
Site Address:	The Kings Arms, 19 Havant Road, Emsworth, PO10 7JD		
Proposal:	Retrospective application for roof over seating area and outside bar with pizza oven and servery.		
Application No:	APP/20/00030	Expiry Date:	10/03/2020
Applicant:	Mr Ciocan Fuller, Smith, and Turner PLC		
Agent:	Mr Brown	Case Officer:	Lesley Wells
	Walsingham Planning Ltd		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

The Kings Arms public house lies on the north side of Havant Road. Vehicular access is to the east, together with an outbuilding. The public house's car park and garden falls to the rear, with residential development to the east, west and north. A petrol filling station is immediately to the west, with access from Havant Road.

The public house is two storey, with single storey elements to the rear. The main building is rendered, with part Tudor style wood panelling and slate roof tiles.

2 Planning History

99/64491/000 - Erection of single storey cooled cellar to rear of property and extension to car park (retrospective), PERM,30/09/1999
07/64491/001 - Replacement signage scheme 2 x sets of individual house name letters 1 x Fullers cartouche logo and 3 x Floodlights., PERM,28/06/2007
APP/20/00026 - Application for Certificate of Lawfulness relating to construction of smoking shelter., DEL,

3 Proposal

Retrospective application for roof over seating area and outside bar with pizza oven and servery.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Julie Thain-Smith

No comment.

Councillor Lulu Bowerman

No comment.

Councillor R Kennett

No comment.

Crime Prevention -Major Apps

No comment.

Economic Development

No comment.

Environmental Health Manager, Community Group - 1st comment

I note the position of the pizza oven flue is marginally below the roof level of the adjacent structure, and that the flue appears to be <500mm from the structure. I also note that pizza oven shows signs of significant soot deposition above it's door, indicating that the flue may not be drawing effectively. This could mean that the appliance is operating less efficiently (and producing more pollutants-) than it could be (or alternatively, 'should' be).

Paragraph 2.10 of Approved Document J (ADJ) states that "the outlet from a flue (serving a solid fuel burning appliance) should be above the roof of the building in a position where the products of combustion can discharge freely...whatever the wind conditions". Further, Diagram 17 note 4 indicates that a vertical flue fixed to an outside wall should be treated as one which penetrates the weather surface of the roof, at it's nearest edge.

The pizza oven flue does not satisfy these requirements, and whether or not it should technically be considered to be a fixed appliance (as opposed to a free-standing flue) - it is clear that it's current position will hamper the proper dispersal of flue gasses & particles from combustion. This will affect employees, and customers - and could be regarded as a corporate health & safety matter - but it remains that the appliance is subject to planning, and that it's present installation is not ideal, so it could equally be regarded as an 'appropriateness of land-use' matter.

It could be solved by extending the flue (ideally, a sensible distance above the flat roof, say 600mm), or by relocating the appliance to >2300mm from the nearest structure (both criteria drawn from - ADJ diag. 17, D).

I will leave it to the planning service to decide whether these observations amount to a material reason to require amendment of the proposals or to justify (or necessitate) a refusal. My intention is only to highlight these deficiencies for consideration.

Environmental Health Manager, Community Group - 1st comment

I have reviewed the information submitted and I have concerns about the outside pizza oven and the potential for odour issues to impact nearby residential properties. The applicant has not provided any information on the type of fuel being used for the pizza oven, how frequently it is being used, what times of the day it is being used etc. I have looked at the EMAQ guidance on control of kitchen odour, which suggests that pizza has a medium score for odour and grease loading. My colleague has already commented in respect of the low level discharge of the flue, and I echo his concerns. At this stage I feel that there is not enough information for me to comment fully on the application and I would request that the applicant provide further details on the type of fuel being used, how frequently the pizza oven is being used, the intended times of use of the pizza oven and also the outside covered seating area. It would also be useful for the applicant to provide details of the cleaning and maintenance schedule for the pizza oven.

Environmental Health Manager, Community Group - 2nd comment - No Objection

A revised version of the pizza oven is shown in on the attached drawing, with the taller flue as requested. The oven uses kiln dried oak.

