

Recommendation Report for Planning Permission

REF NO: P/113/20/PL

LOCATION: Lion Hotel
Nyetimber Lane
Pagham
PO21 3JX

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Erection of wooden Pergola to cover right hand aspect of the Patio at the front of the building.
SITE AREA	52.50 square metres
TOPOGRAPHY	Predominantly flat.
SITE CHARACTERISTICS	A grade 2 listed, two storey substantial detached building with gabled tiled roof. The large patio to the front of building is divided by the entrance path and enclosed by a dwarf wall. Parking area to the rear with an access on the right hand site of the building.
CHARACTER OF LOCALITY	Predominantly residential area with well set back bungalows to the east and north, Pagham Cricket Club Ground and two storey residential estates to the south with some commercial to the west along Pagham Road.

RELEVANT SITE HISTORY

P/77/93/L	Application for Listed Building Consent for first floor extension	Refused 30-12-93 Appeal: Dismissed 12-05-94
P/76/93	First floor extension	Refused 30-12-93 Appeal: Dismissed 12-05-94
P/35/93	Single story extension to replace existing bar cellar plus new bar area	ApproveConditionally 21-07-93

Application P/35/93 for a single storey extension to replace existing bar cellar and new bar area.
Approved conditionally.

Applications P/76/93 and P/77/93/L for first floor extension were refused, refusal challenged by appeal, appeal dismissed.

REPRESENTATIONS

Pagham Parish Council was concerned about the impact of the development on the appearance of the listed building, however it recognised that during the current coronavirus pandemic, businesses such as the Lion Hotel needed to adapt to allow more use of their outside space. It was noted that the structure would not be attached to the building in anyway and was described as temporary. The Council suggested that the LPA should, if minded to permit the application, impose a condition reviewing the appropriateness of the structure after a year, or once coronavirus restrictions are relaxed. The Parish Council would have no objection to the proposals if this were the case.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER comments:

The Lion Hotel is a Grade II Listed Building, as a result is a designated heritage asset. The building is identified within the listing description as being a C17 or earlier building, advertised as being C15, with the date 1407 circa painted on it. It is of two storeys with the east wing of red brick whilst the west wing is stuccoed. Eaves cornice with gable at west end. Casement windows to east wing, sashes to the west wing. The roof is tiled. It is considered to be of architectural and historic significance.

The proposal is for the erection of a wooden pergola to the front of the building, which would be dark stained and not physically attached to the listed building. I note that the Design and Access Statement identifies that the pergola will 'stand 2.5 metres high closest to the building, cascading down to 2.2 metres at the front boundary of the patio. A retractable canopy cover is planned to provide cover when raining'. However, it is not clear how this drop in height will be treated

The concept of introducing such a large structure in the front amenity space of the listed building which would partly obscure its elevation is problematic and harmful. However, I also note that reference has been made to the fact that the statement is not to be permanent and could be easily removed from the site without causing harm to the historic fabric of the listed building. However, there is little information regarding how long the applicant would require the large structure to be present for.

If the structure were to be permanent, it could be considered to be causing less than substantial harm, which would require the public benefits test to be undertaken. However, if it is to be installed for a limited period of time of, say a year, it would allow the structure to undertake its function without forming a permanent part of the site. Such an approach would be more acceptable. A clearly worded condition identifying the duration that the structure should remain for would be required if you are minded to approve the application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Condition restricting the durability of the proposed structure on the site will be attached

to the decision.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary;
Pagham Harbour Zone B;
Listed Building Polygon.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

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 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.

On the 24th June 2020, the "Pagham Development Management Plan 2019-2026" was published under regulation 14. It is therefore necessary, in accordance with paragraph 48 of the NPPF, to have regard to this draft Neighbourhood Plan as a material planning consideration. However, the weight to be attached to the Plan is a matter of judgement for the decision maker. The plan contains 11 policies and only Policy 1 Built Up Area Boundary is relevant.

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 residential amenities of the adjoining properties, nor would it have an adverse impact upon the appearance and setting of listed building or established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site lies in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as heritage, character of the site and the surrounding area and residential amenity as well.

HERITAGE:

Policy HER DM1 requires proposals affecting statutory Listed Building should protect, and if possible enhance the setting of the building. NPPF part 16 reminds that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when considering whether to grant permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses.

