Recommendation Report for Planning Permission

REF NO: **Y/54/12/**

LOCATION: The Lamb Inn
Bilsham Road
Yapton

PROPOSAL: Residential development of the site including conversion of existing public house to provide a total of 13 dwellings (including 2 affordable dwellings) together with associated works. Resubmission following Y/48/11 (this application is a Departure from the Development Plan)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to convert the existing pub into 2 dwellings and to construct 11 new dwellings of which 2 are proposed to be affordable. The site is outside the built up area boundary of Yapton. This application follows the previous application Y/48/11/ which was granted consent on appeal.
SITE AREA	0.34 hectares
RESIDENTIAL DEVELOPMENT DEN	38 dwellings per hectare
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Picket fencing at rear of car park and timber fencing along the play area. To front flint walling 1.5m and fencing along 1.8m Taylors Close.
SITE CHARACTERISTICS	The pub is detached and rendered with a tiled roof. Single storey rear extension and side pitched extension from store adjacent to car park. Car parking to the side. Rear pub garden.
CHARACTER OF LOCALITY	Semi rural. Opposite the site are fields. New development of 59 dwellings to the rear in Taylors Close. Houses to the side are 2 storey. Two and 3 storey terrace directly at the rear. These are brick and tiled with tiled roofs. Some existing dwellings are side on and chimneys are a feature.

RELEVANT SITE HISTORY

Y/48/11/	Demolition of existing public house and erection of 14 dwellings, including 2 affordable dwellings with associated works. (Departure from the Development Plan).	Refused 25-07-2012 **Appeal: Allowed** **27 12 2012**

An appeal has recently been granted on application Y/48/11 which was to demolish the pub and construct 14 new dwellings.

REPRESENTATIONS

Representations received:

Yapton Parish Council

Objection: The committee are pleased that the comments regarding Well House have been adhered to as well as the retention of the pub. However, there is insufficient provision for visitor parking for plot 4 to 11. This could encourage on street parking which is not desirable. Some spaces will entail difficult manouvering which may compromise safety. Concerned that the access appears to be extremely restricted and sighting could be an issue with vehicle movements onto Bilsham Road. Also concerned about safe access for refuse vehicles, emergency vehicles and deltivery vehicles. Vehicles may require to reverse to obtain access to the site which is not a satisfactory method of access.

3 letters of objections:
The proposal still does not address the main objections. Yapton cannot cope with more houses as the local facilities such as school and doctors are running at full capacity. Cars will be turning onto the busy road. The area is prone to flooding. There have been 59 dwellings recently allowed at appeal in this area. The current designs do not take into account the ancient right of access for maintenance or light. The site is within the local gap.

Comments on Representations received:

Noted. The site is adjacent to a site that was granted consent at appeal (Taylors Close) and this proposal is utilising land currently uses as a pub car park and is not in the local gap. The principle of development has been agreed by the appeal decision ref. Y/48/11. Rights of access are a private matter between parties. It is not considered that the proposal would result in any significant loss of light such that an application could be refused.

CONSULTATIONS

Senior Estates Surveyor
Engineers (Fluvial Flooding)
WSCC Strategic Planning
Parks and Landscapes
Council's Arboriculturist
Planning and Housing Strategy
Southern Water Planning

Consultations responses received:

District Drainage Engineers:
No objection. Whilst it is recognised that there is likely to be a high water table and poor percolation rates for soakage on this site is fully utilised before any connection to an existing piped or ditch system can be considered. To support this, shallow percolation testing in the winter period will be required, together with winter groundwater monitoring. The Drainage Strategy mentions a culverted watercourse fronting the site. This may in fact be classed as a public highway drain and therefore the applicant should confirm if this is the case with WSCC.

If it is connected to this pipe and the pipe is classed as a highway drain the WSCC as Highway Authority will also need to be consulted. The outcome of the status of this pipe will affect the type of runoff allowed to discharge to the system.

County Highways:
WSCC was consulted previously on Y/48/11/ and no highway objections were raised. As part of Y/48/11 a speed survey was undertaken which indicated that 85%of vehicles in Bilsham Road do not exceed 38mph. Acceptable levels of visibility can be achieved onto Bilsham Road. It is noted that the bus stop would not hinder visibility given its design. With regard to car parking the requirement would be for 31 spaces to serve the 13 dwellings and these are laid out in a manner which is not considered to give rise to any safety implications. The site is within walking distance of Yapton village centre which provides a range of services. The site is adjacent to a bus stop and is therefore considered to be in a sustainable location.

Southern Water:
There is a foul sewer in the immediate vicinity of the site. The exact location must be determined on site before the layout of the proposed development is implemented. Due to changes in legislation regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore if a sewer is found during construction and investigation of the sewer will be required to ascertain its condition and the number of properties served. The applicant is advised to discuss the matter further with Atkins Ltd. The planning application makes reference to SUDS, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facility. It is critical that the effectiveness of these systems is maintained in perpetuity.

