

Recommendation Report for Planning Permission

REF NO: BN/132/20/PL

LOCATION: The Wilkes Head
Church Lane
Eastergate
Barnham

PROPOSAL: Retention of marquee for a temporary period of three years until 1st November 2023. This application affects the character & appearance of the Eastergate/Church Lane Conservation Area. This site is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks the retention of a marquee to the rear side of the existing pub.
SITE CHARACTERISTICS	The site is occupied by a pub which consists of two storeys with hipped dormers. Red brick with stringcourse with the listing identifying it as circa 1763.
CHARACTER OF LOCALITY	The area is predominately residential although there is a school to the rear of the site. The site falls within the Eastergate (Church Lane) Conservation Area.

RELEVANT SITE HISTORY

BN/133/20/L	Listed building consent for the retention of marquee for a temporary period of three years until 1st November 2023.	
BN/119/20/PL	Listed building consent for marquee to be in place until 1st November 2023.	
EG/66/17/L	Application for listed building consent for the retention of marquee for a temporary period of three years.	ApproveConditionally 30-01-18
EG/65/17/PL	Retention of marquee for a temporary period of three years. This application affects the character & appearance of the Eastergate (Church Road) Conservation Area.	ApproveConditionally 31-10-17

EG/56/17/PL	Replace 1 No. condenser on North elevation, removal 1 No. condenser from East elevation with addition of 1 No. condenser to West elevation. This application affects the character & appearance of the Eastergate (Church Lane) Conservation Area.	ApproveConditionally 30-01-18
EG/57/17/L	Application for Listed Building Consent for the replacement of 1 No. condenser on North elevation & removal 1 No. condenser from East elevation with addition of 1 No. condenser to West elevation.	ApproveConditionally 06-11-17

Noted.

REPRESENTATIONS

Barnham and Eastergate Parish Council provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The proposal relates to a marquee which has had previous permission and been in place for a number of years. Whilst, the proposal does not harm any historic fabric, it would appear that it is becoming more of a permanent structure, in which case something more appropriate for the Listed building should be considered. However, the location of the temporary structure is such that it is not fully visible from the road to the front and therefore does not unduly impact on the Conservation Area. The temporary nature of the structure means that it can be easily removed without causing harm and I am happy for it to be retained for another 3 years. It will not result in harm to the significance of the Listed building or the Conservation Area.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
Listed Building
Conservation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

[Barnham & Eastergate Neighbourhood Plan 2014](#) Development affecting heritage assets
[POLICY ES7](#)

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

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 considered are D DM1 and HERSP1 of the Arun Local Plan.

Barnham and Eastergate have an emerging Neighbourhood Plan with policy ES7 of relevance. This has been slightly amended from the made plan to include a new area of character. The proposal complies with this policy. The made plan is still in effect.

DESIGN AND VISUAL AMENITY

The marquee is already in existence gaining permission 3 years ago. The application seeks to retain it for a further 3 years. The marquee is set back from the road, to the west of the building and as such is not readily visible from the wider area.

It is relatively modest in size and having been in situ for a number of years its retention is not considered to give rise to adverse impacts upon the character of the area in accordance with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The marquee is situated to the western side of the building and will have a height of around 3.3m. Due to its temporary nature with it located some distance from neighbouring properties it is not considered to result in adverse harm upon amenity by way of overbearing, overshadowing or overlooking in accordance D DM1 of the Arun Local Plan.

IMPACT ON HERTIAGE ASSETS

The proposal is located to a Grade II Listed Building and within Eastergate (Church Lane) Conservation Area.

Paragraph 189 requires the LPA to firstly identify the significance of the heritage asset affected by a proposed development. The building is considered to be of architectural and historic significance and the Conservation Area retains its character with many historic characteristics of a rural, agricultural, settlement.

Paragraph 190 requires the LPA to consider the significance of the impact upon that heritage asset. The proposal seeks the retention of a marquee for use of by the business. This was given permission 3 years ago, although is considered to have been in situ for a number of years before this. As this has been in place for a number of years, something more permanent should be considered however as proposed it does not harm the historic fabric of the building. The marquee is also not readily visible from the road to the front of the building and as such does not impact views from the wider Conservation Area. Great weight has been given to heritage assets in reaching this conclusion.

On balance, with the marquee a temporary structure, set back from the road it is not considered to give rise to harm upon the Listed Building or the Conservation Area and accords with HERSP1 of the Arun Local Plan.

SUMMARY

The development proposed is deemed to accord with 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The building and works hereby permitted shown on drawing 1, drawing 2 and drawing 3 shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on November 1st 2023

Reason: The appearance of the building, by virtue of its design and construction is likely to deteriorate and become detrimental to the visual amenities of the surrounding area and in order that the Local Planning Authority may be satisfied as to the appearance of the land after the removal of the building in accordance with policy D DM1 of the Arun Local Plan.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans
- Location Plan - 1
 - Block Plan - 2
 - Floor and Elevation Plan - 3
 - Heritage and DAS statement - Nov 2020

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.