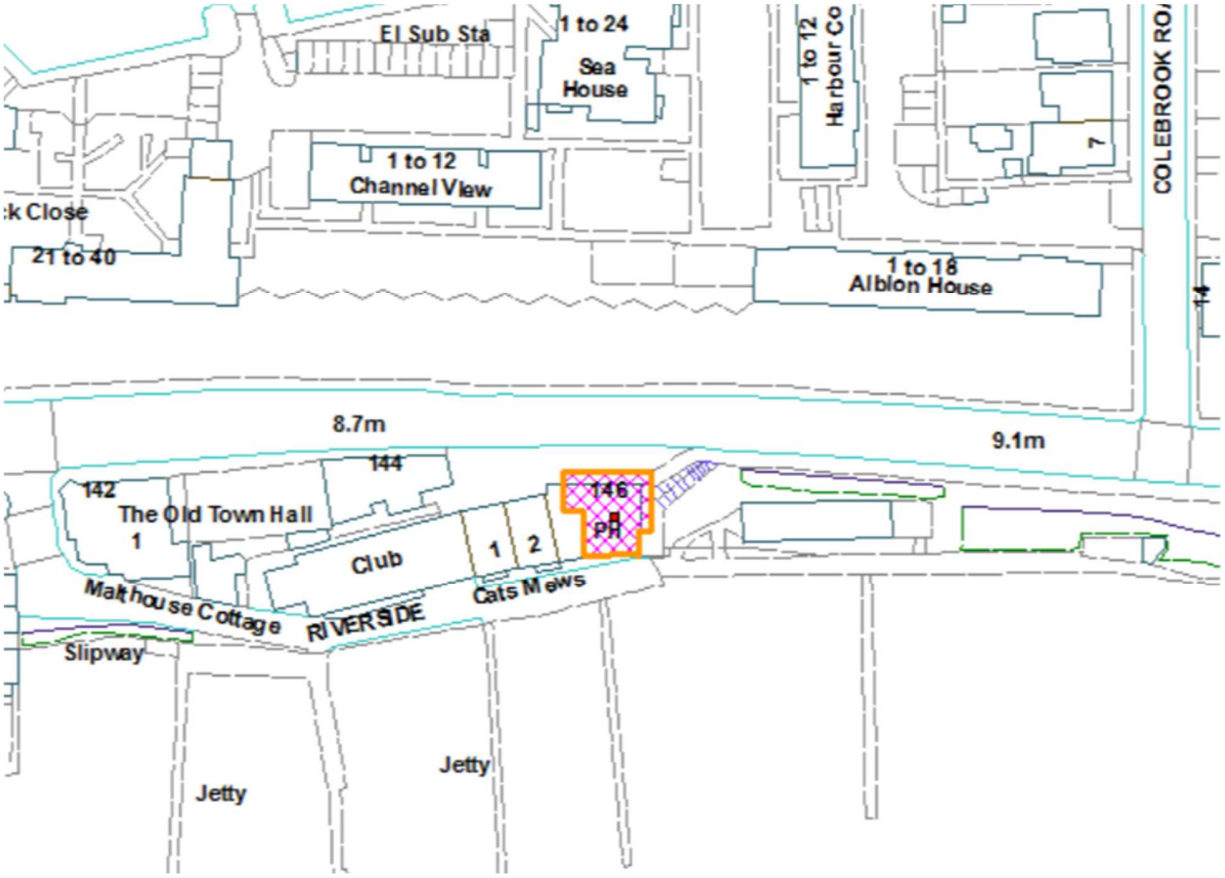
Application Number:	AWDM/1327/21	Recommendation - Approve
Site:	The Schooner, 146 Albion Street, Southwick	
Proposal:	Change of use from public house to a single dwelling	
Applicant:	Mr Stephen McWilliams	Ward: Eastbrook
Agent:	Mr Rex Adams	
Case Officer:	Peter Barnett	



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

The Schooner Pub sits on the south side of the A259 overlooking the Lady Bee Marina and Shoreham Harbour, within the Southwick Riverside Conservation Area. It is 4 storeys high, there being a sharp drop in levels between the road and the Harbourside below. There are pedestrian steps to the east of the pub. The ground (entrance level), lower ground and basement levels are all associated with the public house. The first floor provides residential accommodation for the current owners (the applicants).