The proposed times for use of the pizza oven are Thursday 15.00hrs to 21.05hrs Friday and Saturdays 15.00hrs till 21.15hrs and Sundays 14.00hrs till 19.00hrs (during the summer months and weather dependant).

The oven is self-cleaning due to its high operating temperatures (over 300 degrees Centigrade) and it is anticipated that the flue will be cleaned around 3 times a year (the flue is detachable for this purpose).

The pub is open between 11am and 11pm and the beer garden and outside seating are available for use within those times (again limited by the weather and season).

Are you able to condition the hours of use as detailed by the applicant, ie:

Thursday – 15:00 – 21:05
Friday and Saturday – 15:00 - 21:15
Sunday – 14:00 – 19:00

Also, we think that the hours of use above are fine, however have some concerns about the premises increasing the amount of pizza they produce by offering customers pizza to takeaway. In light of this, are you able to condition that the pizza oven is to be used for Pizza for consumption on the premises only?

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 24

Number of site notices: one

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
- unauthorised development - relocation of refuse, recycle and glass disposal bins adjacent to boundary due to development - increased noise levels during the day - increased odour at certain times	See Section 7 below.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity

- (i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Impact upon the character and appearance of the area

The proposal is located to the rear of the public house, on its eastern side, alongside the access to the car park and garden to the rear, which is not readily visible from the public realm. The cover for the seating is a corrugated flat roof, with a timber frame. Regarding the outside bar, pizza oven and servery this is located close to the seating area, behind the public house. Due to the location and scale of the development, which is subservient to the public house, it has no material impact on the character and appearance of the area.

The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

The roof of the seating area is approximately 2.6m high, which is higher than the 1.8m fencing to its rear. The development abuts a fence, the boundary of which adjoining a petrol filling station to the west. The oven etc, is to the east of the main building, away from the western boundary. The proposal has no material impact on the commercial premises to the west.

As to the residential development to the east, there is an existing outbuilding opposite within the planning unit, which provides screening for the proposal from occupiers of the property to the east, as does the 1.8m boundary treatment.

The Council's Environmental Health Team (EHT) has been consulted over the proposal. Additional information as set out above under Section 5 was requested and has been forthcoming and/or the relevant changes to the proposal made, such as increasing the height of the flue (the flue would not be visible from neighbouring properties, due to the outbuilding). Following this additional information no objection has been raised by the EHT to the proposal on the grounds of noise, disturbance or odour, but recommend that the hours of operation of the development should be as stated by the applicant (ie Thursday, 15:00 – 21:05, Friday and Saturday, 15:00 – 21:15, Sunday, 14:00 – 19:00) and that any pizzas cooked in the oven should be for consumption on the premises only and not offered as a takeaway service. If permission is forthcoming, it is recommended that these conditions are imposed, together with a condition that the proposed flue, be installed, within 3 months of the grant of planning permission. The proposed restriction on the hours of operation and the location of the development within the site should not give rise to an unacceptable level of disturbance to residential properties to the east, west and north.

The relocation of the bins on the eastern boundary, should not give rise to an unacceptable level of noise and disturbance, to adjoining residents, over and above that normally associated with a public house.

Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

8 **Conclusion**

The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00030 object to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan - scale 1:1250
Proposed site & roof plan - Drawing No. 19-038-02-01
Proposed ground & floor plan - Drawing No. 19-038-02-02
Proposed site elevation - Drawing No. 19-038-02-03
Proposed timber framed seating area - Drawing No. 19-038-02-04
Proposed timber framed seating area - Drawing No. 19-038-02-05
Proposed outside bar/pizza oven - Drawing No. 19-038-02-06A

Reason: - To ensure provision of a satisfactory development.

- 3 The pizza oven the subject of this planning permission shall only be open for trade or business on the following days and hours: Thursdays, 15:00 – 21:05, Fridays and Saturdays, 15:00 - 21:15 and Sundays, 14:00 – 19:00

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The pizza oven the subject of this planning permission shall only be used in connection with food consumed on the premises and shall not be used in connection with a takeaway service or food consumed off the premises.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Within 3 months of the grant of planning permission the oven flue shown on drawing number 19-038-02-06A shall be installed and therefore retained and maintained.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.