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|-------------------|-----------------------------------------------------------|---------------|-------------|
| Site Address:     | Newtown House Hotel, Manor Road, Hayling Island, PO11 0QR |               |             |
| Proposal:         | Erection of 2No two bedroom houses.                       |               |             |
| Application Type: | Full Planning Permission                                  |               |             |
| Application No:   | APP/23/01040                                              | Expiry Date:  | 06/03/2024  |
| Applicant:        | Mr Boothroyde<br>Marblesea Ltd                            |               |             |
| Agent:            | Mr Ash<br>Ashplan                                         | Case Officer: | Tina Pickup |
| Ward:             | Hayling West                                              |               |             |

Recommendation: **REFUSE PERMISSION**

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## **1 Site Description**

- 1.1 Newtown House hotel is a Grade II Listed Building located on the east side of Manor Road in Hayling Island. The Listing details describe it as:

*House, now a hotel. Early C19, with late C19 and early C20 extensions. Brick walls, with a tile roof. Symmetrical front (south) of 2 storeys, 4 (once 3) windows. Brick dentil eaves, red brickwork in Flemish bond with blue headers, stone lintels. Sashes in exposed frames. Doorcase with pediment, frieze and architrave, ½-glazed door.*

- 1.2 The site currently comprises a C1 hotel and the original listed building has had numerous extensions and alterations and includes some detached buildings, which are not part of the listing. Access to the site is via a one-way system with the entrance being at the southern end of the site; a single width drive serves parking spaces against the southern and eastern boundaries, and provides a loop round the edge of the site to the exit at the northern end of the site. The site is flat and level. It is understood the hotel has 25 bedrooms and has a restaurant open to the public and hosts events.
- 1.3 Within the grounds, to the north of the hotel and fronting Manor Road, permission was granted in September 2017 for the construction of 3No.dwellings which are now completed and occupied, as independent C3 dwellings, unrelated in occupation to the hotel. The frontage of the northern part of the site is marked from Manor Road by a 2m high brick wall with curved coping stone. A further brick wall with high hedge divides the site of the dwellings from the front garden of the hotel.
- 1.4 The arrangement of the additions to the hotel building create a central lawned courtyard style area to the east, serving the hotel and guests. Generally the setting of the buildings at the site creates a pleasant, spacious and open character. The north-eastern 'wing' comprises a more modern brick building that is part 2 storey with hipped tiled roof, and part single storey flat roofed. This wing comprises hotel bedrooms and is linked with a canopy roof to the main building and permission has recently been granted to extend the first floor element of this wing to form a 2 bed holiday flat (APP/23/00458 refers).

- 1.5 Directly to the north of this wing is an old stone wall that separates the walkway adjacent the building from an open grassed area. This grassed area is curved in shape with a recess for 5 car parking spaces, and the access drive runs between this and further grassed strip adjacent the sites northern boundary. It is this curved open grassed area and parking area between the existing wing and access drive that essentially forms the current application site.
- 1.6 This area comprises part of the landscaped setting around the site which includes a mature tree which the access drive curves round. There are other mature trees outside the application site in Sycamore Drive to the north (3 of which are TPO'd), as well as a Group TPO on trees adjacent the eastern boundary. In addition, there are other TPO'd trees within the hotel site, close to the southern vehicular entrance and front garden.
- 1.7 To the north of the site the area is characterised by detached dwellings set in large plots in a linear arrangement fronting Manor Road. Between the hotel site and the first detached dwelling there is a private drive serving a cul-de-sac of 4 detached dwellings set to the east of the site. Elsewhere the site is surrounded by higher density residential development.

## **2 Planning History**

90/52209/005 - 2 storey ext at rear of hotel to form 9 additional bedrooms with car parking & landscaping & re-alignment of front wall adjoining access onto Manor Road, PERM,

96/52209/017 - Internal alterations and single storey extension to south elevation, (revised application), PERM,06/09/1996

96/52209/018 - Listed Building application for internal alterations and single storey extension to south elevation (revised application), PERM,06/09/1996

95/52209/015 - Internal alterations and single storey extension to south elevation, REF,09/02/1996

95/52209/016 - Listed building application for internal alterations and single storey extension to south elevation, REF,09/02/1996

91/52209/006 - Single storey 3 bedroom extension to north of annexe (in addition to 9 bedrooms previously approved), REF,

