HUNTINGDONSHIRE DISTRICT COUNCIL

24/01944/PRI033

OFFICER REPORT

Case No: **24/01944/PRI033** **Prior Ap Moveable Struc Hist attraction**

Proposal: **5m x 10m demountable marquee in white PVC with integral clear vision panels covering a lightweight tubular aluminium frame erected within the existing grassed beer garden.**

Location: **Public House The Black Bull 32 Post Street**

Applicant: **Mrs Rebecca Gibson**

Grid Ref: **524423 270918**

DESCRIPTION OF SITE AND APPLICATION

This is an application for prior approval for the installation of a 5m x 10m demountable marquee in white PVC with integral clear vision panels covering a lightweight tubular aluminium frame erected within the existing grassed beer garden under Class BB of Part 4 of the GPDO 2015 (amended).

The application site is situated within carpark of the Public House, The Black Bull which is a Grade II Listed Building and is located within the Godmachester Post Street Conservation Area. There are a number of listed buildings to the south and west of the application site. The site is located within Flood Zones 2 and 3.

Class BB of The Town and Country Planning (General Permitted Development) (England) Order 2015 (amended) permits:

BB. The provision of one moveable structure within the curtilage, and for the purposes, of—
(a) a listed building used for a purpose within—
(i) article 3(6)(p) or (q) (drinking establishments etc.) of the Use Classes Order; or
(ii) Class E(b) (sale of food and drink etc.) of Schedule 2 to that Order; or
(b) a historic visitor attraction.

NATIONAL GUIDANCE

Class BB of The Town and Country Planning (General Permitted Development) (England) Order 2015 (amended).

The National Planning Policy Framework (2024)

Planning Practice Guide

For full details visit the government website
https://www.gov.uk/government/organisations/department-for-communities-and-local-government

PLANNING POLICIES

Not applicable.

PLANNING HISTORY

78/01603/FUL – Extension to cellar – permission granted 04.01.1979
84/01179/LBC – Repositioning of front door – consent granted 20.11.1984
8700228FUL – Alterations to Annex - permission granted 24.04.1987
8700301LBC - Part demolition of and alterations to annexe – consent granted 24.04.1987
8700697LBC – Demolition of outbuildings – consent granted 05.06.1987
92/01340/LBC - Installation of kitchen extract system – consent granted 02.12.1992
01/02641/LBC – Internal alterations – consent granted 20.02.2002
02/01575/PDE – Alterations to rear car park – planning permission not required 19.06.2002
0201574FUL - Alterations to rear car park to create additional car parking, erection of fence and gate to 32A Post Street – permission granted 19.11.2002
0800136LBC – Re-roofing of old stables – consent granted 26.02.20008
1400131FUL & 1400132LBC - First floor internal alterations to create manager's flat from existing letting rooms. Ground floor lobby alterations, provision of new disabled W.C. and ladies toilets. Removal of minor partitions. External timber screen area to rear of building – consent granted 15.04.2014
1400634ADV - Replacement of existing signage and hand painting new pub signs on external walls and replacement of pub sign post graphics – consent granted 16.07.2014
1400635LBC - Replacement of existing signage – consent granted 16.07.2014
22/01021/ADV - Installation of 12 signs of varying designs to be positioned on the external structure of the Listed Building – consent granted 24.11.2022
22/01123/LBC - Erection of illuminated and non-illuminated signs to the exterior of the building – consent granted 24.11.2022
24/01506/FUL - Proposed replacement of external bar to serve outdoor drinking area – pending consideration
24/01462/PRI033 - 6m x 14m demountable marquee in white PVC with integral clear vision panels covering a lightweight tubular aluminium frame – requires planning permission 09.10.2024

CONSULTATIONS

The application was published by means of a site notice and direct notification. The following responses have been received.

Historic England – no comments to make.

Environmental Health – concerns regarding the potential impact of noise from any external music/events. Recommend a condition to prohibit external amplified music. If the applicants wish to have external music they will need to provide more information, including a Noise Impact Assessment in order to demonstrate the potential impact and how this can be made acceptable.

