



Our Ref: HC17008
Your reference: APP/17/01189

8 December 2017

Havant Borough Council

Civic Offices
Havant
Hampshire
PO9 2AX
(By email only)

Dear Mr Eaves

Planning Application APP/17/01189 - Construction of 3No. 2 bed terraced dwellings with associated accesses, car parking and amenity space following reconfiguration of existing Swan Inn access, car park and beer garden at The Swan Inn, Jessie Road, Havant, PO9 3TH

I write further to consultation responses received in relation to the above-mentioned application. We will address each in turn;

Highways Authority and Traffic Teams

We note that no objection has been raised by either consultee to the amended access and parking arrangement. I note however a late amended response from highways referring to two car parking spaces that cannot be counted but the response has no context so have insufficient information to address this. We would appreciate your advice in this regard.

Environmental Health

It is noted that the site, albeit minimally, has potential for land contamination. As such we are happy to accept a condition relating to a Contamination Watching Brief.

In relation to noise exposure, submitted plan 17.2292.100 rev P3 does show 1.8m high close board fence segregating a parcel of land to the rear of the Swan PH from both the pub garden (west) and the proposed new residential gardens (east). This area of land is intended as private amenity space for the tenant of the pub and has been identified as such on the enclosed amended plans. It is not intended for servicing or storage associated with the operation of the pub and thus will not be a notable noise source over and above any other residential garden. The location of the tenant garden is intended to create separation between the proposed new gardens and the pub beer garden.

Servicing and storage for the pub will remain as existing and is now shown on amended plan 17.2292.100 P5 for clarity. The Transport Statement and Plan:1707-86 SP01 submitted as part of the original application package demonstrate that servicing vehicles can be satisfactorily accommodated on the site.

Moving to the comments made by the Environmental Health Officer Mr Lemagnen, we are concerned that he is recommending refusal of the application based on noise and anti-social behaviour generated by the existing public house.

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The Local Authority has a duty to deal with statutory nuisances under the Environmental Protection Act 1990. For noise to amount to a statutory nuisance however, it must be "prejudicial to health or a nuisance" and in such instances an abatement notice can be served. We are not aware of any such notices having been issued and as such must assume that the instances referred to were isolated, were appropriately dealt with, and did not amount to a statutory nuisance such that it should not unduly influence the determination of this application for the introduction of additional residential properties in this already residentially dominated area.

We would draw your attention to the submitted PDAS where we recognise that the site is located within an existing residential area surrounded by residential properties, with several new properties having been permitted in recent year in close proximity to the site. The site is also located within an area identified for regeneration and therefore mixed uses are to be expected in close proximity to each other.

The NPPF and Core Strategy Policies make it clear that community facilities such as the Swan Inn are valuable commodities that have social and economic benefits. The Swan Inn, like many other commercial businesses rely on surrounding residential properties to support their economic viability, without which they would cease to trade. The proposal is based firmly around the intention to safeguard the long-term viability.

As such, we do not feel that the objection from Environmental Health would represent valid grounds to refuse the application. Notwithstanding this we accept that this application offers the opportunity to improve the existing arrangements and to assist in reducing impacts on surrounding existing properties. The retained pub has recently reverted back to our client control with the existing tenant having vacated the premise and a temporary tenant in post. In light of the highlighted complaints our client will now very carefully consider potential new permanent tenants for the pub. We would also like to draw your attention to letter dated 29/11/17 from Punch the pub operator (appended for your convenience) which confirms the operating hours and conditions imposed by their premise licence and their commitment to the successful operation of the pub as a community facility.

In addition, proposed plans show that the beer garden is now more centrally located than previously, taking it slightly further away from existing residential properties and windows and amended plan 17.2292.100 P5 now shows the addition of acoustic fencing around the relocated pub garden as well as enhanced landscaping within the reconfigured car park. These steps are considered to appropriately address Environmental Health comments and provides not only mitigation but also betterment for the wider community.

Building Control

We note the observations made by your Building Control Officer in respect of bin storage for plot 2. The comment suggests that the proposed storage arrangements would be unacceptable under Building Regulations however this is not the case. The regulations do not dictate, more indicate a preference that bins are not stored to the rear and as such the current location of bins would not be unacceptable. In order to overcome this concern however, we do propose to move the bin storage for plot 2 to the front as shown on amended plan 17.2292.100 P5.

Civil Engineering and Landscape Team

We note that no objection is raised in principle however there is a request for a soft and hard landscape scheme along with details of boundary treatments/means of enclosure, and details of materials proposed. We believe that the plans provided show sufficient detail to enable determination of the application but recognise that conditions may be necessary.

We note that clarification has also been sought on the following matters;

- revised garden arrangements - we trust that amended plan 17.2292.100 P5 and the above commentary provides sufficient detail;



- existing trees – an Arboricultural Impact Assessment and Method Statement was submitted as part of the application package and we trust this provides sufficient detail to demonstrate that retained trees will be afforded sufficient protection;
- noise – we have addressed this above as part of the response to Environmental Health comments;
- provision for smokers – a smoking shelter is now identified on amended plan 17.2292.100 P5;

Neighbour Representation

We note that only one neighbour representation has been received and this from a resident opposite the site rather than immediately adjacent. This would suggest that existing properties immediately to the rear boundary of the site are not concerned by the proposed changes.

The one representation received details a range of issues, the majority of which have been addressed in our responses to consultees. Our response to those matters not already addressed are set out below;

- ¾ of pub lounge going – this is not the case, the PH building is unaffected by proposals
- public bar smoking area should be made bigger with a shelter to stop them hanging about outside possibly upsetting the neighbours.
- standing out front will cause accident with people and vehicles crossing paths – amended plan 17.2292.100 P5 shows a protected access with new concrete bollards.
- Entrance should stay on corners as it has good view in all directions with no accidents. New access has poor visibility, will cause reversing, and will cause accidents – This view is not supported by highways or traffic consultees. Neither the PH nor residential units will generate any significant volume of traffic and there is plenty of space to turn into the revised pub car park
- New properties should have 3 spaces each – parking meets adopted standards
- Loss of 5 mature trees – necessary to enable development of land surplus to requirements
- Need for hoardings and locked gates during construction to avoid antisocial/criminal activity and working hours should be controlled – this can be controlled by any deemed necessary conditions.

We trust the above provides you with useful commentary which will aid your favourable determination of this application. If you do need anything further please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tracy Payne'.

Tracy Payne
Senior Town Planner