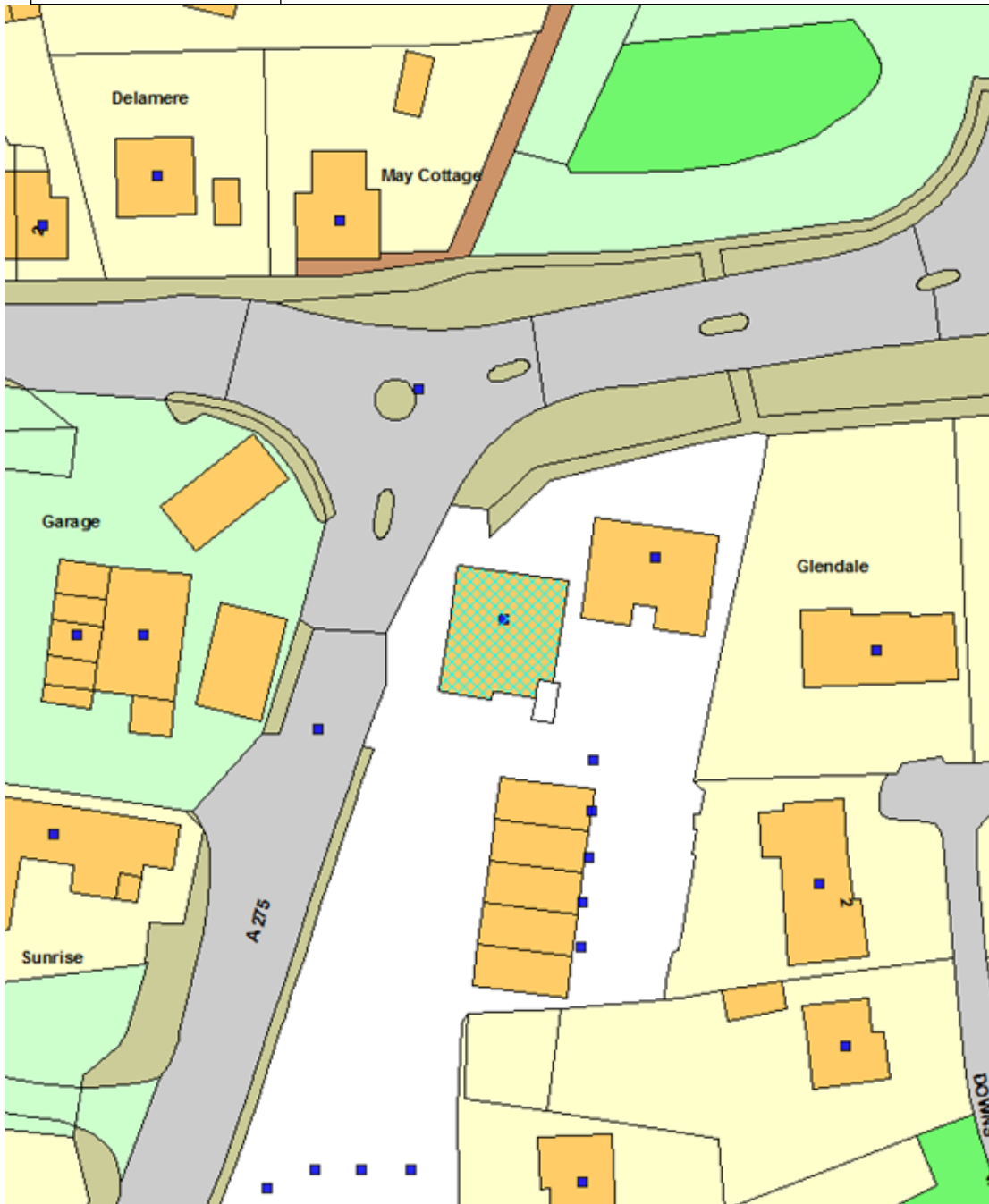


APPLICATION NUMBER:	LW/18/0988		
APPLICANTS NAME(S):	Bedford Park Developments	PARISH / WARD:	Chailey / Chailey & Wivelsfield
PROPOSAL:	Planning application for proposed ground floor change of use from A4 to C3 and refurbishment of ground floor to 1 x 1 bed flat and 1 x 2 bed flat		
SITE ADDRESS:	The Kings Head East Grinstead Road North Chailey East Sussex BN8 4DH		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is a Public House located on the East Grinstead Road in North Chailey. The proposal is for change of use of the ground floor from A4 to C3 and refurbishment of ground floor to 1 x 1 bed flat and 1 x 2 bed flat.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CP6 – Retail and Town Centres

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

EV/59/0011 - Proposed hotel sign. - **Approved**

LW/12/0085 - Alterations & refurbishment including extension and fire escape to rear - **Approved**

LW/12/0099 - Replacement of single post sign on north side with double legged sign - **Withdrawn**