It is proposed to convert the entire building into a single dwelling for use by the applicant's family. No external alterations are proposed. The proposed floor plan shows a gym and storage room in the basement, a lounge, TV room and small shower room on the lower ground floor, main living area to include 2 bedrooms, kitchen and dining spaces on the ground floor, and 4 bedrooms on the first floor.

The application is supported by a statement which explains that it is no longer viable to run the building as a pub. It states:

"*The applicants have owned the property since 2014. Despite investing large sums of money, the public house has struggled to make a profit and in fact has made substantial losses which would have been worse had the applicants taken anything other than a basic income from the business. This is substantiated by a letter from the applicant's accountants, appended to this statement. The public house ran as a restaurant/pub providing 100 covers. However, there are only seven on-site car parking spaces making visiting from outside the locale a problem. The location of the public house, on the south side of the busy A259 trunk road with its narrow footpath and limited crossing, lack of outside seating away from the road and no children's play area, made it a somewhat unsafe and undesirable destination for the community of Southwick and Portslade. The applicants, in an attempt to raise the profile and increase sales, outsourced the hospitality marketing aspect to a specialist company. These included daily meal deals and entertainment evenings. Unfortunately, these were rewarded with limited support by the community*."

The pub has been closed since the start of the Covid pandemic in March 2020. The statement points out that there are 5 alternative establishments within a 1 mile radius of the Schooner and that the community will therefore continue to be well served should this pub close.

Consultations

West Sussex County Council: Highways: The proposed use as a single dwelling would be considered less intensive in vehicular terms compared to that of a public house with a flat above. Therefore, in principle the proposal would be considered acceptable in highways terms. The application form details that 4 car parking spaces will be retained. These have not been demonstrated with any clarity on the proposed plans. Any existing adjacent parking also seems to be outside the red edge on the location and block plan. The Local Planning Authority and Applicant should be aware that WSCC is currently in the process of undertaking a feasibility design study for a cycle scheme that passes in front of the site. While it does not appear that the proposed works will affect these potential future works it is difficult to be certain of this without the proposed parking arrangements

being clearly demonstrated. The dwelling should be afforded a secure and covered cycle parking provision in the interest of sustainability. Details of which can be secured via condition if not provided prior to determination. It would be requested that clarification over the proposed car parking arrangements are provided prior to determination. Please raise with the applicant and re consult.

Adur & Worthing Councils: The ***Environmental Health*** officer (Private Sector Housing): No objections on PSH grounds in principle, but the ground floor bedrooms can only be accessed through the open plan kitchen/living space and so they are inner rooms. The risk can be mitigated by ensuring that the bedroom windows comply with fire escape window requirements.

Public Health: We are going to need an acoustic assessment and noise mitigation scheme for this development.

The **Engineer**: Flood risk- The application is directly adjacent to an area in flood zone 3. It would be good to know floor levels relative to ordnance datum to be able to provide any meaningful comments on flood risk. Surface water drainage- the application includes no/minor increase in impermeable area. Due to the scale and location of development we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

Planning Policy (initial comments): The applicant states that the location of the public house is "unsafe and undesirable" due to being on the south side of the A259 with "limited crossing", and inaccessible due to the lack of parking. The site is 120m from the crossing at the Station Road junction and is around 250m from Southwick railway station. It is not, therefore, considered that these arguments are valid. The proposed development does not comply with national and local planning policies.

- The proposal would result in the loss of a community facility
- The applicant has not provided evidence to demonstrate that there is no demand for the public house in the area
- The applicant has not provided evidence that the public house has been marketed for a reasonable period of time
- The applicant has provided a list of food and drink venues. However it has not been demonstrated that there is alternative provision available locally that is accessible, and at least equivalent in terms of quality.

As such, there is a policy objection to this proposal on the basis of Policy 33 of the Adur Local Plan 2017.

