

REPORT UPDATE

Application No: LU/280/17/PL

Reason for the Update / Changes

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Substitute plans received showing cross sectional detail and velux windows.

Officers Comment:
Noted. These demonstrate that rooms in unit 5 will benefit from natural light and ventilation.

Note: The changes to conditions show under Officers Recommendation at the end of the attached report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: LU/280/17/PL

LOCATION: General Henrys
31 Horsham Road
Littlehampton
BN17 6BZ

PROPOSAL: Conversion of existing building to form 5 No. dwellings with associated cycle & refuse stores, parking & landscaping with dormers to north & south elevations.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The application seeks permission for the conversion of the existing public house (A5) to form 5 No. dwellings. This will include the construction of dormers on the north and south elevations.
SITE AREA	Approximately 0.05 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 100 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the property abuts the highway with the rear and side boundaries of the site featuring a combination of close boarded fencing and mature planting.
SITE CHARACTERISTICS	The site is occupied by a currently vacant public house. The property is a detached two storey building with rendered elevations at ground floor level and tile hanging at first floor level and mock tudor panels on the gables. The host building

abuts the highway adjacent to Horsham Road with a small car park to the south and a paved garden to the north.

CHARACTER OF LOCALITY

The character of the locality is predominantly residential consisting of properties of various designs and styles. There are a number of commercial uses in close proximity to the application site including a petrol station to the south and a small number of retail uses to the north.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection -

- Conflict with Littlehampton Neighbourhood Plan Policy 6.
- Conflict with Littlehampton Neighbourhood Plan Policy 9.
- Lack of evidence put forward to justify the proposed change of use away from a valuable community facility.
- Inadequate parking
- Access problems due to proximity of mini roundabout and busy nature of the road.

29 No. letters of objection received:

- Proposed dormers will give rise to overlooking resulting in a major intrusion into my privacy.
- The application site provides inadequate parking provision.
- Two flats have been empty at 43 Horsham Road for 2 years.
- There are no other public houses in this area.
- Lack of infrastructure and unless you go into town there is a lack of social activities.
- The area is already over developed with too much housing.
- Poor parking provision in the local area.
- Not wanted the building to look different to the other buildings around.
- Too many pubs have closed in Littlehampton.
- Building should be used to provide a community facility not more housing.
- This was a nice family pub and its loss would be a great shame to the town.
- During operation of the pub there was only minor anti-social disturbance.
- This pub is a much needed community facility.

2 No. letters of no objection:

- This pub has not been popular as it is always closed and no one wants to open it again.
- There are plenty of other pubs and restaurants close by.

18 No. letters of support received:

- This is an awful pub that has never worked and has been vacant for some time
- The pub in the past has had loud music and live bands, drunks shouting till the early hours and causing trouble.
- The few locals do not make it a welcome place to others.

- The pub is currently an eyesore.
- It is good they are keeping the existing building rather than demolishing it.
- Accommodation is much needed in Littlehampton and making two bedroom flats will be more affordable to first time buyers.
- The pub clearly does not work.
- There is plenty of parking nearby and future residents will benefit from close proximity to town centre, good transport links, cycle storage and on site parking.
- The area is looking run down and this new development will bring much needed life to the area.
- Proposal will provide outside space and parking.
- Much better use for the building than a pub or A1 retail use.
- The building is run down and is a bad advertisement to those entering the town.
- I am happy to see this pub go, I have often avoided going past this pub and choosing other routes home when walking in the evening, due to the crowd of people it tends to attract, very intimidating and I will feel a lot safer with it turning into housing.
- Original character features are retained with some modern tweaks and a sensible amount of units with some gardens and parking.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and will be considered in the conclusion to this report.

Following a request for further information demonstrating the attempts made to market the premises for continued public house use or alternatively as Class A1 retail, an additional statement has been received from the applicants Chartered Surveyors and Commercial Property Advisors evaluating the marketing exercise submitted with the application.

CONSULTATIONS

WSCC Strategic Planning
Economic Regeneration
Environmental Health

CONSULTATION RESPONSES RECEIVED:

Economic Development:
No objection to this application.