91/52209/007 - Proposed single storey building for hotel staff accommodation to north of existing hotel, REF,09/04/1991

91/52209/008 - Two storey extension to annexe building to form four additional bedrooms (in addition to previously approved nine beds), PERM,

92/52209/010 - Listed Building Application for single storey extension a rear., REF,

92/52209/009 - Single storey extension to bar area, REF,

93/52209/011 - Single storey bar extension and associated car parking., REF,29/04/1993

93/52209/012 - Listed building consent for single storey bar extension and associated car parking., REF,29/04/1993

93/52209/014 - Listed building application for removal of chimney and stack complete., PERM,

08/52209/019 - Construction of new external walkway to rear of existing bar and function room. , PERM,04/03/2008

08/52209/020 - Conversion of existing swimming pool building to function suite. Alterations to fenestration and glazed screen creating enclosed walkway., WD,28/02/2008

08/52209/021 - Listed Building Consent for conversion of swimming pool building to function suite. Alterations to fenestration and glazed screen creating enclosed walkway., WD,28/02/2008

08/52209/022 - Listed Building Consent for construction of new external walkway to rear of existing bar and function room. , PERM,04/03/2008

08/52209/023 - Conversion of existing swimming pool building to function suite. Infilling of 2 small external areas to create walkway. Use of existing tennis court for car parking. Addition of acoustic screening. (Revised application.), PERM,28/05/2008

08/52209/024 - Listed Building Consent for new brick wall, 2 new glazed screens and roof over to complete existing walkway. Change use of swimming pool and gym. Use of existing tennis court for car parking. (Revised application.), PERM,20/05/2008

08/52209/025 - Listed Building Consent for internal alterations and replacement of first floor windows., PERM,13/06/2008

08/52209/026 - Discharge of condition 2 of Planning Permission 08/52209/019., PERM,24/06/2008

08/52209/027 - Works to 1950's annexe including new door and windows to ground floor west elevation., PERM,11/07/2008

08/52209/028 - Works to 1950's annexe. New door and windows to ground floor west elevation. Internal alterations to create additional ensuite bathroom. Additional minor internal alterations., PERM,15/07/2008

08/52209/029 - Extension to existing restaurant. Internal modifications to create a larger kitchen. New escape stair to first floor guest accommodation., PERM,19/11/2008

08/52209/030 - Listed Building Consent for extension to existing restaurant. , PERM,21/11/2008

09/52209/031 - Modifications to grounds to create new parking spaces and extension to road layout to create one way road system, including new access to Manor Road., REF,22/07/2009

09/52209/032 - Area of existing fruit tress cleared to allow for new access drive and additional parking spaces. A new planting buffer added between proposed car park spaces and boundary line. New access onto Manor Road., UNK,

09/52209/035 - Modifications to grounds to create new parking spaces and extension to road layout to create one way road system, including new access to Manor Road. , PERM,06/10/2009

09/52209/036 - Listed Building Consent for the repair and extension of boundary wall., PERM,12/10/2009

APP/10/00299 - Discharge of Condition No's 3, 5 and 6 of Planning Permission 09/52209/035., PERM,15/09/2010

APP/10/00412 - Application for non-material changes to Planning Permission No. 08/52209/029 relating to modification to existing chimney., PERM,18/08/2010

APP/11/00286 - Listed Building Consent for internal works to stable block; structural support to existing oak floor beams; removal of asbestos and minor repairs to roof. , PERM,20/07/2011

APP/11/01771 - Extension of time limit for implementation of Planning Permission 08/52209/029 for extension to existing restaurant, internal modifications to create a larger kitchen and new escape stair to first floor guest accommodation., PERM,20/01/2012

APP/11/01772 - Extension of time limit for implementation of Planning Permission 08/52209/030 for Listed Building Consent for extension of existing restaurant., PERM,20/01/2012

APP/12/00334 - Construction of storage area between 2 existing fences to east boundary of site with new slate roof over and featheredge boards to face., PERM,28/11/2012

APP/12/00353 - Construction of new glazed walkway from access road to reception; rationalising secondary access to bar including alterations to existing porch; creation of beer keg storage area and new access to bar store including removal of an existing window, insertion of new door and erection of 1.8m close board fence; and partial reduction in height of existing brick wall adjacent to main entrance., PERM,29/05/2012