Subsequent Comments following receipt of applicant's report on alternative local provision: We would accept that the applicant has provided sufficient evidence of alternative local provision, and the proposal is therefore compliant with Policy 33.

Adur District Conservation Advisory Group: Approve

Shoreham Port Authority: The Schooner Inn stands at the edge of Lady Bee Marina and faces the port canal, the approach to the lock gates and operational terminals on the south side of the canal. This is a very active location at the heart of a busy operational

port. Despite our efforts to be a good neighbour to existing residential communities, the running of a port does create disturbance, making this an inappropriate location for the expansion of residential unit numbers. The location is also a focus for strategic employment growth and the development of port leisure uses in the Joint Area Action Plan. Conversion of the pub into a residential unit would increase the residential population. Furthermore, permission gives the opportunity for use of the building as an HMO or for future conversion into flats. We therefore object to this application.

HSE: Do not advise against

Representations

11 letters of objection received, including from CAMRA:

- There are so few pubs left in Southwick
- It is the only quality historic pub left
- Work appears to have already started
- Schooner has always been popular
- Contrary to planning policy
- There has been no meaningful marketing of the Schooner as a going concern - it has never reopened in a meaningful way after lockdown so it cannot be shown that the pub is not viable.
- The pub was under consideration by the CAMRA Committee for inclusion in the 2022 Good Beer Guide - there are no pubs of equivalent quality in the vicinity
- The conversion provides no social and community facility.
- Lower ground floor had already been closed off, reducing usable floorspace
- The pub is important historically and part of Southwick's heritage
- It has architectural merit
- A change of ownership would enable it to be relaunched
- No public benefit to conversion to a private dwelling
- If current owners cannot afford to run the pub then the opportunity to do so should be given to someone else
- Incomparable location
- Twin bars, Victorian interiors are unique
- Bicentenary of the pub is next year (2022)
- Pub is integral to the port and harbour
- Lack of parking to serve a dwelling

Letter of objection received from the **Southwick Society**:
1. The Schooner is almost 200 years old and has been a well used and locally valued public house for all that time, other than when the current owners have chosen to keep it closed.
2. The building is an important part of the local community, the local historic heritage and the character of the conservation area in Southwick.
3. Change of use would result in the loss of an important local community facility, public house and meeting place.
4. It is understood that paragraph 84 of the National Planning Policy Framework states that planning decisions should enable the retention and development of accessible local

services and community facilities such as meeting places and public houses.
5. It is also understood that policy 33 of the Adur Local Plan 2017 states, amongst other things, that development which would result in the loss of existing social or community facilities will only be permitted where, It can be shown that there is no demand for the facility within the area and the premises have been marketed for a reasonable period of time, or There is alternative provision available locally that is accessible and at least equivalent in terms of quality, or The proposed development would provide an alternative social and community facility.
6. We would refute the applicant's assertion that the location of the pub is "unsafe and undesirable" because of its position on the south side of the A259 and with "limited crossing" and lack of parking. The pub is only a very short distance from the controlled crossing at Station Road and it is possible to park cars nearby. There are pubs and restaurants on the south side of the A259 in Shoreham and these appear to trade successfully, there is no evidence that people are unwilling to cross the road.
7. In our opinion the proposal would result in the loss of a community facility.
8. We do not believe that the applicant has demonstrated that there is no local demand for a public house. Nor are we aware of any evidence that the pub has been marketed for a reasonable times.
9. In our opinion there is no reasonable equivalent accessible, alternative provision which is equivalent in quality available in the area. We do not accept that the venues quoted constitute an acceptable alternative.
For all these reasons we submit that the proposal does not comply with relevant national and local planning policies and should therefore be refused.

