

Recommendation: **GRANT PERMISSION**

The use of the flat roofed area at first floor adjacent to the shared boundary with 93 and 93A North Street, as amenity space would result in unacceptable over looking and loss of privacy to neighbouring residents. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

Other planning history on this site

01/63424/000 - Installation of two windows to ground floor, side (north) elevation., PERM,19/06/2001

06/63424/001 - Replace pan tiles to roof., PERM,04/12/2006

07/63424/002 - Retention of refrigeration unit. Resited to east elevation and enclosed with insulation board. , PERM,15/08/2007

09/63424/003 - Enclosure of the front forecourt including the erection of 0.9m high railings positioned above the existing 0.4m high boundary wall, erection of 0.4m high conifer planters above the existing brick piers and the erection of 1.3m high railings and iron gate in between the existing brick piers and boundary wall and the erection of 1No. retractable awning to the north side of the front entrance. , PERM,02/02/2010

APP/16/00821 - Demolition of existing rear outbuildings, erection of 4No. three storey townhouses with parking and raise height of existing pub roof to form 1No. self contained flat to second floor roof area., REF,18/10/2016

APP/17/00567 - Demolition of existing rear outbuildings, erection of 2No. 2 bed dwellings (Revised submission)., PERM,06/11/2017

APP/18/00057 - Retrospective planning permission for existing timber screen enclosure to refuse bins, awning to south wall on front elevation, external lighting, wallheaters and CCTV camera to front (west) forecourt area of Public House., PERM,05/04/2018

APP/18/00665 - Demolish existing outbuildings to ground/first floor at rear of site and construct 2No. new two bedroom houses with off road parking., Refused August 2018

3 Proposal

This is a part Retrospective application to raise the height of the existing roof to the main building and carry out a loft conversion to form replacement living accommodation for the owner (manager), linked with the existing pub and hotel below (revision to previous planning permission APP/16/01311). The previous permission has been commenced with internal works currently being undertaken. The application is submitted with a supporting statement, which outlines that the new accommodation will not be a self- contained managers flat, however it will be an annex to the main pub.

The only external alterations to the previously approved scheme are a revision to the southern elevation, where a previously approved fire exit has been replaced with a window. In addition a window located to the north west of the previous fire exit, has been removed, and a further AOV (Automatic Opening Vent) window is proposed at second floor level.

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

CS11 (Protecting and Enhancing the Special Environment and Heritage of

CS16 Havant Borough)
(High Quality Design)
CS9 (Housing)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

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

5 Statutory and Non Statutory Consultations

Community Infrastructure, Planning Policy & Urban Design

The previous application APP/16/01311 was for a self contained managers flat and as such was CIL Liable, in accordance with our CIL Charging Schedule:
<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

This application is not for a self contained flat but is to provide replacement living accommodation for the owner/manager in connection with the business of running a pub/hotel and will share the services of the business such as gas and water. As this type of development is not CIL liable there will be no charge arising if permission is granted (Public Houses are not CIL Liable and Hotels are zero rated).

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: 16

Number of site notices: 1.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Firstly, the semantics used concerning the categorization of this new flat and to whether it is CIL liable is not my business. I must add that +1 extra bedroom has been created. Therefore for the record parking should be taken into account (Andrew Biltcliffe Decision notice 14/3/17).	Noted - the previous scheme allowed for a 2 bedroom unit also.
As previously stated I do not have a problem with the AOV roof window as long as it is obscurely glazed and only used in the event of an emergency, not for everyday ventilation.	Considered under paragraph 7.1 (iii)

This window should be subject to the same constraints as all the other south elevation windows in Granted Planning Permission APP/16/01311 dated 14 March 2017. :)	
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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
- (iv) Parking and highways considerations
- (v) Developer contributions

(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. Furthermore the principle of the development was established in the previous application APP/16/01311.

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

This application proposes largely the same scheme as was previously permitted. As outlined in the description of development, the changes involve the change of a fire door, and its replacement by one window on the rear (southern elevation), and the addition of a further rooflight on that elevation. These changes are not considered to have a significant adverse impact on either the character or appearance of the property or the immediate and surrounding area.

(iii) Impact upon residential amenity

The original application for this part of the site APP/16/01311 included a restrictive condition to prohibit the use of the flat roof area unless for essential maintenance purposes, given its proximity to the shared boundary with No. 93 and 93a. The use of this area was considered to be unacceptable as it would have resulted in a loss of privacy to these neighbours, given its close proximity to the private amenity areas of these neighbouring properties. The previous application, APP/18/00535, sought to remove condition 5 of APP/16/01311, which was to restrict the flat roofed area. APP/18/00535 was refused, the reason for refusal outlining that it is considered that given the location of the flat roofed area, immediately adjacent to the boundary with 93 & 93A North Street, and being at first level would lead to direct overlooking and loss of privacy to the amenities of these neighbouring properties. The decision in this application is currently at appeal, and the Local Planning Authority are awaiting a decision on this matter. As such it is considered appropriate to reapply condition 5 in the interim, as the LPA continue to have this concern. The LPA would assess any subsequent application, depending on the outcome of the appeal.

With regard to the proposed altered windows on the southern elevation, it is considered reasonable and necessary to require these windows to be obscure glazed by way of a condition, which is in accordance with the submitted plan. Furthermore as

both are specified as AOV windows, there should be no requirement to open them except in case of emergency. Overall it is considered that subject to the imposition of conditions controlling the glazing and opening of these windows, it is not considered that the development would have a significant adverse impact to justify a reason for refusal on this matter.

(iv) Parking and highways considerations

It was recognised in application APP/16/01311 that the parking situation within the road is pressurised in terms of demand v. supply. However the site lies in a relatively accessible location close to the railway station and on a regular bus route. In this context it was considered that the initially proposed self contained manager's flat would not create an increase in

demand for parking to such an extent that it would be considered to warrant a refusal of the application. In the intervening period from the decision, there have been no changes in terms of local or national planning policies to indicate that a different decision should now be made in respect of the living accommodation now proposed which is to be linked with the existing pub and hotel.

(v) Developer contributions

The previous application APP/16/01311 was for a self contained managers flat and as such was CIL Liable, in accordance with the adopted CIL Charging Schedule

This application is not for a self contained flat but is to provide replacement living accommodation for the owner/manager in connection with the business of running a pub/hotel and will share the services of the business such as gas and water. As this type of development is not CIL liable there will be no charge arising from a permission (Public Houses are not CIL Liable and Hotels are zero rated).

8 Conclusion

The current application proposes a revised use, as linked accommodation which with appropriate conditions from application APP/16/01311, is considered to be acceptable.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00044 subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed plans and elevations - 06/16 (02) Revision D - Second floor layout revised to suit 'As Built' details 6-1-19
Reason: - To ensure provision of a satisfactory development.
- 2 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The accommodation hereby permitted shall be occupied solely for purposes incidental to the use of The Railway Inn and shall not be used as a separate unit of accommodation.
Reason: The unit of accommodation has insufficient amenity space and parking provision to be occupied separately from the host premises and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension hereby permitted the rooflight windows and first floor window in the newly created stairwell in the south elevation shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter. Such windows shall be non-opening except in cases of emergency.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 The flat roof area at first floor level adjacent to the shared boundary with No. 93 and 93a North Street shall not be used for the purposes of a terrace or balcony at any time whatsoever, but shall only be used for infrequent and occasional maintenance purposes only.
Reason: To safeguard the amenities of the occupiers of the neighbouring property and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework.