

Recommendation Report for Planning Permission

REF NO: P/106/25/PL

LOCATION: The Lion Public House
Nyetimber Lane
Bognor Regis
PO21 3JX

PROPOSAL: Retention of timber awning to front of building. This application affects the setting of a listed building and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks the retention of a timber pergola to the front of the existing public house.
BOUNDARY TREATMENT	The site has a low level brick wall along the front and side boundaries.
SITE CHARACTERISTICS	The site is occupied by a Grade II Listed Building which is a two storey detached building with gabled tiled roof. There is a large patio to the front of building divided by the entrance path and enclosed by a dwarf wall. There is a parking area to the rear with an access on the right hand site of the building.
CHARACTER OF LOCALITY	The area is predominantly residential with bungalows set back to the east and north. Pagham Cricket Club Ground and two storey residential estates are situated to the south with some commercial uses to the west along Pagham Road.

RELEVANT SITE HISTORY

P/113/20/PL	Erection of a wooden Pergola to front elevation. This application affects the setting of a listed building & the site is in CIL Zone 4 (Zero Rated) as other development.	ApproveConditionally 01-02-21
P/104/25/L	Listed building consent for a timber awning to the front of the building.	

Permission was approved for the structure in 2020 which was for a temporary permission for 12 months due to the comments made by the Conservation Officer. Permission is now sought for a permanent permission.

REPRESENTATIONS

Pagham Parish Council - Objection.

- The impact upon the listed building is unacceptable and it part obscures the building.
- The structure was given a 1 year temporary permission during Covid 19.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The impact can be described as causing less than substantial harm and public benefits will need to be considered.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
Grade II Listed Building
Prone to Groundwater Flood Risk
Tree Preservation Order
Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 not result in demonstrably adverse harm upon the character of the area, neighbouring amenity nor the heritage assets.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan. These relate to the public benefits arising from the proposal with the development supporting the existing business premises and its viability for the future as an asset to be enjoyed by residents of the area and visitors.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) as it is of a de minimis threshold.

CONCLUSIONS

PRINCIPLE

The key policies in this case relate to design, amenity and heritage.

DESIGN AND VISUAL AMENITY

ALP Policy D DM1 looks at aspects of form and design quality and Policy D SP1 requires development proposals make efficient use of land but reflect the characteristics of the site and local area.

The proposal seeks the retention of a wooden pergola type structure that extends from part of the principal elevation of the building, forming a covered seating area. This is situated to the south east elevation with a depth of 7m and a width of 7.5m. This extends across approximately half of the principal elevation. It is 2.5m in height reducing to 2.2m as it extends towards the front boundary of the site. The pergola is open in nature and allows views through the structure. It is constructed of a dark wood which integrates well with appearance of the building.

Whilst the pergola is highly visible owing to its location, due to its modest height and material, the development would not result in harm upon the character of the area in accordance with ALP policy D DM1 and D SP1.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires that development contributes positively to the quality of

the environment and ensure that development does not have a significantly negative impact upon residential amenity.

The pergola is modest in height at 2.5m and is set away from nearest neighbouring occupier to the east with approximately 5m retained to the boundary. The structure would not appear overbearing or overshadowing, with any impact further reduced as a result of the open nature of the structure which permits views across the site.

The structure acts as a covered seating area and would enable customers to sit outside for longer periods when using the public house. Whilst this may result in an increase in noise, if customers are outside the venue for longer periods, it is not to such a level that this would be significant in which a refusal is justified. It is acknowledged that the pergola has been in place for at least 3 years having had a permission approved in 2020 for a 12 month period and no noise issues have been reported to Environmental Health since September 2022.

The proposal would not result in significant harm upon neighbouring amenity and accords with ALP policy QE SP1.

HERITAGE ASSET

Policy HER DM1 requires proposals affecting statutory Listed Building to protect, and if possible enhance the setting of the building.

Paragraph 208 of the NPPF requires the Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 212 states 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Paragraph 215 requires where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Lion Public House is Grade II Listed Building and is identified as a C17 or earlier, with the date of 1407 circa painted on the facade. The building is considered to derive its significance from its architectural, historical and communal interest.

The Conservation Officer has been consulted and states: 'The pergola is positioned directly in front of the principal elevation of the listed building, which is a key contributor to the building's significance. Its placement in this location results in a greater impact than if it were situated to the side or rear, where it would be less visually and historically intrusive. The structure appears visually intrusive and out of keeping with the historic character of the building. Its design, materials, and scale do not relate well to the architecture of the listed building, and it obscures views of the main elevation, preventing it from being properly appreciated. As a result, the pergola is considered a permanent and harmful addition that detracts from the special interest of the listed building. It is not acceptable in this sensitive and prominent location.

The proposal is described by the Conservation Officer as causing less than substantial harm and as per paragraph 215 of the NPPF the public benefits of the scheme need to be considered. The development contributes to the use and function of the outside seating area and consequently supports the existing business premises and its viability for the future as an asset to be enjoyed by residents of the area and

visitors.

It is acknowledged that due to its construction which is freestanding, it is not physically joined to the listed building and therefore results in no permanent harm to the listed building and could if required, be easily removed in the future.

The public benefit arising from the development is a material consideration of weight and is considered to outweigh the limited harm arising from the development and as a result, the proposal complies with relevant paragraphs of the NPPF and ALP policy HER DM1 and HER SP1.

SUMMARY

The development complies with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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 Plan - 29 August 2025
- Block Plan -
- Elevations - TLI001/2
- Ground and First Floor Plan - 6072/3202/01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.

- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.