
Site Address:	McCormack House, 56a East Street, Havant, PO9 1BS		
Proposal:	Erection of free-standing open fronted smoking shelter.		
Application No:	APP/16/01270	Expiry Date:	04/05/2017
Applicant:	Mr C Condruk		
Agent:		Case Officer:	Harriet Pitney
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is a detached, two storey office building located to the south side of East Street, immediately adjacent to Havant Arts Centre and Museum. The site is currently occupied by Livelink Technology and is located in close proximity to Havant Town Centre within the St Faith's Conservation Area. To the east of the site is the Hayling Billy Trail along with two car parks, one privately owned by Livelink and the other owned by Havant Borough Council.

2 Planning History

97/55029/004 - Remove existing entrance door to north elevation and replace with window, PERM,16/10/1997

93/55029/000 - Renewal of six roof vents and removal of six roof vents to main hall., PERM,23/09/1993

93/55029/001 - Alterations to lobby and construction of ramp to form wheelchair access, PERM,

05/55029/005 - Development of courtyard at front of Havant Arts Centre to include seating, planting and sculpture (30cm high)., UNK,

09/55029/006 - 1. Replace existing signage with new signage (new name & logo) as per photographs. This is replacing like with like for six signs and adding:-
A = a flag on the current flag pole; B = additional sign over new door; C = signage either side of the door; D = new signage on back of seating. Only sign B will have lights over it.

2. Bricking up of current front door and creating new door on adjacent wall (see plans)., UNK,

09/55029/007 - Display of 7No. non illuminated fascia signs, 1No. externally illuminated fascia sign, 1No. projecting sign and 1No. flag., WD,08/12/2009

09/55029/008 - Display of 2No. non-illuminated fascia signs, 2No. externally illuminated fascia signs, 1No. projecting sign and display of flag., PERM,17/01/2011

APP/11/01748 - Fell 1No. Sycamore tree within Lymbourn Road Conservation Area., RNO,14/12/2011

APP/12/01137 - Remove 100mm lateral, 75mm lateral and other smaller growth to 1No. Silver Birch and fell 1No. Whitebeam within St Faiths Conservation Area.,
RNO,14/12/2012

APP/15/01277 - Changes to elevations including changes to door openings and type, erection of disabled access walkway and erection of smoking shelter. (Retrospective application), UNK,

APP/15/01278 - Noticeboards., UNK,

3 Proposal

This application relates to the erection of a free-standing open fronted smoking shelter immediately adjacent to the northern boundary wall that fronts East Street.

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
Havant Borough)
CS16 (High Quality Design)

Havant Borough Local Plan (Allocations) July 2014

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

5 Statutory and Non Statutory Consultations

Arboriculturalist

Following the additional Arboricultural report submitted in conjunction with the revised block plan, I raise no objection.

The Arboricultural Implications Assessment together with the Tree Protection Plan should be conditioned in the event planning permission is granted.

Arboriculturalist

I have looked at the tree statement.

- There are no RPAs given for the Ash Trees.
- There is a mention of ground level changes but no details given.
- A concrete slab within the RPA of the trees is likely to be detrimental to the rooting system.
- There is no mention of protective fencing.

A method statement (AMS) and tree protection plan (TPP) is required as the trees are within a conservation area and could potentially be negatively affected by the proposal.

FAO Conservation Officer, Development Control

No Objection

The application site is situated within the St Faiths Conservation Area. The proposal is for the erection of a smoking shelter to the north of the property, located between the carpark entrance and the bridge adjacent to East Street.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

The site is surrounded by a mixture of period and modern buildings constructed from a diverse range of materials. The proposed structure measures 3.1 metres by 2.4 metres and is 2.4 metres tall, constructed from a green aluminium frame with clear panels to the rear and sides, with a clear curved roof similar to the entrance to McCormack House. With the various built forms in the vicinity it is not deemed that it would look out of place.

The location is situated behind the northern wall of the property that fronts the pavement and at a lower level than the pavement. The roof of the structure will be visible on approach along East Street however there are trees and signs that will partially obscure that view. The choice of a predominantly clear structure will also lessen the impact of the structure which looks similar to a bus shelter.

The proposed structure is not deemed to have a detrimental impact on the setting or character of the Conservation Area.