West Sussex County Council Strategic Planning.
No objection subject to conditions The Local Highway Authority does not consider that the proposal would have a 'severe' impact on the operation of the Highway network, therefore it is not contrary to the National Planning Policy Framework (para 32), and there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
OSR DM1	Open Space, Sport & Recreation

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 6	Residential development involving the loss of community facilities
Littlehampton Neighbourhood Plan 2014 Policy 9	Local Centres

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The Littlehampton Neighbourhood Plan has been made and policies 1, 2, 6 and 9 are relevant to the determination of this application.

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 conflict with relevant Development Plan policies in that it does not comply with policies 6 of the Littlehampton Neighbourhood Plan which seek to prevent residential development which results in the loss of community facilities and a change of use away from a public house use (A4) in designated Local Centres.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely that the property has been actively marketed, without success, for continued A4 use.

CONCLUSIONS

PRINCIPLE

The application site is situated within the built up area boundary as identified by policies GEN2 of the Arun District Local Plan and Policies 1 & 2 of the Littlehampton Neighbourhood Plan (LNP).

The key policy considerations in the determination of this application are policy GEN7 of the Arun District Local Plan; policies 6 and 9 of the LNP, the National Planning Policy Framework; and D DM1, D DM2, D DM3, D DM4 and D SP1 of the emerging Local Plan.

LOSS OF A COMMUNITY FACILITY AND A PUBLIC HOUSE USE (Class A4)

Policy 6 of the LNP seeks to restrict the loss of existing community facilities unless satisfactory proposals for the relocation of those community facilities have been implemented. In this case the proposed development would result in the loss of the existing public house and no provision has been made for the relocation of the premises elsewhere within the immediate locality.

Policy 9 of the LNP designates local centres and seeks to restrict the change of use of existing A1-A5 uses to non A1-A5 uses, unless it can be clearly demonstrated that the A1-A5 premises has been actively marketed and no demand exists for the continuation of the use.

A Marketing Statement accompanied the application showing that the public house has been vacant since January 2017 and actively marketed since May 2017 for its continued use. The marketing carried out failed to identify a demand for the continuation of the A4 use at the site.

However, the submitted marketing statement was considered insufficient to show that the premises had been adequately and actively marketed for continued public house use.

In response the applicants submitted a further statement which scrutinised the evidence submitted by the applicants agent, a company of Chartered Surveyors and Commercial Property Advisors. This statement concluded that the marketing exercise:

- was carried out over an 8 month period. In addition and previously to this the premises had been available at auction over a 4 month period. Therefore in total the premises had been available for 12 months
- was undertaken through a variety of means including a letting brochure/agency particulars, hardcopy advertising, online advertising, mailing, telephone canvassing and site boards.

This is now considered to have been a proactive market exercise that failed to generate any interest for the premises to continue trading as a Public House or for A1 retail purposes.

Therefore, despite the proposed development conflicting with aims of policy 6 of the LNP it appears from the evidence submitted that there is currently no demand for the operation of the existing public house in this location.

Paragraph 70 of the NPPF, states that decision should;

"plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments."

The application site is situated 965m from the town centre which features 4 public houses and 'The Sportsman - Sports and Social Club' is situated approximately 482m away. It is considered that adequate provision of drinking establishments will remain available within acceptable walking distance of the existing public house. Therefore, the proposal is deemed to accord with paragraph 70 of the NPPF.

The proposed development will not conflict with policy 9 of the LNP by virtue of 12 months of marketing having taken place with the premises remaining vacant and no interest having been expressed for the approved A4 use or other commercial uses including retail. The conflict of the proposal with policy 6 of

the LNP (given the evidence provided regarding the attempted marketing of the site) is considered to be offset by the provision of 5 no. residential units to help address the Council's significant housing land supply shortfall.

DESIGN AND VISUAL AMENITY

The proposal will see the existing building converted with the removal of the existing chimneys and the addition of 2 no. dormers to the northern elevation and 2 no. dormers to the southern elevation. The existing building is dilapidated and in need of maintenance and repair and in its currently vacant condition the public house has a detrimental impact upon the visual character of the locality.

