

Recommendation Report for Planning Permission

REF NO: R/8/26/PL

LOCATION: Lamb Inn
73 The Street
Rustington
BN16 3NU

PROPOSAL: Change of external colour scheme; the fascias, barge boards, gutters and entrance door and surround are proposed to be repainted in black, windows will be finished in white and existing render to be repainted Heritage Indian White. This application may affect the setting of a listed building, affects the character and appearance of the Rustington Conservation Area and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to change the external colour scheme of the building. The fascias, barge boards, gutters and entrance door and surround will be repainted in black, the windows will be finished in white and existing render repainted Heritage Indian White.
SITE CHARACTERISTICS	The public house is a large, predominantly two storey building, with a modern single storey extension to the eastern side of the building, which is also visible from The Street. The building is located at a prominent corner and contributes to the established character of the conservation area.
CHARACTER OF LOCALITY	The site is close to Rustington village centre, in an area which was the historic core of the village. There is a high concentration of listed and historic properties in this area, and a mix of residential, retail and community uses.

RELEVANT SITE HISTORY

R/126/25/CLP	Lawful development certificate for the proposed removal of play equipment and replacement of bark with turf.	PP Not Required 29-08-25
R/286/17/PL	Replacement of existing pergola to side elevation & new fixed marquee to rear walled garden. This application affects the character & appearance of the Rustington Conservation Area & may affect the setting of a listed building.	ApproveConditionally 29-03-18

Planning history noted.

REPRESENTATIONS

Rustington Parish Council - No objection.

Conservation Area Advisory Panel - Objection.

- The advertisement application includes the painting of parts of the ground floor of the building a strident red colour which would detract from the appearance of the building and the conservation area. Such repainting should be included within the planning application and not the advertisement application.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The application for advertisement consent (R/19/26/A) has been amended to reflect the colour scheme proposed by this application.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER

- The colours proposed are acceptable for the building and the conservation area and are therefore acceptable.
- There is a separate application for the revised advertisements, which includes visuals depicting alternative colours on the building's exterior. It is understood these colours do not form part of the proposals for approval as part of that application.
- The application is considered to not cause harm to the significance of the heritage assets.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Locally Listed Building

Rustington Conservation Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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

HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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 harm the significance of designated heritage assets.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**DESIGN AND VISUAL AMENITY**

The building is finished with various materials, including brick, tile and rough cast render. The proposal is for the repainting of the render, fascias and barge boards, rainwater goods and entrance door. The render is currently a cream colour, whilst the other features are a mid grey colour. The proposal is to

repaint the render in Dulux Heritage Indian White paint. This colour is not a brilliant white, and would not be incongruous or out of keeping with the historic character of the area. The use of black paint for the remaining features would create a higher contrast colour palette than the existing. However both colours are acceptable, and would not harm the visual amenity or character of the building or the wider area in accordance with Arun Local Plan (ALP) policies D DM1 and D DM4.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal relates solely to the repainting of sections of the building. There will be no detrimental impacts on the residential amenity of neighbouring occupiers.

HERITAGE

The Lamb Inn is a locally listed building, and considered a non-designated heritage asset for the purposes of NPPF Chapter 16. The building is in the Rustington Conservation Area. The building is of architectural and communal significance, and is in a prominent position in the conservation area. The Conservation Officer has commented that the proposed colours are appropriate and the proposals do not result in harm to the significance of the heritage assets. The proposals are in accordance with paragraph 212 of the NPPF and ALP policies HER DM2 and HER DM3.

SUMMARY

The application is in accordance with the 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

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 with Named Street
- Detailed Plan of Works

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy HER DM2 and HER DM3.

- 3 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).

- 4 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.