

Recommendation Report for Planning Permission

REF NO: EG/56/17/PL

LOCATION: The Wilkes Head ancillary building
Church Lane
Eastergate
PO20 3UT

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.23 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2m wall to south, trees and 1.8m fence to north and west, no treatment to east.
SITE CHARACTERISTICS	Two storey detached public house building with single storey building to north with parking area and gardens to east.
CHARACTER OF LOCALITY	Semi-rural area with some residential properties in the wider area.

RELEVANT SITE HISTORY

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/33/93	Change of use from public house/residential to residential	ApproveConditionally 08-09-93
EG/59/89	Single Storey Restaurant extension and extension to car park	ApproveConditionally 11-09-89

REPORT(ODB)

EG/95/88	Rear ground floor extension	ApproveConditionally 14-11-88
EG/31/88	Erection of 5ft Panel Fence	Approve 15-06-88

None relevant. Listed building consent granted last year for the development.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A.

CONSULTATIONS

Environmental Health
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer

The Wilkes Head is a Grade II listed building, prominently located on Church Lane, in the Eastergate (Church Lane) conservation area.

The proposal removes visually intrusive modern equipment from the front of the curtilage building and discretely locates the replacement to the rear. It results in a modest visual enhancement of the curtilage building and the streetscene of Church Lane, and it is welcomed in terms of the following policies:

- Local Plan 2003 Policy Area 2
- Local Plan 2014 Policy HER DM1 & 3.

CAAC- refer to previous comments.

SOUTHERN WATER

Please include standard informatives.

ENVIRONMENTAL HEALTH

The applicant has still not submitted a noise assessment, as required several months ago. Therefore I

REPORT(ODB)

am unable to assess the potential impact of the new kit, and would recommend refusal based on lack of information.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The officer notes EH's objection but there have been no public objections to the development which has been operating for many months. Furthermore, the nearest residential dwelling is more than 16m away from the closest condenser and is separated by trees. As such it is not considered reasonable to refuse the application on the grounds of noise pollution, nor would it be a sustainable reason for refusal at appeal stage.

POLICY CONTEXT

Designation applicable to site:

Outside built up area boundary

Conservation Area

Grade 2 listed building

Lidsey Catchment Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA2	Conservation Areas
GEN32	Noise Pollution
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

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

QE DM1	Noise Pollution
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
HER DM1	Listed Buildings
HER DM3	Conservation Areas
HER SP1	The Historic Environment
QE SP1	Quality of the Environment
SD SP2	Built -Up Area Boundary

[Barnham & Eastergate Neighbourhood Plan 2014](#)

[POLICY ES5](#)

Barnham & Eastergate Neighbourhood Plan 2014 Quality of design
POLICY ES5

Barnham & Eastergate Neighbourhood Plan 2014 Contribution to local character
POLICY ES6

Barnham & Eastergate Neighbourhood Plan 2014 Development affecting heritage assets
POLICY ES7

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
------	--------------------

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 and is 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.

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. The examination was completed in September 2017.

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. 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 development is considered to comply with relevant Barnham & Eastergate NDP policies.

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 development is considered to comply with relevant Development Plan policies in that it would have no 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.

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 development is considered to comply with these criteria in that it is considered to preserve the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The development is located outside of the built up area boundary. However, as it is an addition to an existing building within a ribbon of development the principle of the development is considered to be acceptable.

The Council's conservation officer has no objected to the development which has been in place for more over a year. They consider considered it to modestly enhance the building preserve the character of the building and conservation area.

The officer notes EH's objection but there have been no public objections to the development which has been operating for many months. Furthermore, the nearest residential dwelling is more than 16m away from the closest condenser and is separated by trees. As such it is not considered reasonable to refuse the application on the grounds of noise pollution, nor would it be a sustainable reason for refusal at appeal stage. The development is not located close to residential neighbouring dwellings or their gardens and is considered to have a limited impact on residential amenity.

The development is considered to comply with the development plan 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 approved shall be retained in accordance with the following approved plans:

17.118.PT.B 000
 17.118.PT.B 004
 17.118.PT.B 001
 17.118.PT.B 002
 17.118.PT.B 003

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.

- 2 **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.