The proposed conversion will see the character of the host building enhanced and will not give rise to unacceptably adverse harm to the spatial pattern or character of the street scene in accordance with policy GEN7(ii) of the Arun District Local Plan and policy D DM1 (1) of the emerging Arun District Local Plan.

The proposed 5 no. flats will exceed the internal space standards as specified by the Nationally Described Space Standards and as such will accord with paragraph 17 of the National Planning Policy Framework and policy D DM2 of the emerging Local Plan.

The proposal also includes cycle and bin storage provision. The proposed bin and cycle stores will measure approximately 1.8m in height. Therefore, it is considered that given the height of the existing boundary treatments that the proposed bin and cycle stores will not be visible within the street scene and as such will not adversely impact upon the established character of the locality.

RESIDENTIAL AMENITY

The proposed conversion of the existing property is not considered to give rise to any unacceptably adverse overbearing or overshadowing impacts upon neighbouring properties or uses.

The first floor of the public house was previously used as residential occupation. Therefore, it is considered that the existing windows on the western elevation of the building will not give rise to any unacceptably adverse overlooking of neighbouring properties.

The 2 no. dormer windows proposed on the southern elevation of the existing building will be approximately 14 m away from the boundary of the side garden to number 1 Norman Close. This section of garden space is not secluded nor private and widely overlooked. A private external area is located to the rear of this property. As such the proposed southern dormers are not considered to give rise to any unacceptably adverse overlooking of neighbouring properties.

The proposed dormer windows on the northern elevation of the building will be located approximately 10.3m from the southern boundary of the rear garden of 33 Horsham Road. This is not considered to be a sufficient distance to prevent direct and unacceptable overlooking into the rear garden of number 33 and a condition is therefore proposed to overcome this harm.

Therefore, the proposal is considered to accord with policies GEN7(iv) of the Arun District Local Plan and Policy D DM1 (3) of the emerging Local Plan.

The proposed development will provide an acceptable level of private amenity space for this residential development in compliance with planning policy. It also needs to be noted that the amenity space standards specified within policy D DM3 of the emerging Arun District Local Plan are no longer in force as they have been deleted from the proposed modifications to the emerging plan.

HIGHWAYS AND PARKING

The proposed development has been the subject of consultation with West Sussex County Council (Strategic Planning) who have raised no objection in relation to the proposed development. It was confirmed that the visibility at the existing access was acceptable and as such would not give rise to any safety concerns as to the safe operation of the highway.

The parking provision at the site has been assessed and it was identified that 1 of the originally proposed 5 parking spaces failed to meet the minimum size requirements and as such it has been removed from the application. The 4 parking spaces (if unallocated) are considered to meet the demands of the WSCC Parking Demands Calculator. A condition has been included with the recommendation report requiring the submission of details of parking provision and its implementation prior to occupation.

Therefore, it has been confirmed by WSCC that the proposed development would not give rise to a severe impact upon the safe operation of the highways network and is deemed to accord with paragraph 32 of the NPPF.

SUMMARY

The proposed development will conflict with policy 6 of the LNP by virtue of the loss of the public house. However, it is considered that given the level of evidence provided in the marketing statement that adequate attempts have been made to retain the premises for its lawful use and that there is no realistic prospect of the site being brought back into use in the immediate future.

The proposed development is not considered to give rise to any unacceptably adverse harm to the visual or residential amenities in the immediate locality and will accord with relevant development plan policies in this regard.

Therefore, the proposed development is recommended for approval subject to the below conditions.

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) 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 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

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:

- Site Plan
- Proposed Elevations - Drawing No. CFA/FULL/BS Revision 1
- Proposed Floor Plans - Drawing No. CFA/FULL/BS Revision 1
- Proposed Cycle and Refuse Storage - Drawing No. CFA/FULL/BS

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 two dormer windows on the north elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening up to 1.7m above ground floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No part of the development shall be first occupied until the parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: In the interests of amenity to provide car parking spaces in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall commence until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: In the interests of amenity and highway safety in accordance with policy GEN7 of the Arun District Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that during construction no adverse impacts upon amenity or the operation of the highway take place.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces and bin enclosures have been provided and permanently retained in accordance with the approved plans.

Reason: To provide alternative travel options to the use of a car in accordance with the NPPF.

- 7 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.