
Site Address:	The Railway Inn, 95 North Street, Emsworth, PO10 7PQ		
Proposal:	Retrospective planning permission for existing timber screen enclosure to refuse bins, awning to south wall on front elevation, external lighting, wall heaters and CCTV camera to front (west) forecourt area of Public House.		
Application No:	APP/18/00057	Expiry Date:	28/03/2018
Applicant:	Mr D Lucas	Extension of time	06/04/2018
Agent:	Mr M Singleton	Case Officer:	Lewis Oliver
Ward:	Emsworth		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

The site consists of a two storey public house located on the corner of North Street and Sultan Road, with the main entrance being located on North Street. The building has a large, pitched roof porch at the front entrance and features white render to the ground floor external façade, with some mock Tudor beaming detail. There is a small front forecourt with external seating. The front forecourt is enclosed by 0.9m high railings positioned above the 0.4m high boundary wall, 0.4m high conifer planters are located above the brick piers. This front boundary also has 1.3m high railings and iron gate in between the brick piers and boundary wall. The front elevation of the building has a retractable awning to the north side of the front entrance.

2 Planning History

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/16/01311 - Raise roof height and form 1No. self contained manager's flat to second floor roof area with new internal stairwell from first floor, PERM,14/03/2017

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

3 Proposal

The proposal is for retrospective planning permission for existing timber screen enclosure to refuse bins, awning to south wall on front elevation, external lighting, wall heaters and CCTV camera to front (west) forecourt area of Public House.

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

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

Environmental Health Manager, Community Group

I have reviewed the documents and have no adverse comments to make

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: 15

Number of site notices: 1.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
I object to the installation of the awning on the south wall in the south forecourt of 95 North Street 'The Railway Inn'. The presence of the awning has encouraged people to gather in order to drink, smoke and socialize in this small south forecourt more frequently and for longer periods of time than	Impact on the amenities of neighbouring properties is considered in paragraph 7.1 (iii)

before the awning was installed in July 2017. All this is happening within a couple of metres of my home and property next door. As a result, I have noticed an increase in the ingress of tobacco smoke into my home and particularly into the first-floor bedroom that is nearest to number 95. Also I can hear an increase of noise even with the secondary glazing closed. These activities have the potential to continue being carried on throughout all the opening hours of the public house from eleven in the morning until late at night, every night, seven days a week throughout the year. This course of action may be good for the commercial business of the Railway Inn; the employees of the public house are protected by the smoking ban; but where is the protection for the nearby residents including me and my household? We also need protection from the ill effects of long term exposure to smoke and noise. I trust that we will be protected by the law and guide-lines. There is already a designated smoking area with an awning on the north side of the front porch which is far enough away from the neighbours not to cause a problem.	
• Objections were made (2005) previous tenants licence in relation to smoking and loud voices in very close proximity to our opening windows. This was taken into account at licensing meeting which forbade smoking and congregation adjacent to our property after 9pm. • Current proprietor submitted plans for smoking shelter/area Sept 2009. Objections were made and he was advised to redact problematic parts. As a "good neighbour" smoking was forbidden and the area was cordoned off after 9pm. • After a period the policing of this went "out the window" and literally into ours. • Our objections are unchanged from previous and follow as:	Impact on the amenities of neighbouring properties is considered in paragraph 7.1 (iii)

• Tobacco smoke ingress into ground and first floor windows and loud voices (noise nuisance) including foul language all day and late into the night. • The distance from shelter to boundary 0.8m and to actual window openings 1.8m. • Attempts at policing suitable controls have failed • The proprietor was aware of the issues and limitations years in advance to construction. Online resource materials suggest seeking prior advice preferably at planning stage to avoid nuisance to nearby dwellings. • Suitable controls were in place in 2009 to combat smoking and nuisance noise. A return to that would be welcome. I have only one way to ventilate my nearest room, by opening the window. There is currently an area for smoking on the north side of the establishment. • It has been highlighted smoking was present in years prior to 2009 and nuisance from a commercial business premises. I wish for the continuation of enjoyment of my home and the continued protection for adults and children now and in future from HBC, not to be diminished against profit.	

Summary of issues highlighted above:

Tobacco smoke accumulating under the awning will be detrimental to the occupiers of the ground floor flat at No. 93 and the first floor flat at No. 93a.

