**Recommendation Report for Planning Permission**

**REF NO:** **P/12/14/**

**LOCATION:** Pagham Yacht Club
Harbour/ West Front Road
Pagham

**PROPOSAL:** New perimeter fencing

## SITE AND SURROUNDINGS

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|---|---|
| DESCRIPTION OF APPLICATION | The application is to enclose the boat pound and car park area with steel mesh crimped fencing powder coated and finished green to replace existing mixture of fencing. |
| SITE AREA | 0.327 hectares. |
| RESIDENTIAL DEVELOPMENT DEN | N/A |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None of any significance affected by the proposed development. |
| BOUNDARY TREATMENT | Existing slight bund 1m high with wire fencing and wooden posts above with some hedging in West Front Road and generally more open Harbour Road. |
| SITE CHARACTERISTICS | The site is a piece of land, not hard surfaced, which is use as a boat pound. |
| CHARACTER OF LOCALITY | The site is close to the sea and the area is generally made up of single storey dwellings, former converted railway carriages. |

## RELEVANT SITE HISTORY

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| P/9/69 | Renewal of consent for car park | ApproveConditionally<br>19-02-1969 |
| P/9/71 | Outboard motor & petrol stores | ApproveConditionally<br>10-03-1971 |
| P/136/74 | Renewal of P/184/72 for yacht club premises and car parking | ApproveConditionally<br>29-01-1975 |
| P/7/77 | Renewal of P/137/74 for outboard motor store | Approve<br>06-04-1977 |

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|---|---|---|
| P/56/77 | Boat parking area with temporary car parking | ApproveConditionally 03-08-1977 |

## REPRESENTATIONS

**Representations received:**

Pagham Parish Council

Pagham Parish Council:
No objection but with conditions. The Parish Council fully supports the need to replace the present fencing, but members felt that the proposed fencing was totally out of character given that the area is An Area of Special Character. The Yatch Club have agreed to accept a condition that WSCC conservation grade hedging would be planted on the outer face of the perimeter fencing. This is to soften the visual appearance.

Others:
None

**Comments on Representations received:**

Noted.

## CONSULTATIONS

Engineering Services Manager
Southern Water Planning
Parks and Landscapes

**Consultations responses received:**

Southern Water:
No objection. There is a public foul vacuum main on the site. The exact position of the public foul vacuum main must be determined on site by the applicant. No new foundations or new tree planting should be located within 3m either side of the centre line of the public foul vacuum main and all existing infrastructure should be protected during the course of construction works.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any future works commence on site. The applicant is advised to discuss the matter further with Southern Water at Southern House, Sparrowgrove, Otterbourne, Hampshire.

District Parks and Greenspaces:
No comment.

**Comments on Consultation responses:**

Noted.

## POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary
Area of Special Character
Protected Coastal Area

**DEVELOPMENT PLAN POLICIES**

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|---|---|---|
| Arun District Local Plan 2003: | GEN2 | Built-up Area Boundary |
| | GEN3 | Protection of the Countryside |
| | GEN7 | The Form of New Development |
| | AREA1 | Areas of Special Character |

Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):

D DM1 Aspects of Form and Quality
D SP1 Design
ENV DM2 Pagham Harbour
HER DM4 Areas of Special Character
SD SP2 Built -Up Area Boundary
LAN DM1 Protection of Landscape Character
SD SP1 Sustainable Development

**PLANNING POLICY GUIDANCE**

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| NPPF | National Planning Policy Framework |

**SUPPLEMENTARY POLICY GUIDANCE**

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|---|---|
| PDS | Pagham Parish Council's Village Design Statement by PaghamPC |

**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 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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 National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit

and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

## 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 the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

## 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 is within the built up area boundary where development is permitted provided that it accords with normal development control criteria, such as visual and residential amenity are satisfactory. The site is also in the Area of Special Character of Pagham Beach Estate, therefore any development must be sensitive to this special character.

NATIONAL PLANNING POLICY FRAMEWORK:
Paragraph 17 of this policy states that local planning authorities should always seek to secure high quality design and a good standard of amenity. Paragraph 58 states that development should respond to local character and history and should reflect the identity of local surroundings and materials.

POLICY AREA 1 AREAS OF SPECIAL CHARACTER:
This policy states that within Areas of Special Character planning permission will be granted proviede that (iii) the development makes a positive contribution to the special character of these areas, particularly with regard to the characteristics included in the descriptions for each area given in the supplementary planning guidance.

SUPPLEMENTARY PLANNING GUIDANCE PAGHAM BEACH ESTATE:
The character of Pagham Beach Estate derives from the distinctive consistency of scale, height, layout, form and spacing. The original buildings were railway carriages and whilst there is a strong linear pattern, there is an informality and distinctive seaside character to the area with a

strong feeling of openness. For the reasons given below, it is considered that the proposal is in accordance with the spirit of this policy.

EMERGING POLICY HER DM4 AREAS OF SPECIAL CHARACTER:
Within Areas of Special Character planning permission will be granted subject to the retention of features such as boundary walls, hedges and trees as well as open spaces which make a positive contribution to the special character. New development should preserve and where possible enhance the area of special character. A condition has been added to provide hedging adjacent to the fencing as agreed with the applicant therefore this will enhance the area and is considered to be in accordance with this policy.

EMERGING POLICY ENV DM2 PAGHAM HARBOUR:
Development will only be permitted in exceptional circumstances where it is demonstrated that there are no detrimental effects on Pagham Harbour, including non native species. A landscaping condition has been added to the approval and the control of the species will take place at the time of discharge. Therefore the application is considered to be in accordance with this policy.

VISUAL AMENITY:
The mesh fencing will permit a view through and therefore will not be a significant visual intrusion. The applicant has agreed to plant screening on the outside of the fencing. Therefore it is not considered that the proposal will significantly impact on the visual amenity of the area. There has been some fencing which already existed and the replacement will not result in any significant loss of visual amenity.

SUMMARY:
The proposed new fencing because it is mesh fencing, is not considered to result in any significant loss of visual amenity and it will be partially screened with planting. It is therefore recommended that the application is approved subject to the following conditions.

**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(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 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**

**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 drawing 14/02/01A and sectional details.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the completion of the development, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan and in accordance with the applicant's email dated 27th March 2014.

4 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.