

Recommendation Report for Planning Permission

REF NO: LU/364/17/PL

LOCATION: Formerly 'The Tap and Barrel'
2-13 Duke Street
Littlehampton
BN17 6EU

PROPOSAL: Retention & conversion of former Public House building & the erection of two storey block to provide a total of 9 No. residential units with associated parking.
Re-submission of planning application LU/117/17/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal represents conversion and extension of an existing 2 storey premises which has previously been used as a garden centre and locksmith, brewery and drinking establishment. Conversion of the existing buildings would facilitate the provision of 6 no one bedroom flats and 1 no. one bed maisonette. The proposed extension would provide 2 no. 2 bed flats with a barn hipped roof. The building would comprise face brickwork and sections of flintwork. The building will be increased in height and the roof replaced and the existing walls would need to be thermally upgraded. 4 parking spaces are indicated, together with cycle parking and a refuse storage. The application is supported by an A1-A5 Viability Report.
SITE AREA	0.06 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	66 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Building abuts pavement in Duke Street. To rear elevation 2m high painted metal fencing enclosing forecourt area.
SITE CHARACTERISTICS	Site is currently vacant. It was formerly a drinking establishment and brewery and comprises a 2 storey flint and painted render building. The property has a pan tiled roof.
CHARACTER OF LOCALITY	Town centre location predominantly retail to south. Car park to north. Other pub uses in close proximity to the south. The site is located within the core of the town centre and within a largely commercial area. It is adjacent to the Primary Shopping Area, although not within it. Development is mixed, although generally two-storey. The 'bus station' is also nearby to the east.

RELEVANT SITE HISTORY

LU/117/17/PL	Demolition of existing building & erection of a new building to provide 10 No. new flats, comprising 9 No. two bed flats & 1 No. one bed flat.	Withdrawn 21-06-17
LU/165/15/PL	Change of use from A1 Shop to A4 Drinking establishment with ancillary shop & micro brewery. Cladding of existing conservatory	ApproveConditionally 24-07-15

This application is a resubmission of the previously withdrawn application LU/117/17/PL and now incorporates and retains more of the existing flint buildings on the site and has reduced the height of the proposal and the number of units by one.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council - No Objection

One Objection - This will take away 3 much needed disabled parking spaces. It is already difficult to park. Only 8 spaces will be left.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal does not result in the loss of any disabled car parking spaces.

CONSULTATIONS

WSCC Strategic Planning
Environmental Health
Economic Regeneration
Engineering Services Manager
Engineers (Drainage)
Parks and Landscapes
Surface Water Drainage Team

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. The car parking is within the maximum standards and will give at least 1 space for every 2 flats. There are plenty of car parking spaces in the town centre and the site is sustainably located. Secured cycle parking should be provided. 4 to 5 spaces in total.

Economic Regeneration - Objection. This is a key town centre site to the south of the main, St. Martin's, car park. It occupies a position on a pedestrian route to the High Street at both the east and west sides of

the site in a location where retail use should be retained at ground floor level.

We note the viability study submitted with the application but are aware that the failure of the Tap and Barrel Public House was not simply due to trading conditions. This was a family run business and ill health, along with other problems caused the demise of the business. In recent years a very successful business, Littlehampton Exotics, was run from the site and its success has continued in its new High Street location.

With regard to vacancy rates in the town centre these are currently around 8% which is very much lower than the national figure of 11.1%. We note the information relating to the closure of Public Houses but since this premise traded as a public house for such a short time, and is not a 'traditional public house site' such as those mentioned in the report and much more a retail site, we do not consider this to be relevant. For this reason we would also not be content to reply on the argument put forward with regard to marketing and we would wish to see substantial efforts made to market the site and the result of those.

Drainage Engineer - No Objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The economic regeneration officer is concerned by the loss of the retail/pub use, but this needs to be considered against the history of the site opposite the former Globe public house which has been converted to flats and is a material planning consideration.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Principal Shopping Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN7	The Form of New Development
GEN2	Built-up Area Boundary
GEN9	Foul and Surface Water Drainage

[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 SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
RET DM1	Retail Development
T SP1	Transport and Development

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
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Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
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Littlehampton Neighbourhood Plan 2014 Policy 3	Housing Supply
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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 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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 relevant policies in the Littlehampton Neighbourhood Plan have been taken into account.

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

PRINCIPLE

The site is located within the built up area boundary where development is acceptable in principle subject to development plans policy being met.

CHARACTER OF THE AREA

The site lies on the edge of the town centre in an area where some residential uses already exist. Historically the site was used as 7 terraced houses and the existing elevation to Duke Street reflects this.