Parks and Greenspaces:
Awaited.

Comments on Consultation responses:

Comments noted. County Highways have raised no objections and an informative has been added to the conditions concerning a potential highway drain.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	DEV17	Affordable Housing
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	GEN20	Provision of Public Open Space within New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6 Interim Affordable Housing Policy

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the NPPF. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 acceptable in principle, however, as no signed S.106 Agreement has been completed with regard to Affordable Housing provision on site or for infrastructure contributions for childrens play, libraries, fire and recue and public open space this is contrary to local plan policy DEV17 and GEN20.

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 lies outside the built up area where development is not acceptable in principle unless a justification is provided. In this case the justification is that the site will help towards maintaining a future 5 year supply of housing and the proposal will round off built development in this location with the recently erected developpment (on appeal)of 59 houses to the rear of the site in Taylors Close. The development will therefore not cause any significant visual harm or loss of countyside. The previous application Y/54/11 was recently allowed on appeal and therefore the principle of development is acceptable.

HISTORY OF THE SITE:
The previous application Y/54/11 was to demolish the pub and construct 14 houses. The reason for refusal was that the committee felt that the proposed building fronting Bisham Road by virtue

of their layout and forward position and represented a visual intrusion within the street scene and that the effect on the Well House was overbearing. The Appeal Inspector disagreed with this and allowed the appeal.

This application seeks to retain the pub and reduce the new house to 13 dwellings, 2 of which are to be affordable houses. It is considered that the proposal to retain the pub and convert it to 2 dwellings represents and enhancement on the previously allowed development.

NATIONAL PLANNING POLICY FRAMEWORK AND FIVE YEAR LAND SUPPLY
The National Planning Policy Framework and Five Year Land Supply Paragraph 47 seeks to boost significantly the supply of housing by ensuring that there is sufficient site availability to provide five years worth of housing supply with an extra 5% or 20% buffer.

HOUSING LAND SUPPLY ASSESSMENT
The Council published a Housing Land Supply Assessment (HLS) on 15th October 2012 (though the report is titled September 2012) This has been adopted by Local Plan Sub-Committee and will be presented to Full Council in January 2013. The document is the most up to date position on land supply for the District.

The conclusions of this document outline that the Council assumes a supply of 5.26 years. Based on the fact that the Council has to demonstrate 5.25 years supply of housing land (which includes a 5% buffer required by the NPPF).

There have been three appeal decisions in recent months that have critically examined the Council's position in respect of Housing Land Supply - Woodgate Centre, Grenyer's Field and Garden Crescent.

The Inspector's decision letter on the Woodgate Centre concluded that, at that time (June 2012, the Council had a minimum of 3.8 years (62%) housing land supply and a maximum of 4.7 years (78%). The Grenyers Field Inspector (December 2012) concluded that there is a deficiency in housing land supply and teh Garden Crescent Inspector (January 2013) concluded that supply was approximately 4.6 years (88%) (the percentage figures are lower from the Woodgate Centre appeal as that Inspector applied a 20% buffer). These decision are a material consideration in considering housing land supply and, in recent years, the Council has been unable to demonstrate an adequate supply of housing land and does not presently have a supply of housing land required by the NPPF.

In the most recent appeal (Garden Cresecent), the Inspector considered that, for the purposes of paragraph 47 of the NPPF, the Council should apply a 5% buffer to the overall housing requirements for the 5 year period.

Further, the methodology adopted in September 2012 HLS also forecasts a significant worse position in terms of demonstrable supply in the year commencing 31 March 2013 and for (at least) the two folloing years.

Given the above, policies GEN2 and GEN3 cannot be considered up to date for the purposes of paragraph 214 of the NPPF.

The published position on HLS has been examined on a number of occasions and the Council

does not currently have an adequate supply of housing land. More planning permissions are needed to increase the Council's housing supply position. Housing land supply should not be a reason for refusal of the proposals and, in addition, it should be a factor that strongly supports the proposals.

NATIONAL POLICY FRAMEWORK, COMMUNITY FACILITIES AND VIABILITY

Paragraph 28 seeks the retention and development of local services and community facilities in villages. The pub is such a facility. The Local Planning Authority has sought to retain the pub, however, the applicant has submitted a Marketing and Viability Appraisal of the Lamb which states that whilst the pub could be developed into a more substantial food operation, the kitchen facilities would have to be significantly upgraded and even then there would be a financial risk bearing in mind the highly competitive area and other food pubs in the area. Additionally, the report states that purchase demand has declined from 107 to 38 barrels a week in the period 2007 and 2011. It states that the site is in an area of low demand for pubs and several surrounding area pubs have closed recently. The report concludes that the long term future of the Lamb Inn as a licensed premises is not considered to be viable on the basis that if an operator were prepared to invest significant sums to provide the necessary facilities it is considered that the business would fail within two years due to the location of the property. The report was compiled by Savills who are the marketing experts of public houses. It is therefore considered in this case, that it would not be viable to retain the pub and therefore the redevelopment with housing is supported as a good use of the site.