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: 4

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: 23/12/2016

Number of representations received: 1

Comment	Officer Comment
With reference to the planned position of the smoking shelter, I would like the following to be taken into consideration in making a decision.	Please see section 7 of the officer report

I fully understand that Live Link own the area concerned and it does have public access and a HBC car park within the area.

However what I cannot understand is why the proposed shelter cannot be placed within the garden area to the south of the property. I see that they have opened up the access from Grove Road, which also would provide a fire assembly exit.

They have tidied up the area of the car park which was long over due which I am sure many residents are appreciated of, however doing this they appear to have gained an area which was used for HBC parking spaces, which has resulted with vehicles parking on local roads.

I wonder that if the shelter is allowed in this position what their next move would be.

I am also concerned about it being misused by the public after dark etc.

On conclusion, I think it would be better sited in their grounds for all the above reasons and as it is there is plenty of space within that fenced area.

7 Planning Considerations

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) Impact on trees

- (i) Principle of development

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

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

Given the prominent location of the proposed smoking shelter, concerns were initially raised regarding the impact of the proposed development on the character and appearance of the Conservation Area. These concerns were subsequently relayed to the applicant, however, it was concluded that there was not an alternative location for the proposed smoking shelter due to the surrounding ground conditions and the initial proposal should therefore be pursued.

As the proposed development is located within the St Faith's Conservation Area, the Council's Conservation Officer has been consulted as part of this application. The site is surrounded by a mixture of period and modern buildings constructed from a diverse range of materials and therefore in considering the various built forms within the immediate vicinity, it is considered that the proposed smoking shelter would not be out of character with the surrounding locality.

It is acknowledged that the location of the proposed smoking shelter would be sited behind the northern wall of the property that fronts the pavement on East Street and additionally on a lower level providing partial screening from East Street. Furthermore, whilst the roof of the proposed structure will be visible on approach along East Street, there are a number of trees which will assist in screening the development from this view. The Council's Conservation Officer has also concluded that the proposed materials will lessen the impact of the structure which would essentially have the appearance of a bus shelter.

On the basis of all of the above, it is considered that the proposed structure would be unlikely to have a detrimental impact on the setting or character of the Conservation Area and would therefore meet the requirements of both Policy CS11 and CS16 of the HBLP (Core Strategy).

(iii) Impact upon residential amenity

As detailed above, the Hayling Billy Trail lies to the east of the application site, however it is important to acknowledge that the route through the site does not form a public right of way. There is however a dedicated cycle route which runs through the site as well as two car parks, one privately owned by the applicant and the other owned by Havant Borough Council. To the west of the site lies Havant Arts Centre and Museum. To the north of the application site is the sorting office with Bellair House (residential) to the north east on the opposite side of East Street. On this basis, the proposed smoking shelter would be located a significant distance away from any surrounding residential properties.

It is not considered that the proposed smoking shelter would result in any loss of light, privacy, outlook or appear overbearing to any of the adjacent residential properties or alternatively result in any additional noise and/or smell which would detrimentally impact neighbour amenity given its location in relation to its immediate surroundings.

Consequently, the proposed development would have a limited and acceptable impact on the surrounding and adjacent occupiers and is therefore considered to meet the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Impact on Tree's

As the proposed development would be sited in close proximity to a number of existing trees within the St Faiths Conservation Area, the Council's Arboricultural Officer has been consulted as part of this application. Following the additional Arboricultural report

submitted in conjunction with the revised block plan, the Council's Arboricultural Officer raises no objection.

The Arboricultural Implications Assessment together with the Tree Protection Plan have been conditioned as part of this application.

8 Conclusion

The proposed development is considered to meet the requirements of Policy CS11 & CS16 of the HBLP (Core Strategy) and is recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/01270 subject 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:

Location plan- received 13th December 2016
Block plan- received 13th December 2016
Public and private access plan- received 8th December 2016
Configuration of smoking shelter- received 8th December 2016
2 photographs submitted detailing the location of the proposed smoking shelter- received 8th December 2016
Heritage statement- received 13th December 2016
Arboricultural Implications Assessment- received 9th March 2017
Tree Protection Plan- received 9th March 2017

Reason: - To ensure provision of a satisfactory development.