Relevant Planning Policies and Guidance
Adur Local Plan 2017 Policy 12, 15, 17, 18, 20, 33
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats';
Southwick Conservation Area Character Appraisal and Management Strategy (2009)
Sustainable Energy SPD (August 2019)
Shoreham Harbour Joint Area Action Plan 2019 Policies SH1, SH4, SH5, SH9, CA5
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The most relevant policy in the determination of the application is policy 33 of the Adur Local Plan states:

"*The Council will protect, and support improvements to, social and community facilities. Development which would result in the loss of existing social or community facilities will only be permitted where:*
It can be demonstrated there is no demand for the facility within the area and the premises have been marketed for a reasonable period of time;
or
There is alternative provision available locally that is accessible, and at least equivalent in terms of quality;
or
The proposed development would provide an alternative social and community facility."

The policy requires only one of the three criteria to be met before a community facility can be lost as it states "or" rather than "and" after each criterion.

The applicant was asked to provide further information in support of the application and he has submitted a more detailed background statement plus a report on alternative local provision.

The background statement is detailed and explains that the applicant is the 8th landlord in 12 years at the pub.The pub was marketed for a significant period of time by Fleurets in 2013 and the applicant was the only interested party that put a bid in that intended to continue to run it as a pub. It is explained that they have "*invested a huge amount of time, energy and money into reinstalling a working commercial kitchen, offering a daily kitchen service and relaunching the pub entirely. This required significant initial investment particularly setting up the kitchen, redecorating, relaunching the business and hiring a full team of staff*." Unfortunately, in the 8 years since taking over, the pub has run at a loss. In 2018 approximately £25,000 was invested into a business relaunch, including working with a specialist pub and restaurant marketing consultancy firm who helped create a new website, and "*managed Google ads and analytics driven activities, weekly email campaigns, tailored social media content, a loyalty scheme, events, special theme nights and promotions. In addition to the specialist venue marketers, we also regularly advertised in local publications, delivered leaflets to 2,500 homes in the Southwick vicinity, advertised on multiple large AO posters outside the pub with daily promotions. We also enlisted local specialist company "Restaurants Brighton" to promote our venue across Sussex since 2015*."

Despite such investment and meal offers and other activity themed nights, it is stated the pub has remained quiet with few diners or drinkers.

The applicant argues that the pub "is too remote from the community" being cut-off by the A259. The pub has no outside drinking space and a lack of parking.

To support residential use of the building the applicant has advised that they would look to "*utilise the existing large terrace at the front of the building facing the A259, by securely but discreetly fencing it off to ensure safety and would include hedges & plantation that absorb noise and pollution from the road*."

They would also consider installing a balcony facing the waterside on the ground level of the building and/or lower ground level and/or "*modifying the existing flat roof space accessed from the first floor to make a terrace/balcony enclosed by panelling to ensure safety*" or "*modifying the "lean to"/sunroom extension on the East of the ground floor level to make it a balcony in keeping with other balconies at Cat Mews*."

The applicant has confirmed that no recent marketing has taken place and that they are opposed to carrying it out. They consider that the high turnover of landlords and challenges of the site mean that it is not a viable business location and they "*would not wish to put another person(s) in this predicament for their efforts to fail and lose savings/get into debt. It is more than likely that within time the tenants would be unable to meet the rental commitments and renege on payments and we would have to seize the building back and return to the same situation*." The cost of marketing is also prohibitive.

They also advise that their growing family has lived at the site for 8 years and is very settled in the community. They are concerned that "*In order to market this particular pub and generate interest post-COVID it would require a lease with very unfavourable terms of no premium, a significant rent-free period, less annual rental income across the full term and more than that the deposit would be reduced. Ultimately this would be making us homeless as we would have to move out of our existing family home above the pub to allow new landlords to move in. We simply don't have the funds to finance such a move and a tenant agreement wouldn't provide that*."

They have also provided a report outlining the alternative provision available locally. These are the New Port Arms at the Lady Bee Marina, The Cricketers on the Green, Southwick Beer Engine at Southwick Square, The Ship Inn on Southwick Street and The Romans on Manor Hall Road. There are also licensed restaurants at La Tavola, Carats Cafe, Rajah Indian restaurant and The Port Kitchen (due to open in Spring 2022).