LW/16/0283 - Residential development including the construction of nine houses and four apartments and refurbishment of public house including the conversion of the first floor to two apartments and extension to rear - **Approved**

LW/16/0905/CD - Discharge of conditions 10 & 20 relating to planning approval
LW/16/0283 - **Approved**

LW/17/0079 - Non material amendment application relating to planning approval **LW/16/0283** for alterations to Blocks C, D, & E, including revised glazing, infill timber cladding, amended levels and internal stair, and removal of two ground floor windows and rendering of the lower flank wall to the southern elevation of the public house. - **Approved**

LW/17/0110/CD - Approval of details reserved by condition 2 of planning approval **LW/16/0283** - **Approved**

LW/17/0250/CD - Discharge of conditions 3 and 19 relating to planning approval **LW/16/0283** - **Approved**

LW/17/0689 - Non material amendment application relating to planning approval **LW/16/0283** for alterations to blocks C, D and E including window and door rearrangements and minor detailing amendments - **Approved**

LW/17/0713/CD - Discharge of condition 18 relating to planning approval **LW/16/0283** - **Approved**

LW/17/0784 - Variation of Condition 1 of planning approval **LW/16/0283** to allow for an improved parking layout - **Approved**

LW/17/0850/CD - Discharge of condition 12 in relation to planning application **LW/16/0283** - **Approved**

LW/17/0928/CD - Discharge of condition 4 in relation to planning application LW/16/0283 - **Approved**

LW/17/0931/CD - Discharge of condition 2 in relation to planning application LW/16/0283 - **Approved**

LW/18/0159/CD - Discharge of condition 14 relating to planning approval LW/17/0784 - **Approved**

LW/18/0987 - Proposed Ground Floor Change of Use from A4 to B1 and refurbishment of ground floor to office space with minimal external changes -

LW/18/0988 - Proposed Ground Floor Change of Use from A4 to C3 and refurbishment of ground floor to 1 x 1 bed flat and 1 x 2 bed flat -

E/71/0861 - Planning and Building Regulations Applications for internal alterations and extension. Building Regulations Approved. Completed. - **Approved**

LW/92/0120 - Proposed external staircase - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

- 4.1 At a meeting of the Planning & Environs Committee of Chailey Parish Council held on 8th January 2019, Councillors resolved to OBJECT to the above application.

Councillors considered that condition number 16 of the decision in application LW/16/0283 should continue to apply. That condition requires the commercial premises approved as part of the redevelopment of the Kings Head site to be used as a Public House (and not any other purpose under class A4). The condition was imposed in the interests of residential amenity and in order to safeguard an important community asset. Nothing has changed during the period since the decision in application LW/16/0283 was made (September 2016) to diminish the status of the building as an asset to the community. Councillors recognised the efforts by the developers to dispose of the building for use as a Public House but the fact that, to date, they have been unsuccessful was not a reason to, in effect, remove the condition that was imposed in the first place for good community reasons and for the benefit of Chailey residents.”

The Clerk for Chailey Parish Council also commented:

“In your report for application LW/18/0987 you say that there has been one letter of objection. Your report for application LW/18/0988 records that there have been 24 objections. Looking at the applications on the website what you say is right, but the apparent large imbalance between the two applications does not in practice exist. It was clear from comments on local social media and from comments made by the several residents who attended the meeting of Chailey’s Planning & Environs Committee on 8th January that (1) residents did not appreciate that there were two separate applications and that any comments they wished to make should be recorded against both applications, and (2) residents’ objections are to both applications in equal measure. This can be seen from carefully reading the objections that were lodged wherever they are recorded: in short residents wish to reclaim/retain their local pub.

Finally your reports both record that the original grant of permission for the redevelopment of the site (LW/16/0283) allowed for the refurbishment of the public house. That is right, but condition 16 requires the pub to be used as a pub and not as

anything else. This condition was inserted because of comments made by residents, supported by the Parish Council. The condition is not mentioned in your reports, although it is referred to in the comments sent to you on the 15th. Please ensure that the existence of the condition is mentioned in your report.”

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 24 Objections from residents - Over development, creation of traffic, loss of community pub/facilities.

6. PLANNING CONSIDERATIONS

6.1 In 2016 planning permission (LW/16/0283) was granted for 'residential development including the construction of nine houses and four apartments and refurbishment of public house including the conversion of the first floor to two apartments and extension to rear'. The dwellings have now been constructed and the works to update the Public House have been undertaken.

6.2 It is now proposed to change the use of the ground floor from A4 (Public House) to C3 (residential) to provide two flats. The applicant states that despite marketing the property no one has come forward to lease the Public House. They are therefore now making an application to convert the ground floor of the property to residential use.

6.3 In tandem with this proposal an additional application has been made (LW/18/0987) for the 'change of use from A4 to B1 and refurbishment of ground floor to office space with minimal external changes'.

