

Recommendation Report for Planning Permission

REF NO: P/72/17/PL

LOCATION: The Lamb Inn
144 Pagham Road
Pagham

PROPOSAL: Retrospective application for replacement of existing windows with white PVCu windows

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of all windows with UPVC windows of the same design and opening mechanisms. Some of the windows have already been replaced.
SITE AREA	0.18 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1m wall to front and vegetation of various heights to side in front of building. 1.8m fences to sides and rear behind the building.
SITE CHARACTERISTICS	Part two, part single storey detached public house building, with accommodation on first floor level, garden to rear and car park to front.
CHARACTER OF LOCALITY	Village centre formed of buildings of various sizes and types, commercial and residential.

RELEVANT SITE HISTORY

P/19/87	Internal alterations including a front porch extension	ApproveConditionally 23-03-1987
P/85/92	Porch to main entrance to pub/restaurant	ApproveConditionally 02-11-1992
P/79/93	Dining room extension to existing Public House	ApproveConditionally 22-12-1993
P/53/97	Small kitchen extension	Approve 24-06-1997
P/114/98/	Small extension to lounge bar and converted	ApproveConditionally

toilet accommodation.

15-01-1999

The pub has been extended throughout the '80s and '90s following the grant of various planning permissions.

REPRESENTATIONS

Representations received:

No comments made.

Comments on Representations received:

N/A.

CONSULTATIONS

Consultations responses received:

None made.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary

Setting of listed buildings

Within the Barton Close area of special character

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) AREA1
GEN2
GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

Areas of Special Character
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
HER DM4 Areas of Special Character
RET DM1 Retail Development
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

PDS

Pagham Parish Council's Village Design Statement by PaghamPC

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The application is considered to comply with emerging Pagham NDP policies, Policy 1, Policy 3 and Section 6 of the Pagham Village Design Statement. However the application is considered to conflict with the requirements of the Areas of Special Character SPG 2005.

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 conflict with relevant Development Plan policies in that it would does not have a positive impact on the visual amenity of the area of special character.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan. Whilst the new windows would not make a positive contribution to the character of the dwelling or visual amenity of the area of special character, they are not considered the detrimentally harm the building and would preserve the visual amenity of the area of special character. The windows do and would look similar to existing and have the same opening mechanism. It is not considered that the application could be reasonably refused on the grounds of harm to visual amenity and an exception to policy AREA 1 and the ASC SPG can be made in this instance.

The development is not considered to have a 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.

CONCLUSIONS

There will be no significant change in impact on neighbouring residential amenity as the existing windows have or would be replaced with similar style windows with the same opening mechanisms.

Whilst the new windows would not make a positive contribution to the character of the dwelling or visual amenity of the area of special character, they are not considered the detrimentally harm the building and would preserve the visual amenity of the area of special character and setting of the listed buildings. The windows do and would look similar to existing and have the same opening mechanism. It is not considered that the application could be reasonably refused on the grounds of harm to visual amenity and an exception to policy AREA 1 and the ASC SPG can be made in this instance.

The development is considered to comply with Section 6 of the Pagham Parish Design Statement, and GEN7 of the Arun District Local Plan 2003 and is recommended for conditional approval.

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 (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.

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 and retained in accordance with the following approved plans:

234/01
234/02
234/03

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