The Schooner sits in a prominent location on the edge of the Conservation Area overlooking the Marina and the sea. It is identified in the Southwick Conservation Area Character Appraisal and Management Strategy as a building which makes a positive contribution to the area and is an attractive landmark building on the edge of the Conservation Area. It is one of just three buildings which front Albion Street that remain of what was the major shopping and service corridor in the 19th and early 20th century. These factors would appear to make the pub quite unique in local interest terms but given the policy requirements of policy 33, your officers consider on balance it may be difficult to argue at appeal that it provides a markedly different food and drink offer to other pubs in the area, most notably, the nearby New Port Arms occupies a similar Harbourside location and is considered to have a similar quality to the Schooner.

Using the New Port Arms as an example of nearby alternative provision does lessen the applicant's argument that the location of the premises prevents the potential successful

operation of a public house in this location, nor has the applicant's assertion been tested via a marketing exercise, however as stated above this is not a requirement of the adopted policy in the Local Plan.

Together with the other pubs within walking distance it is considered that there is alternative provision available locally that is accessible, and at least equivalent in terms of quality, and that, on balance, the requirements of Policy 33 have been satisfied.

Residential amenity - for proposed dwelling

The conversion of the pub to a 6 bedroom single dwelling over 4 floors with no garden is not the most efficient alternative use of the building. However, if the principle of the loss of the pub is accepted then there is no policy objection to its conversion to a single dwelling. The lack of outdoor space does conflict with Development Management Standard No.1 'Space Around New Dwellings and Flats'. The applicant has stated that the front deck would serve as an outdoor space but this sits close to the A259 and would not be an ideal location for a private, quiet garden space. The applicant has referred to erecting a fence screen but it is not considered that this would be desirable in visual terms. The alternative suggestions of providing balconies/terraces at the side/rear are noted and this is a possibility. However, there are also visual impact considerations for the building and the Conservation Area and, as no details have been provided as part of this application, this has not been considered further. It is recommended that permitted development rights are removed to enable control to be exercised over future changes to the building.

The site is in close proximity to the beach (accessible over the lock gates close by to the west) and Southwick Green so there are opportunities to enjoy open space close to the development. Converting an existing building does not always provide opportunities to comply with external amenity standards and it is considered that, overall, the development will result in an acceptable standard of amenity for future residents.

The proximity of the building to the A259 and port also has noise implications and, notwithstanding that the first floor is already in residential use, a noise assessment will be required, as requested by Public Health. This can be secured by condition. It should be noted that there are existing dwellings within this Riverside location, including Catts Mews and Malthouse Cottage. Permission has also recently been granted to convert the Old Town Hall into flats. The recently approved development immediately to the east on the site of the former Nautical Training Corps building is for uses which can be carried out in a residential area without detriment to its amenity (formerly B1, now E(g) and storage B8)). Conflict with Port uses is not a concern therefore.

Accessibility and parking

The application advises that 4 car parking spaces will be retained but these have not been demonstrated with any clarity on the proposed plans and further detail has been requested. Members will be updated at the meeting.

The site does lie in a sustainable location, close to bus stops and a railway station, and

there is space for bicycle storage within the building.

Flood Risk

The site lies adjacent to, but outside of, Flood Zone 3. The proposed floor plans show no sleeping accommodation in the basement or lower ground floor and there are no flood risk concerns as a result.

Conclusion

This is evidently a balanced case and often applications for pub closures pass with little public response which is not the case in this instance. Certainly, the loss of this pub would appear to have a greater impact than others that have been lost in the town in the past. While it is not considered to have been proven that there is no demand for a pub in this location, this is not a requirement of the relevant planning policy in the Local Plan which instead requires suitable alternative provision to be demonstrated. In this respect, the proximity of the New Port Arms, which offers a similarly unique experience as The Schooner did previously, can be taken to provide such suitable provision and on balance the application can therefore be supported.

Recommendation

Approve

Subject to conditions:-

1. Approved Plans
2. Standard time limit
3. Removal of PD rights Part 1 Class A-D, Part 2 Class A, Part 3 Class L
4. No sleeping accommodation in basement or lower ground floor
5. Noise assessment prior to commencement and mitigation to be implemented prior to occupation