APP/12/00359 - Erection of single storey smokers shelter; modifications to existing external terrace; construction of link from main hotel to annexe, enclosing existing covered walkway and creation of central 'break out area'; replace existing flat roof at east end of annexe with new tiled pitched roof; minor amendments to internal layout., PERM,30/05/2012

APP/12/00370 - Construction of new glazed walkway from access road to reception; rationalising secondary access to bar including alterations to existing porch; creation of beer keg storage area and new access to bar store including removal of an existing window, insertion of new door and erection of 1.8m close board fence; and partial reduction in height of existing brick wall adjacent to main entrance., PERM,29/05/2012

APP/12/00372 - Listed Building Consent for construction of storage area between 2 existing fences to east boundary of site with new slate roof over and featheredge boards to face., WD,29/05/2012

APP/12/00373 - Listed Building Consent for construction of new glazed walkway from access road to reception; rationalising secondary access to bar including alterations to existing porch; creation of beer keg storage area and new access to bar store including removal of an existing window, insertion of new door and erection of 1.8m close board fence; and partial reduction in height of existing brick wall adjacent to main entrance.

, PERM,30/05/2012

APP/14/00050 - Crown reduce 1No. Yew Tree (T2) by 2m and crown raise by 1m; Crown reduce 1No. Oak (T1) by 1m both trees are subject to TPO 1853. Remove large bow, crown reduce by 5m 1No. Poplar; Fell 1No. Poplar; Crown reduce 2No. Poplars by 4m, trees are within G1 of TPO 1755., PERM,07/03/2014

APP/14/00692 - Erection of 3No. 2bed dwellings with associated landscaping and car parking. Erection of bin and cycles store., PERM,24/09/2014

APP/14/00693 - Single storey front extension (and orangery) to restaurant., WD,01/09/2014

APP/14/00710 - Listed Building Consent for erection of 3No. 2bed dwellings with associated landscaping and car parking. Erection of bin and cycles store., WD,22/09/2014

APP/14/00711 - Listed Building Consent for single storey front extension (orangery) to restaurant., WD,01/09/2014

APP/15/00215 - Single storey front extension (and orangery) to restaurant. Request to Discharge Condition No. 2 & 3 of Planning Permission APP/16/00215 (07.09.16)

, PERM,15/04/2015

APP/15/00231 - Listed Building Consent for single storey front extension (and orangery) to restaurant. Request to Discharge Condition No. 2 & 3 of Planning Permission APP/16/00231 (07.09.16)

, PERM,15/04/2015

APP/15/00314 - Retention of existing external ice rink along with ancillary structures including timber cabin, ice skate stores, roller awning and seating area for use from 1st July 2015 until 2 January 2016., TPP,22/05/2015

APP/17/00613 - Erection of 3No. 2 bed dwellings with associated landscaping and car parking. Erection of bin and cycles stores. (Resubmission). (Approved 04/09/2017). Request to Discharge Conditions 4, 5, 6, 10, 11, 13 and 14 (22/02/21)., PERM,04/09/2017

APP/19/00115 - Listed Building Consent application for removal of existing hotel bar fittings. Insertion of new bar and storage. Redecoration after installation. Modification of heath and brick surround to existing fireplace in bar area to accommodate a new gas log fire., PERM,05/04/2019

APP/21/01147 - Application for Non-material amendment to Planning Permission APP/17/00613 relating to substitution of new 1.8m high close board fence in place of brick walls to side and rear of gardens to new dwellings; and re-arrangement of car parking layout., PERM,02/12/2021

APP/23/00458 - Proposed 1No. 2 bedroom first floor flat over existing flat roof at first floor to hotel annexe; ground floor side extension to accommodate creation of new entrance., PERM,15/11/2023

APP/23/00480 - Listed Building Consent for 1No. 2 bedroom first floor flat over existing flat roof at first floor to hotel annexe; ground floor side extension to accommodate creation of new entrance., PERM,16/11/2023

and other current application:

APP/23/01041 - Listed building consent for erection of 2No two bed houses including demolition of stone wall - *now WITHDRAWN as unnecessary*

### **3 Proposal**

3.1 Erection of 2No two bedroom houses.

3.2 The proposal is for a pair of semi detached dwellings to be sited 1.8m north of the existing annexe wing of the hotel, essentially on the curved grassed area. The footprint of the dwellings would measure approximately 10.5m x 9.4m, and each would meet the nationally described space standards for a 2 bed 4 person dwelling. Elevationally the southern dwelling would feature a gable front with the northern dwelling recessed back slightly with slightly lower hipped roof. The maximum ridge height would be 8m with minimum eaves height of 4m.

