. There will also be a loss of the existing landscaped area to the front of the building to parking. This together with the extension to provide two dwellings would combine to give the building an awkward and bulky/cramped appearance and result in unacceptable harm to the character and appearance of the surrounding area in conflict with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

INTERNAL SPACES STANDARDS

The dwellings proposed have been demonstrated to be in accordance with the Nationally Described Space Standards and therefore the proposal would accord with policy D DM2 of the Arun Local Plan.

The apartments and two proposed houses have all been provided with external amenity space. The two houses have garden lengths of 16 metres which comfortably exceeds the standard within the Arun Design Guide. There are no specific standards for apartments within the Guide except for a communal garden standard of 40 sq.m. which does not apply in this case. Given the difficulties of providing open space in the conversion of a historic building together with the proximity of the site to the beach and other open space it is considered the units have been provided with sufficient and acceptable external amenity space.

RESIDENTIAL AMENITY

The proposed new extension would come to within approximately 10 metres of the front elevation of the properties on Garden Park due south of the existing development. There are no overlooking first floor windows affecting these properties from the proposed development.

However, given the size and bulk of the extension such a separating distance is insufficient to prevent it

having a physical overbearing effect on the occupiers of these properties.

There is the issue of bedroom/sitting room and landing windows along the west elevation of flat 6 overlooking the private, external ground floor communal space for flats 3,4,5,6, and 7. However, there are east elevation windows which could compensate for any loss of light/ventilation from making these windows fixed shut and glazed to avoid any unacceptable overlooking of this private amenity space.

There are also sole west elevation first floor bedroom windows to flat 1 and dwellings 8 & 9. These windows provide direct views towards the front and rear amenity space to 12 Ferringham Lane at a distance less than 20m away. This is unacceptable overlooking of 12 Ferringham Lane. These are sole windows to primary habitable space and this harm cannot be addressed by conditioning these windows to be obscure glazed and fixed shut so as to prevent unacceptable overlooking of this garden space.

It is also noted that there are car parking spaces at ground floor level in close proximity to windows serving accommodation pertaining to flats 1, 3 & 4. This particularly affects flat 3 where all of its primary accommodation overlooks this area. However, this harm could be addressed by condition where landscaping and car parking details could be agreed with the Council whereby the harm evident in the submitted plans could be ameliorated.

The development as a result does not comply with policies D DM1 and D DM4 of the ALP.

HERITAGE

The existing property is a designated a building of character, a non designated heritage asset.

The applicants have provided a heritage statement in accordance with para 189 of the National Planning Policy Framework (NPPF) and as such the application can be assessed in accordance with para. 190 of the NPPF and Para 197 of the NPPF which requires that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.'

The two storey extension to the rear of the property would have a harmful impact on the building of character due to the new roof being visible from the street giving the building an awkward and clumsy appearance.

The two storey extension is not considered to relate sensitively to this building of character in conflict with policy HER DM2 of the Arun Local Plan.

PARKING AND HIGHWAYS

The proposed development incorporates 18 car parking spaces 2 per dwelling which complies with the Arun Parking Standards Supplementary Planning Guidance standards. The proposal is assessed against policy T SP1. In the event of an approval of the scheme conditions would be applied to provide cycle parking and electric car charging points. No other objections have been raised by the Highways Authority and the development would therefore accord with policy TSP1 of the Arun Local Plan.

CONCLUSION

The proposed development is unacceptable for the reasons outlined above and is recommended to be refused for the following reasons.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

RECOMMENDATION

REFUSE

- 1 The proposed extension, as a result of its excessive footprint and height, fails to be visually subservient and integrated to the retained building and will have an unacceptable impact on the character and appearance of the locality in conflict with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.
- 2 The design of the proposed extension will have an unacceptable impact on Tudor Close Public House, a designated building of character, in conflict with policy HER DM2 of the Arun Local Plan.
- 3 Due to the position of proposed windows to flat 1 and dwellings 8 & 9 aswell as the proximity of the rear elevation of the proposed extension, neighbouring properties 12 Ferringham Lane and 2 Garden Park will be unacceptably harmed from overlooking and overbearing effects in conflict with policies D DM1 and D DM4 of the Arun Local Plan.
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.