Comment: Environmental Health have not raised any concerns with regards to this specific issue.

The awning will encourage more people to congregate in the forecourt, resulting in noise and disturbance to the occupiers of the adjacent property.

Comment: The front forecourt is already used as an external smoking area, with no controls on use of this area therefore the precedent has already been set in this respect. Environmental Health have not raised any concerns with regards to this specific issue.

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

Being on a prominent corner site, the elements contained within this application are highly visible in the street scene, especially when approaching from the north, where the bin store is visible, being set against the mature hedge which is located within the neighbouring properties front garden. When approaching from the south the impact is lessened by this mature hedge.

Bin timber screen enclosure

As noted above the bin timber screen is particularly visible when approaching the site from the north, where it is set against the backdrop of the neighbours mature hedge. It is accepted that this element of the proposal does alter the immediate character of the area, however the material used in the bin enclosure is of a high quality material, which is proposed to be stained a darker mahogany colour in order to match the colour of the existing benches within the front garden area. It is also considered that for Public Houses, planning controls need to be pragmatic and find a balance between impact on the character and appearance of the area and enabling a community facility to be able to operate in an appropriate manner. Drawing these matters together on this issue, it is not considered that this element of the proposal has a significant adverse impact on the character and appearance of the area to justify a reason for refusal on this matter.

Awning to south wall on front elevation, external lighting, wall heaters and CCTV camera to front (west) forecourt area of Public House.

The proposed awning is retractable and therefore will not a 'permanent' structure on the frontage of the premises and would be similar to the awning as permitted under application 09/63424/003 located on the northern side of the pub entrance. It is noted that in this previous application, a proposed southern awning was withdrawn from the application, following advice from the Environmental Health team, regarding potential noise, this element is considered below in paragraph 7.1 (iii). In terms of the impact of the awning on the character and appearance of the property and area, it is not considered that this element creates a significant adverse impact, in terms of size, scale, massing and design to justify a reason for refusal on this matter.

The other elements of the proposal comprises external lighting, wall heaters and CCTV camera to front (west) forecourt area of Public House. These elements are individually relatively small scale in nature, and our features which are now common on eating and drinking establishments following the implementation of the smoking ban. It is considered that these structures, which are in situ, both on an individual and cumulative basis do not have a significant adverse impact on the character and appearance of the property or that of the immediate and surrounding area to justify a reason for refusal on this matter.

(iii) Impact upon residential amenity

The occupiers of No. 93 North Street have raised the issue that the enclosed forecourt and awnings encourages a rise in people utilising the area, thus resulting in increased noise and smell disturbance. The front forecourt is already used as an external smoking area, and is not subject to any controls regarding its use in terms of hours or functions therefore the precedent has already been set in this respect. As outlined above it is noted that in the previous application that an awning on the southern elevation of the pub entrance was removed, following suggestions from the Environmental Health Team at the time of the determination, which has been raised by the occupiers of No.93. The Environmental Health team have been consulted on this application and have raised no objections to the proposal. The Environmental Health Officer has visited the site on a number of occasions between the previous application 09/63424/003, determined in 2010, and the current application. Given that the Environmental Health Team have not objected to this application, and that the existing courtyard can be used as external smoking/drinking area, with no restrictions from any previous planning permissions, it is not considered that the development would have an adverse impact on the amenities of neighbouring properties in terms of smell and noise disturbance to justify a reason for refusal on this matter.

The occupiers of no.93 have raised a number of concerns regarding how the Pub is managed and are in breach of a number of conditions/controls. As has been outlined the smoking area has no restrictions and neither does the pub in terms of planning controls. The queries and concerns raised relate either to terms of the Pub Licence and/or Environmental Health legislation, and as such are not material planning considerations.

8 Conclusion

In conclusion the development is not considered to have a significant adverse impact on the character and appearance of the property or the immediate and surrounding area. In addition it is not considered that the development would have a significant adverse impact on the amenities of neighbouring properties to justify a reason for refusal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/18/00057

(A)

(B) for the following reasons/subject to the following conditions

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

Proposed elevations - Drawing number 01/18

Reason: - To ensure provision of a satisfactory development.