3.3 Each dwelling would have a rear garden of 6m in length, enclosed by 1.8m high close boarded fencing. Five parking spaces are shown on the plans to serve the 2 dwellings, shown as provided off the east side of the access road, adjacent the north-eastern corner of the site. The stone wall adjacent the annexe wing would be demolished as a result of the development and a landscaped area is shown to be provided to the north and east of the houses.

### **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)                                                             |
| CS17 | (Concentration and Distribution of Development within the Urban Areas)            |
| CS21 | (Developer Requirements)                                                          |
| CS9  | (Housing)                                                                         |
| DM13 | (Car and Cycle Parking on Residential Development)                                |
| DM3  | (Protection of Existing Employment and Tourism Sites)                             |
| DM8  | (Conservation, Protection and Enhancement of Existing Natural Features)           |

Havant Borough Local Plan (Allocations) July 2014

|      |                                                                                           |
|------|-------------------------------------------------------------------------------------------|
| DM20 | (Historic Assets)                                                                         |
| AL1  | (Presumption in Favour of Sustainable Development)                                        |
| DM18 | (Protecting New Development from Pollution)                                               |
| DM24 | (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development) |
| AL2  | (Urban Area Boundaries and Undeveloped Gaps between Settlements)                          |

Listed Building Grade: Grade 2  
Conservation Area: Not applicable.

**5     Statutory and Non Statutory Consultations**

**Arboriculturalist**

None received

**Conservation Officer**

**See Full response for legislative and policy context**

The application site is located on Havant Road on Hayling Island. It comprises the Newtown House Hotel which includes a complex of buildings, part of which have historic interest and are designated as being Grade II listed. The site has undergone several alterations over the years, most recently, the construction of two, private dwellings located towards the front of the site. The main historic section is located to the south of the site, with the main entrance facing towards the south boundary. To the northeast of the site, adjacent to the parking area, is a detached annexe used for accommodation. This is of relatively modern, brick and tile construction. It has a large flat roof, ground floor extension to the rear of the annexe, the roof of which is used as a balcony and enclosed by railings.

**Assessment**

The proposed pair of semi-detached dwellings would be located to the north of the existing detached, two-storey annexe building on area of lawn and would face onto the existing car park for the hotel. The proposed dwellings are of a standard, traditional design of brick and tile construction and would include 2no. small rear gardens and cycle storage.

In terms of the potential impact on the setting of the listed building, this would be very limited given the siting of the dwellings to the north of the annexe. This building has already affected the rear setting of the listed building and been in situ for several years. It would not be viewed in context with the main listed building due to the intervening forms of extensions and development.

The site does include a low-level flint wall which runs along the north side of the detached annexe. The proposed development would result in the loss of this wall, however, the significance of this wall has not been assessed and it could be a historic feature which has connections with the earlier development of the site. More information on this wall is required prior to determination of the application.

I note that listed building consent has also been applied for however, I advise that this is not required as the proposed development would not have any direct physical impact on the main listed building. It would only have potential to affect the setting of the listed building which is being assessed within this consultation.

### **Conclusion**

**HOLDING OBJECTION** subject to further information on the flint wall within the site.

### **Southern Gas Networks - stage 1**

None received

## **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: 9

Number of site notices: 1

Statutory advertisement: 26/01/2024

Number of representations received: 3 on this application - but it is noted that 2 letters have also been received under the accompanying LB application APP/23/01041, one of which is a duplicate to that received on this application, but another is an additional letter raising issues of principle that should be considered under this application, so it is being treated as being related to this application, making the **total number of letters received 4**:

| <b>Comment</b>                                                                                                                                                                                                                                       | <b>Officer Comment</b>                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| The layout of the proposed development results in the rear of 2 x 2 bed properties causing direct overlooking. We have concerns in regards to protecting our privacy.                                                                                | Noted - see section 7                                     |
| The additional noise from these properties will impact our wellbeing - already had significant issues with the management of the hotel due to excessive outdoor live music, car meets and drunk hotel residents. Which the hotel refuse to consider. | Noted - see section 7                                     |
| The planning refers the need for additional family accommodation. Will this be sold on the private market as per the three properties recently built?                                                                                                | Yes, assumption is C3 dwellings as private market housing |
| The wall should not be removed as it is protected.                                                                                                                                                                                                   | Not actually part of Listing - see section 7              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The space is limited to build two houses.                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Noted - see section 7                                                                                                                                                                                                                                                             |
| <p>They have already built 3 houses to side of property, these 2 will encroach on car park, reducing area for deliveries and the custom car rally held each month. the area is very small and would have small garden and limited parking. it is a listed building and this won't enhance it's appeal.</p> <p>The roads and infrastructure on Hayling is already over stretched , it doesn't need any more infilling</p>                                                                       | <p>Noted - see section 7</p> <p>The application site is located within the defined urban area where development is normally considered acceptable in principle. It is not considered that the modest scale of the development will lead to significant infrastructure issues.</p> |
| <p>Flint wall must stay as it is part of the 18th century farmhouse with a preservation order</p> <p>The plot is too small to accommodate two houses on a corner cars and lorries deliveries come round there</p> <p>For residents and children from the houses to walk straight out onto a road. No footpath is being provided.</p> <p>In my opinion, the hotel owners are just asset stripping as much as they can for money we must maintain a preservation.</p>                            | <p>Not actually part of Listing - see section 7</p> <p>Noted - see section 7</p> <p>Noted</p> <p>Not a valid planning consideration</p>                                                                                                                                           |
| <p>I oppose planning consent for 2 No two storey houses being built in such close proximity to my house. Several first floor windows will overlook my house and garden. This will be a gross intrusion of privacy and must be a significant factor contributing towards reducing the value of my property.</p> <p>In recent years 3 No two storey houses have been built in the Hotel grounds and in my view these grounds are not of a sufficient size to accommodate any further houses.</p> | <p>Noted - see section 7</p> <p>Value of property not a valid planning consideration</p> <p>Noted - see section 7</p>                                                                                                                                                             |

|                                                                                                                                                         |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| The Newtown House Hotel is well established and allowing its grounds to be converted into a housing estate cannot be in keeping with the existing hotel | Noted - see section 7 |
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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 on the setting of the Listed Building
- (iii) Impact on amenity
- (iv) Impact upon the character and appearance of the site
- (v) Parking
- (vi) Impact on trees
- (vii) Habitats Regs
- (viii) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The Council's Five-Year Housing Land Supply, Updated at March 2023, indicates the Borough's housing land supply position as 1.81 years with a 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any significant adverse impacts that would outweigh the benefits. It is accepted that the proposal for two additional dwellings, within the main urban area of Hayling Island, would make a modest contribution to housing supply and this benefit of the proposal must be afforded weight in the overall planning balance.

7.3 However, there are several areas of concern with the proposal for 2 open market Class C3 dwellings within the heart of a C1 tourist hotel site, which will be detailed below. In addition the accuracy of the plans and depiction of the existing parking spaces, and size of the landscaped area/route of the access drive are queried and if the recommendation had been for permission then a site survey plan would have first been requested to ensure the proposed dwellings were deliverable on the site.

7.4 Since the site affects a Listed Building, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to the determination of this application requiring special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

(ii) Impact on the setting of the Listed Building

- 7.5 Given the proposed siting of the 2 dwellings to the north of the annexe wing of the hotel, which would itself screen the new development from the historic Listed Building, it is considered the proposal would have limited impact on the setting of the main heritage asset itself. The rear courtyard garden contributes to the setting of the rear of the Listed Building and this would remain unaltered. However, there is a low stone wall which would be lost as a result of this development, the historic significance of which has not been assessed. This wall could be a historic feature that has connections to the earlier buildings on the site. Given the recommendation for refusal on other issues, further assessment of the wall's historic significance has not been pursued.
- 7.6 The impact of the proposal on the character and appearance of the Listed Building and its setting has been carefully assessed by the Council's Conservation Officer and in the absence of any assessment of the significance of the wall to be demolished, it cannot be concluded that there would be no harm to the significance of the designated heritage asset. Whilst a Heritage and Planning Statement has been submitted by the applicants, this contains no information other than the stated intention to demolish the wall. Since both paragraph 200 of the NPPF and policy DM20 specifically require a Heritage Statement that describes the significance of an asset to be submitted, then the lack of this information is considered contrary to the NPPF and policy DM20 of the HBLP (Allocations), as well as Policy CS11, clause 4, of the HBLP (Core Strategy), and the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(iii) Impact upon amenity