It is considered that additional residential use in this location would be in keeping and would not adversely affect the character of the area. The revised design of the proposed extension would provide a positive addition to the development in this part of the town centre. The elevations would reflect the historic character of the neighbouring development. The proposed conversion and extensions would be in keeping with the character of the area. The building is not listed or within a Conservation Area and dates from the mid 1800s. Conservation style roof lights, leaded dormers and replacement timber doors and windows of the premises would be in keeping with the character of its surroundings. The proposal is considered to be compliant with policy GEN7 of the Local Plan and paragraph 58 of the NPPF.

RESIDENTIAL AMENITY

The development is in accordance with the Nationally prescribed internal space standards and external space standards are met with the provision of a balcony or patio to every unit. Further there is significant open space nearby. The development mainly comprises conversion of the existing 2 storey accommodation which includes first floor windows. There could potentially be an issue with overlooking to residential properties to the south of the development in the future if windows are added built the proposal relates to as flats which have no permitted development rights. The proposed balconies would be a sufficient distance from neighbouring properties to ensure no materially adverse overlooking results.

VIABILITY AND LOSS OF RETAIL USE

The site lies outside the Primary Retail Frontage Policy Area, but within the Principal Shopping Area. It therefore serves a complementary function by adding to the services and facilities provided by the shopping centre of Littlehampton. The previous retail, brewery and pub use operated for approximately a year and closed since the business failed. According to the submitted viability report the premises was marketed following the closure for approximately 13 months. During this period no viable commercial occupier interest was forthcoming and the site was eventually sold to a developer.

The application is accompanied by an updated Commercial Viability Report. This sets out the existing condition of the property, the history of the building and its uses and the lack of viability of the unit. The report considers other potential commercial uses of the building and explains why these would not be viable. The Globe opposite is another site where the loss of a pub has been accepted. Ockendens the earlier retail use ceased trading from the premises in part due to falling sales and the site was subsequently used for a range of A1 and A4 uses which have ultimately closed. Rent of the building had remained stagnant for over 20 years and it is acknowledged that there has been a demise in the number of pubs in the UK recently. The high street is struggling and the premises would require significant investment which would be unlikely to be returned given the position of the premises outside of the main town centre.

Other public houses exist in close proximity to the site. The use of the site would bring an otherwise empty premises back into use which would improve the vitality and range of services provided by the town centre.

With regard to policy 6 of the Neighbourhood Plan, the proposal does result in the loss of the public house as a facility. However, it is evident that the premises was not viable as a drinking establishment and in addition that there has been no interest when the site was marketed as a public house. This situation is confirmed in the viability report, which includes a section on marketing. Registration as an Asset of Community Value has not been sought, which would seem to bear out the limited interest in the premises as a community facility. In addition, there are a considerable number of licensed premises in the locality. It is not therefore considered that this is a case where a requirement to retain or re-provide the public house would be justified. The bringing of the premises back into use is considered to outweigh the loss of the use. It is evident from the submitted material that the business use has been marketed without success and that there are other nearby premises which meet the need for public house provision. The change of use will not result in detriment as a consequence of loss of community facilities.

SUSTAINABILITY

This site is located in a town centre location very close to public transport services, the bus station is close by and the rail station within easy walking distance. The site is also close the other facilities upon which it could be expected to rely and in addition is obviously close to shops and other services. It can therefore only be concluded that the site and therefore the development is in a sustainable location and that therefore the development is sustainable. It is considered that the development is consistent with policy in respect of sustainable development.

HIGHWAY CONSIDERATIONS

Car parking is available in the large car park to the north, but the site is sustainably located being close to the station and bus routes and one of the main pedestrian routes in to the town centre. County Highways have no objection to the proposal in terms of parking provision.

CONCLUSIONS

The proposed development is in a highly sustainable location and contributes 9 units of much needed smaller accommodation to the housing supply. The proposal does not give rise to an significant harm to amenity or detriment to the appearance of the premises. The proposal brings back into use vacant premises and is considered to make a positive contribution to the locality. The

application is therefore recommended for approval subject to the following 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:
Location 332-P-01
Block Plan 332-P-02
Existing Layout and Elevations 332-P-03
Proposed Layouts 332-P-04
Proposed Elevations 332-p-05 Rev C

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 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations,

the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 6 The buildings shall not be occupied until the parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 7 Building work above damp proof course level shall not take place until details of covered and secure cycle parking have been submitted to and approved by the Local Planning Authority and the buildings shall not be occupied until such provision has been provided. The cycle parking so approved shall not thereafter be used other than for parking of cycles in connection with the development hereby permitted.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 8 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 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.
- 9 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.