

Recommendation Report for Planning Permission

REF NO: P/66/22/PL

LOCATION: 20-39 The Parade
Pagham
PO21 4TW

PROPOSAL: The replacement of existing timber balustrades with new steel balustrades on all elevation. This application is in CIL Zone 4 (Zero Rated) as other development,

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to replace existing timber balustrades with new steel balustrades on all elevations.
BOUNDARY TREATMENT	None to front and sides, except for some trees in the central courtyard and grass verges fronting the road. Small fences and garages to the rear.
SITE CHARACTERISTICS	The premises is a three storey block, comprised of retail and commercial units at the ground floor, and residential units on the floors above.
CHARACTER OF LOCALITY	The character of locality is suburban. The site is a local shopping parade with residential flats above, and public parking to front and side. The surrounding area is predominantly residential.

RELEVANT SITE HISTORY

P/108/15/PL	Change of use from office (A2 Financial and Professional Services) to an A2 & residential 2-bedroom mixed use flat	App Cond with S106 21-12-15
P/40/15/PL	Change of use from an A2 office (Financial & Professional Services) to an A2 & residential 1-bedroom mixed use flat.	ApproveConditionally 16-07-15
P/32/91	The construction of an extractor system involving a new vertical extractor flue. Enlarging existing refuse store, and changing existing solid oak doors for new glass door in aluminium frame.	ApproveConditionally 10-06-91
P/1/91	Change of use from a bank (A2 user classification) to a	ApproveConditionally

chinese restaurant (Takeaway)

04-02-91

P/69/16/PL	Conversion from 2 bedroom live-work unit with office into a 2 bedroom flat with study/dining room.	Withdrawn 15-07-16
P/42/16/PL	Change of use from office (A2 Financial & Professional Services) & 2 bed flat to 1 No. 3 bed flat.	Refused 28-06-16
P/110/05/	Application for continuance of use without complying with condition 2 imposed on planning permission P/1/91 - to extend the opening hours to 01.00am	ApproveConditionally 23-11-05
P/103/15/NMA	Application for non material amendments following a grant of planning permission P/40/15/PL relating to change previously permitted 1 bedroom live/work unit to a 2 bedroom live/work unit	
P/99/15/NMA	Application for a non-material amendment following a grant of planning permission P/40/15/PL - change previously permitted 1 bedroom live/work unit to a 2 bedroom live/work unit	
P/98/15/NMA	Non material amendment to make unit more suitable for local housing needs.	
P/91/11/	Change of use from office (B1) to shop (A1)	ApproveConditionally 11-01-12

Relevant planning history noted.

REPRESENTATIONS

Pagham Parish Council - Support:

- The Council hopes this is the start of the improvements required to The Parade.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built Up Area Boundary
Pagham Harbour Zone A
2km Buffer for Site of Special Scientific Interest
CIL Charging Zone 4

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
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 it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

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

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

CONCLUSIONS

PRINCIPLE

The key policies are D DM1 and D DM4 of the Arun Local Plan, and guidelines set by the Arun Design Guide.

Pagham does not have a Neighbourhood Plan but instead has a Design Statement of which is relevant. The proposal is in Area 2 (Kings Beach Estate). Being an alteration to the external appearance, the proposal is in compliance with this statement.

DESIGN AND VISUAL AMENITY

The balustrade replacements will be situated on all elevations and will be visible from the wider area.

As the proposal only requests external alterations to the premises, the height and footprint of the structure will be retained. The metal balustrades will replace existing timber balustrades which currently pose a health and safety risk to the users of the site, as they are under 1.1m in height and deteriorating in condition. Although being a minor alteration, the new balustrades will be a positive improvement to the visual appearance and amenity of the premises, and are acceptable. They will be in keeping with the character of the premises, and the locality, and being primarily above the ground floor, will have very little impact on the composition or appearance of the street.

The balustrades are subservient to the design of the premises and are well integrated. The materials proposed are an appropriate alternative to the existing timber and will not intrude on visual amenity.

The proposal complies with the Arun Design Guide in that the proposal responds to and complements the existing character and appearance of the dwelling.

The works are in keeping with the local character of the area and will have little impact on visual amenity. The proposal is in accord with D DM1 and D DM4 of the Arun Local Plan, and Arun Design Guide.

RESIDENTIAL AMENITY

As the alterations do not result in any change to the footprint or height of the building, the proposal will not result in adverse overbearing or overshadowing of neighbouring properties. The works comply with D DM4 and pose no risk of harm to residential amenity. In addition, the metal balustrades will be much safer than those existing, being vertical and of stronger materiality, and will provide an improvement to the health and safety of the premises.

The balustrades pose no risk of overlooking and will have no harm on residential privacy or amenity.

Arun Design Guide states that developments should not negatively impact, and instead protect, neighbouring amenity in terms of privacy and overshadowing. The proposal is in accord with this.

The proposal will have a positive impact on residential amenity by improving the health and safety of the premises and is in accord with D DM1 and D DM4 of the Arun Local Plan, and Arun Design Guide.

SUMMARY

The development is in accord with the relevant development plan policies and as such 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 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
- Block Plan
- Existing and Proposed Rear Elevations 001

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 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.