The development involves an erection of Pergola - an open wooden structure to measure 7m wide, by 7.5m deep, and stand 2.5 metres high closest to the building, cascading down to 2.2m at the front boundary of the patio. It would be dark stained. A retractable canopy cover is planned to provide cover when raining. The structure would be freestanding/not permanent, and not be attached to the listed building.

The Conservation Officer pointed out that such a large structure in the front amenity space of the listed building which would partly obscure its elevation is problematic and harmful. However, it would be more acceptable if the structure is for a limited period of time (a year) requiring to imposed a condition.

Therefore it is considered that the proposed pergola due to its impermanency would unlikely cause harm to the significance of the heritage assets. The development would be in a general compliance with the

requirements of NPPF, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the policies HER DM1 of the Arun Local Plan and Policy 1 of the Bognor Regis Neighbourhood Development Plan.

DESIGN AND VISUAL AMENITY:

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part G.O1 deals with Centres & Local Facilities and points out that centres can perform a functional role but should also be nice places to be, forming a well located, safe and accessible focal point for a community and including measures to design out crime if appropriate.

Whilst the proposed wooden structure - a roofing grid of beams and rafters supported by posts would be freestanding it would have some impact on the appearance of the listed building, however due to the portable nature of the proposal and a current situation requiring some adaptation to allow more use of the outside space it is acceptable.

As Pagham Parish Council commented it recognised that during the current coronavirus pandemic, businesses such as the Lion Hotel needed to adapt to allow more use of their outside space. The proposed development would support to a leisure facility within an area.

The proposal complies with ALP policies D DM1 and D SP1 and Arun Design Guide.

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. Policy QE DM1 of the Arun Local Plan requires that developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required. Criteria (b) of Local Plan Policy QE DM1 requires that a noise report must demonstrate that the development meets appropriate national and local standards for noise, as set out in Annex 1 of the Planning Noise Advice Document: Sussex.

Para 127(f) of the NPPF states planning decisions should ensure developments create places with a high standard of amenity for existing and future users. Para 180 of the NPPF states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Annex 1 of the Planning Noise Advice Document: Sussex details that Entertainment Premises are required to abide by the Relevant Local Authority Licensing Policy. It requires that 'any amplified sound (including music and speech will be inaudible within any nearby noise sensitive premises with or without one or more windows open'. In this instance, the licensing restrictions do not allow amplified noise.

In the immediate context of the site to the south and west, the neighbours are predominantly commercial occupiers with the exception of the eastern and northern area containing the bungalows only. The patio is used for outside dining and drinking up to 23:00 every night and therefore it is not considered that the proposed development would have and adverse impact on the neighbourhood.

Taking these factors into account the development would not have an unacceptable impact upon the

amenities of the surrounding area and would therefore accord with Policies QE SP1 and QE DM1 of the Arun Local Plan and paragraphs 127 and 180 of the NPPF.

HIGHWAYS & PARKING:

Arun Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Parking Standards Supplementary Planning Document, January 2020 in Principle 7 states: that the amount of parking on site should be based on:

- a) The development's land use,
- b) Trip rate associated with the development, and
- c) The user group of staff/visitors of the site (including shift patterns).

This application seeks to erect a wooden pergola within an exiting patio and would not result in any increase of parking demands or highway safety hazard.

It is considered the proposal accords with policy T SP1 of the Arun Local Plan, Arun Parking Standards (SPD) and NPPF guidance.

SUMMARY

Given the nature of the proposal it is considered that the works would not have an unacceptable impact upon the significance of designated heritage asset or the amenities of the surrounding area therefore they are considered to accord with D DM1, HER SP1 and HER DM1, QE SP1 and QE DM1 of the Arun Local Plan and with the guidance in the NPPF and the planning consent should be granted.

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.

SECTION 106 DETAILS

A Pagham Harbour contribution would not be appropriate; there is no increase in residential units.

CIL DETAILS

This application is not CIL Liable as zero rated, other development.

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 dated 09/11/20;
Block Plan dated 17/11/20;
Drg No 6072/3202/01, Ground Floor Plan dated 20/11/20;
Drg No TLI001/1, Block and Floor Plan as Proposed dated 08/12/20;
Drg No TLI001/2, Elevations as Proposed dated 01/02/21.

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

- 3 The development permitted by this planning permission is a temporary, for 12-month period only starting with the date of this permission.

Reason: In the interests of protection of the significance of designated heritage asset and the amenities of the area and in accordance with policies D SP1, DM1 and HR DM1 of the Arun Local Plan and relevant paragraph of the National Policy Planning Framework and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990,

- 4 **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.