Paragaraph 70 states that Local planning authorities should guard against the unnecessary loss of valued facilities and services. For the reasons given above, it is considered that the pub itself is no longer viable without significant investment in an unsure market. The pub has recently ceased trading and is now boarded up.

HERITAGE STATEMENT:

The statement confirms that the original building has been considerably altered. Whilst a pub has stood on the site since the 1778, the existing building is thought to be constructed in the 1870's, two storey and single storey extensions have been added to the north and south of the building in the 1960's. The building is not on the Arun Local List of buildings or structures of character. A recent application to English Heritage for inclusion as a Listed Building has been rejected as not worthy of listing. Therefore the building has no statutory protection. However, not withstanding this, after hearing the local requests to retain the pub building, the applicant has applied to convert the pub into 2 dwellings. This will protect the visual appearance within the locality of this landmark which has existed since 1870.

NATIONAL PLANNING POLICY FRAMEWORK AND QUALITY OF DESIGN

Its Core Planning Principles at paragraph 17 and as amplified later in the Framework, indicate that planning should "always seek to secure high quality design" and also "take account of the different roles and character of different areas....recongnising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it." Paragraph 56 and 58 places at the heart of planning and states that decisions "should be based on...an understanding and evaluation of its defining characteristics" and also "ensure that developments respond to local character. The pub itself has an identity within the street scene and wider countryside. As discussed above, this application recognises the history importance locally of the building and seeks to retain the pub and convert it into 2 dwellings. The dwellings proposed along Bilsham Road are considered to be in keeping with the character of the area with a mix of brick and render

reflecting the existing pub and Well House. It is therefore considered that the proposal is designed to relect the defining characteristics of the surrounding area.

LANDSCAPE AND ECOLOGY
The application includes an Extended Phase I Habitat report and Daytime Bat Assessment and Bat Survey. If the mitigation measures are adopted then the proposal is satisfactory from an ecological perspective, a condition securing this has been added to the recommendation. A full landscape plan should be submitted and is also conditioned.

ARBORICULTURAL ASSESSMENT
Previously, the Council's Arboriculturalist stated that insufficient tree protection for retained trees had been provided. In this application a revised tree protection area has been provided by repositioning the car parking away from G2. This is considered to have overcome the previous concerns.

HIGHWAY ISSUES
County Highways have raised no objections, based on the speed survey which has been undertaken. Visibility at the new access points is considered to be satisfactory and parking is within the County standards.

DRAINAGE
Southern Water have stated that a foul sewer is located on the site and the applicant must confirm the exact location before commencement of development. It is possible that a highway drain may be found, in which case, the applicant will be required to discuss the matter with County Highways. An informative to this effect has been added.

AFFORDABLE HOUSING
An Interim Affordable Housing Policy was approved by Full Council on 18 August 2010. The policy states that in accordance with the National Planning Policy Framework for developments of 1-14 units an affordable housing provision of 15% will be sought district wide. In this case, the proposal includes 2 affordable units on behalf of Unity Sutton, one of the Council's agreed RSL's and therefore no further contribution is required.

PLANNING OBLIGATION
A section 106 Agreement has been signed for the provision of 2 affordable housing units on site, financial contribution of £14,000 towards off site play provision, financial contribution of £2,939 for libraries and £359 for fire and rescue on the previous application. An amended draft S106 has amended the amounts to £13,000 towards off site play provision to reflect the reduction in house numbers. The site has now been sold and the new site owners have not signed the necessary S.106 Agreement thereore the application is recommended to be refused.

SUMMARY
The site is outside the built up area boundary, however, an appeal of Y/48/11 was allowed which granted consent for 14 dwellings on this site. It is considered that this proposal is an enhancement on the appeal as it seeks to retain the existing pub and converting it into 2 units and the overall number of dwellings has been reduced to 13. Therefore the principle of the application is acceptable, however, the required S.106 Agreement for to secure the on site affordable units and other infrastructure requirements, and it is recommended that the application is refused for the following reason.

HUMAN RIGHTS ACT

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 (8), 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 none of the following impacts (negative, Neutral or positive) have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

REFUSE

1 The proposed development fails to make an adequate contribution towards affordable housing provision and other infrastructure contributions and is thereby contrary to the aims and objectives of the National Planning Policy Framework paragraph 47 and the Council's interim affordable housing policy adopted on 18 August 2010 and Arun District Local Plan policy GEN20.