Marketing the property

6.4 Full details of the marketing of the Public House have been supplied with the application. Following planning permission in 2016 the Public House had works undertaken to refurbish the ground floor, at first floor the two residential flats were created. At the time of applying for planning permission the applicant stated that a "local brewery" was interested in taking over the lease and running the Public House. Subsequently they pulled out of taking on the lease. Following the works to refit the ground floor the lease for the Public House was marketed by 'Fleurets - Leisure Property Specialists' from June 2017. The works to refurbish the ground floor included the provision of a bar and serving area.

6.5 Following initial viewings by six parties, one showed interest however this was later withdrawn due to concerns over viability of the business. Following the failure of letting the property, the freehold interest for the business and the flats above was placed on the market in April 2018 for £450,000. Three viewings were organised for the premises and only two viewers attended the first viewing session, with no attendees for the second and third session. Interest was expressed to sell the freehold subject to planning consent to convert the ground floor to B1 office use; however this interest was later withdrawn.

6.6 Due to lack of interest in the business premises the applicant made the decision to consider alternative uses for the ground floor.

Representations

6.4 24 Objections from local residents citing concerns over development of the site, creation of traffic and loss of community pub/facilities. The common concern raised is the loss of the Public House and the impact this will have on community facilities.

6.8 With regard to the concerns over traffic generation it is considered that the creation of the additional two flats would not result in any additional traffic than the previous permitted use.

Development Proposed

6.9 The only external change proposed to the building is the insertion of an additional window to the ground floor on the south elevation. Internally the ground floor space will be sub-divided. The two bedroom flat will be entered via the existing external door at the rear of the building. The one bedroom flat will be entered via the existing front door.

6.10 Car parking is to be provided as part of the parking for the whole of the previously approved development scheme. The parking for the two flats equates to 1.3 spaces for the one bedroom flat and 2.3 spaces for the two bedroom flat. Secure cycle parking is to be provided on the site.

6.11 Whilst the loss of the PH is regretted the residential use would enable the vacant ground floor area to be brought back into use, which as well as benefiting the long term condition of the building also provides two additional residential units for the village.

Planning Policy

6.12 The National Planning Policy Framework (NPPF), paragraph 92, Section 8 (Promoting healthy and safe communities) states that decisions should provide for "the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments".

6.13 Core Policy 6 (Retail and Town Centres) of the Lewes District Local Plan states that "In order to ensure local shopping centres remain a vibrant focus for the local community a range of retail, employment, leisure, cultural and community uses will be encouraged. Local shops and community facilities (such as meeting places, sports facilities, public houses, places of worship and cultural assets) will be retained unless it can be demonstrated that they are financially or otherwise unviable".

6.14 It is acknowledged that whilst both the NPPF and Local Plan encourages the provision of community facilities such as public houses, Core Policy 6 of the LDLP does indicate that such uses should only be retained where they are financially viable. It is therefore down to the applicant to prove that the use is not viable. It is considered that the marketing details submitted with the application, as outlined above, show that extensive marketing of the public house use has occurred with no take up of the facility. To this end it is considered that CP6 has been complied with and the use has been demonstrated to be unviable in this location.

Conclusion

6.15 Whilst the loss of the Public House use is regretted, it is acknowledged that the property has been marketed for a considerable amount of time, both leasehold and freehold, with limited interest and no interested party pursuing the purchase, despite the ground floor having been fitted out with furnishings/bar associated with a Public House use. It is therefore considered that on balance the proposal complies with Policy CP6 of the Local Plan as it is acknowledged that the existing Public House use has been

demonstrated to not be viable in this location. The Public House has been empty for at least three years and been marketed appropriately.

6.16 It is considered the proposal will not have a detrimental impact on the character or appearance of the property, and will not unduly impact on the residential amenities of existing or future residents, in accordance with Policies ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan and CP6 (Retail and Town Centres) and CP11 (Built and Historic Environment) of the Lewes District Joint Core Strategy.

7. RECOMMENDATION

That the planning application be approved.

The application is subject to the following conditions:

1. This planning decision relates solely to the following plan(s):
2. Details of the siting and design of an external electric car charging point to be provided, shall be submitted to and approved in writing by the Local Authority prior to installation. The works hereby permitted shall be carried out in accordance with the approved details before the units are occupied.

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	12 December 2018	
Other Plan(s)	12 December 2018	1824-P-001
Location Plan	12 December 2018	1824-P-002
Proposed Block Plan	12 December 2018	1824-P-003
Other Plan(s)	12 December 2018	1824-P-004
Existing Floor Plan(s)	12 December 2018	1824-P-006
Existing Elevation(s)	12 December 2018	1824-P-007_A
Proposed Block Plan	12 December 2018	1824-P-008_A

Proposed Floor Plan(s)	12 December 2018	1824-P-008 A
Proposed Elevation(s)	12 December 2018	1824-P-010 B