

Recommendation Report for Planning Permission

REF NO: P/39/26/PL

LOCATION: The Royal Oak Inn
Pagham Road
Pagham
PO20 1LN

PROPOSAL: Change of use of the ground floor only from former public house (sui generis) to kitchen and bathroom showroom (Use Class E), with internal alterations and replacement of existing above-ground signage on existing fixings only. This application is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change of use of the ground floor of the former public house to a kitchen and bathroom showroom (Use Class E), with internal alterations and replacement of existing above-ground signage on existing fixings only.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	The site is open to the highway on Pagham Road. There is a timber fence to the south and a brick wall to the north.
SITE CHARACTERISTICS	The site is occupied by a detached two storey building with a hipped roof. This a former public house. There is a detached three bay garage to the southern side.
CHARACTER OF LOCALITY	The area is semi-rural, with sporadic residential properties.

REPRESENTATIONS

Pagham Parish Council provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection. There are no changes to the access arrangements. Inspections have identified collisions within the vicinity although these are not related to site access. Existing parking will remain unchanged.

Economic Regeneration - No comment to make on this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside built up area boundary
Pagham Harbour Zone B
Archaeological Notification Area
Gap between Settlements

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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 the proposal does not result in adverse harm upon the character or appearance of the area, nor upon residential amenity or parking and the highway.

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 no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for mandatory net gain with no external changes proposed, it is below the de minimis threshold.

CONCLUSIONS

PRINCIPLE

The site is outside the built-up area boundary where development is not permitted. However, the development seeks changes to a building. Development can be in accordance with Arun Local Plan (ALP) policy C SP1 if it refers to a specific use or type of development that is covered by another policy. The key policy considerations are deemed to be policy D DM1 and D SP1.

The principle of development is considered acceptable and will be assessed against relevant development plan policies.

Pagham does not have a made Neighbourhood Plan.

DESIGN AND VISUAL AMENITY

ALP policy D SP1 requires that development proposals make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The proposal seeks the change of use of a former public house to a kitchen and bathroom showroom. The change of use would relate to the ground floor only. The first floor is an existing residential flat and this will remain unchanged. No external changes are required to enable the change of use.

The building has been empty for some time, approximately 1.5 years and externally, it appears run down. The windows have been boarded up and the car park secured with a concrete barrier. The change of use would reinstate the car park and the windows within the existing openings.

The use of the site as a showroom is slightly out of character with no other commercial uses nearby. The building was in use previously for commercial use as a pub and its re-use would seek to bring an empty building back into use, improving the overall appearance of the building and wider site.

The proposal would not result in adverse harm upon the character of the area in accordance with ALP policies D DM1 and D SP1.

RESIDENTIAL AMENITY

ALP policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land.

The proposal seeks to change the ground floor use of the property to a kitchen/bathroom showroom. The proposal seeks no physical changes to the building to enable the change of use and there would be no overbearing, overlooking or overshadowing as a result.

The nearest neighbours are to the north at Royal Oak Cottage. There is 12.5m retained from the building to the neighbouring boundary. Due to the nature of the proposed use, this will not result in adverse harm upon the neighbouring property. There is an existing parking area to the front of the site which was utilised by its previous use as pub, however has been left empty since the pub closed in January 2025. The change of use will result in additional vehicles coming and going from the site. However, its use as a kitchen/bathroom showroom is considered to result in fewer visitors than compared to its previous use and is not considered to result in significant harm by noise or disturbance.

The business would be open Monday - Friday 8am-5pm and Saturday 9am-4pm. As a result, any additional noise associated from the change and from the comings and goings on the site would be during daytime hours and is not deemed significant.

Due to the use proposed, the proposal would not result in adverse harm in accordance with ALP policy D DM1(3).

PARKING/HIGHWAYS

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport.

The site has a car park to the front of the site. Access is gained from Pagham Road and this will remain unchanged. It is noted there have been accidents within the vicinity however these have not been related to the use of the site access and there is no evidence that the existing arrangement operates unsafely. WSCC Highways do not consider the development to have an unacceptable impact upon the highway.

Arun Parking Standard require a shop to provide 1 space for 14sqm. The development would require around 18 spaces. The existing car park provides 22 allocated parking spaces which includes 2.No disabled spaces. This exceeds the standards and the proposal would provide an acceptable amount of parking.

No cycle storage is proposed however owing to its location, on the junction between Pagham Road and Lower Bognor Road, which is subject to national speed limit, it is unlikely cycling would be a favourable form of transport. There is nonetheless enough space within the car park to store a bike, if necessary.

The development provides sufficient levels of parking in compliance with ALP policy T SP1 and the Arun Parking Standards.

SUMMARY

The proposal would bring an empty building back into use and does not result in harm to the character of the area nor upon amenity or parking. As a result, the application 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

The development is not CIL liable.

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 - 30/3/26
- Block Plan - PL 104
- Site Plan - 1.07
- Existing and Proposed West and South Elevation - 1.05
- Existing and Proposed East and North Elevation - 1.06
- Proposed Ground Floor Plan - 1.03
- Roof Plan - 1.04

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 The use hereby permitted shall not operate at any time outside of the following permitted opening hours;

08:00 until 17:00 on Monday to Friday.

09:00 until 16:00 on Saturdays.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE SP1.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 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 NPPF.