Officer comment – the conditions have been assessed against the requirement that they meet the 6 tests, as required under the NPPF 2023, which states that they must be: necessary, relevant to planning, relevant to development permitted, enforceable, precise and reasonable in all other respects. In this instance it is considered that the conditions do not meet the 6 tests as the playing of music within the area is already covered by other legislation, namely the 2012 Live Music Act. It is also considered to be unreasonable to restrict the limit of playing music outside when they are already able to do this under their licence. Should the use become unacceptable to local residents, they will be able to request recourse through the Environmental Health Team, who will investigate the matter. Therefore, this is not considered to be a matter that can be controlled through conditions attached to planning application. In addition, it is noted that the Licence Agreement for the property has already set conditions on the number of live music events allowed at the premises at 3 per year and not exceeding 65dB(A). Therefore, it is considered that sufficient conditions are already secured against the business.

REPRESENTATIONS

1 representation has been received from a neighbouring property. The comments are summarised below:

- Excessive noise during recent events where the existing marquee was in use.
- Disruption from parking, due to a loss of car parking space from the placement of the marquee and on occasion the complete shutting of the car park.
- During these periods the entire area becomes an outdoor bar with several hundred people in attendance.
- Increase in antisocial behaviour in neighbouring streets.
- The marquee has been up since June and not removed – what is temporary?
- The marquee is unsightly – long expanse of white roof at all times from the garden – along with motor homes which frequent the pub.
- The pub could use its function room rather than a marquee which provides better sound proofing for the neighbouring area.

Officer comments – Neighbour comments are noted. The issues that can be considered under a Prior Approval are limited. The points that can be addressed are noted in the main body of the report below.

SUMMARY OF ISSUES

The proposal is for the installation of a 5m x 10m demountable marquee in white PVC with integral clear vision panels covering a lightweight tubular aluminium frame under Class BB of the Town and Country Planning (General Permitted Development)(England) Order 2015(amended).

The issue for consideration is whether this proposal is considered to be permitted development under Schedule 2 Part 4 Class BB of The Town and Country Planning (General Permitted Development) (England) Order 2015 (amended).

Class BB development is NOT PERMITTED if

(a) on land which is or forms part of a scheduled monument or land within its curtilage;

N/A

(b) if any part of the moveable structure would be within 2 metres of the curtilage of any adjacent
land that is used for a purpose within Part C (residential uses) of Schedule 1 to the Use Classes Order;

No – the structure is positioned 2.5 metres from the rear boundary wall.

(c) if it would result in provision of a moveable structure being made within the curtilage of a building under Class BB on a total of more than 120 days in the relevant period;

No – the submitted application form confirm usage is for a maximum of 120 days

(d) if the height of the moveable structure would exceed 3 metres;

No – the height of the structure is under 3 metres

(e) if the footprint of the moveable structure would exceed the lesser of—
(i) 50% of the footprint of the building, or
(ii) 50 square metres;

The area of the structure is 50 square metres. It is noted that the footprint of the public house is approximately 252 square metres, with 50% being 126 square metres. Therefore, the structure complies with the requirements of Class BB (e).

(f) if the moveable structure is used for the display of an advertisement.

N/A

BB.2. Development is permitted by Class BB subject to the following conditions—

(a) where the moveable structure provided under Class BB is removed, the land must, as soon as
reasonably practicable and so far as reasonably practicable, be reinstated to its original condition;
(b) before a moveable structure is provided under Class BB (whether for the first time, or following the expiry of the relevant period), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
(i) the siting of the moveable structure, and
(ii) the method by which it is to be installed,
and paragraph BB.3 applies in relation to that application.

Paragraph BB.3 requires the applicant to submit a statement setting out the proposed methods of installing the moveable structure and reinstating the land to its original condition once the moveable structure is removed.

A method statement for the installation and removal of the structure has been provided. It states that the marquee will be secured to the ground with steel pegs. Once removed, any grass that has died back or become patchy will be restored using grass seed.

The structure is to be positioned within an existing grassed area. Neighbour representation has been noted regarding the loss of car parking spaces and the corresponding impact on the public highway. It is noted that the position of the marquee has changed from the previous application and will no longer be positioned within the existing car parking area. It will now be located to the rear of the site along the south-eastern boundary within a grassed area close to seating. Therefore, the concerns regarding the impact on parking provision are no longer relevant.

In other aspects the siting of the marquee accords with the requirements of Class BB.

Therefore, on the basis of the information submitted it is considered that the proposal meets the requirements for permitted development under Class BB.

CONCLUSIONS

Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that prior approval is required and granted subject to the conditions set out in Schedule 2, Part 4, Class BB of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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CONTACT OFFICER:
Enquiries about this report to **Olivia Manton**