

**Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition of a
Listed Building**

REF NO: EG/66/17/L

LOCATION: The Wilkes Head
Church Lane
Eastergate
PO20 3UT

PROPOSAL: Application for listed building consent for the retention of marquee for a temporary period of three years.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The works have already been completed.
SITE AREA	0.23 hectares.
TOPOGRAPHY	Predominantly flat.
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.	
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.	
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

EG/47/06/L	Application for Listed Building Consent for various illuminated signage.	ApproveConditionally 07-07-06
EG/34/93/L	Application for Listed Building Consent for conversion of public house/ residential to residential	ApproveConditionally 08-09-93
EG/10/93/L	Application for Listed Building Consent for structural repairs for underpinning to central bar area, lateral restraint & stiffening to first floor, entrance canopy load relocated to internal structure, removal & re-instatement of second floor. Removal of roof fabric and structure to outbuilding, re-align and re-instate.	ApproveConditionally 27-05-93
EG/60/89/L	Application for Listed Building Consent for single storey restaurant extension & extension to car park	ApproveConditionally 27-09-89
EG/123/88/L	Application for listed building consent for rear ground floor extension	ApproveConditionally 21-11-88

None relevant. Planning consent for the marquee approved last year with conditions.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A.

CONSULTATIONS

Conservation Officer
Listed Building Officer

CONSULTATION RESPONSES RECEIVED:

CAAC- No objection, colour to be agreed with LPA.

Conservation Officer

The application relates to retention of a marquee, which it is noted had been in place since 2011. While there is no objection in conservation terms as the proposal is unlikely to cause physical harm to the heritage asset, it is considered that the mass and materials of the marquee are detrimental to the appreciation of the heritage asset and its immediate setting.

I do not object to this proposal, subject to a time limit of three years, should permission be granted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The colour is considered to be acceptable.

POLICY CONTEXT

Designation applicable to site:

Grade 2 listed building

DEVELOPMENT PLAN POLICES

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

HER DM1 Listed Buildings

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

[POLICY ES7](#)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 application complies with Barnham & Eastergate NDP policy ES7.

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.

CONCLUSIONS

The importance of sustaining and enhancing the significance of heritage assets, while keeping them in viable and appropriate uses, is emphasised throughout Section 12 of the NPPF and para. 132 requires great weight to be given to their conservation.

The marquee is considered to be minor additional to the building and have a limited impact on its appearance and setting and would not result in harm as is only for a temporary period.

Conditional 3 year temporary approval is recommended,

REPORT(ODB)

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 marquee 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 2020.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.