- 7.7 There are concerns about the compatibility of adjacent uses resulting from the proposed development. The site is a Class C1 hotel site that hosts events (weddings, parties, regular Classic Car meets etc) and on these occasions the site can be busy and noisy until late in the evening. Tourists may well be staying at the site to partake of the events being hosted. It can reasonably be expected that tourists on holiday at the site are likely to keep different daily routines and require different levels of quiet amenity to private occupiers of standard Class C3 dwellings. The siting of the proposed dwellings would be within 1.8m of the annexe containing several holiday bedrooms; within 11m of the rear courtyard where some of the festivities take place in the summer months; and immediately adjacent the hotel parking area with associated car doors slamming and vehicle lights.
- 7.8 The proximity of the dwellings to the noise and disturbance likely to be generated by the events, general holiday makers at the site and vehicle movements, is considered likely to lead to a conflict between future occupiers and the lawful use of the site. This is evidenced by one third party comment from a neighbour which notes "*significant issues with the management of the hotel due to excessive outdoor live music, car meets and drunk hotel residents*". The proposed dwellings would be even closer than existing neighbours that have the benefit of increased separation and some tree screening. Therefore it is considered that future residents are likely to be disturbed by noise and activity at the hotel site to the detriment of their quiet enjoyment of their property and amenity.

- 7.9 Paragraph 193 of the the NPPF looks to ensure that "*Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities....*", and makes reference to the 'agent of change' principle which is considered of relevance to this case. Policy DM18 of the Allocations Plan seeks to protect the amenity of future occupiers of new development from pollution including noise, vibration, light etc. Policy CS16 of the Core Strategy also seeks high quality development creating places people want to live, work and relax without unacceptable harm to amenity. It is considered that the introduction of Class C3 dwellings within a Class C1 site would lead to incompatible uses resulting in noise and disturbance conflict and poor amenity for future occupiers, contrary to policies DM18 and CS16 of the development plan and the objectives of the NPPF.
- 7.10 In other respects it is considered that the existing windows and openings in the north elevation of the annexe wing would result in direct overlooking of the proposed gardens serving the new dwellings. There are currently two first floor windows in the north elevation of the annexe, sited just 1.8m from the proposed gardens. Planning permission APP/23/00458 has approved another bedroom window in the existing first floor elevation and a further 3 within the new build first floor elevation. As a result of the proposed alignment at least 4 of these windows would have a direct line of sight over the gardens of the proposed dwellings. This is likely to result in unacceptable levels of overlooking and loss of privacy for future occupiers, also contrary to policy CS16 of the Core Strategy.
- 7.11 The proximity of the proposed dwellings to the adjacent annexe building would also lead to a loss of outlook for holiday makers occupying the first floor rooms. The outlook from 2 of the 3 first floor windows approved by APP/23/00458 (one would be an obscure glazed shower room, but the other two serve a living room and kitchen) would be severely compromised and face a blank side elevation within 1.8m. This would be unacceptably enclosing and limit light available to this room, to the detriment of the enjoyment of this space by occupiers.
- 7.12 In addition it is noted that the gardens serving the new dwellings would only have garden depths of 6m. Whilst the accuracy of the plans and space available is questioned, nevertheless, even if 6m could be achieved, this falls considerably short of the minimum requirement of 10m as set out in the Borough Design Guide. As two bedroomed dwellings it is possible that small families could occupy them and it is not considered that a garden length of just 6m would be sufficient to serve a family. A shed for secure cycle storage is proposed within the garden, further minimising the actual space available for sitting out, play, washing etc. As a result it is considered that the garden sizes proposed would be too small and not commensurate with the needs of the occupiers, to the detriment of their amenity, contrary to policy CS16 of the Core Strategy and the Borough Design Guide.
- 7.13 Overall it is considered that the proposed development of 2 dwellings sited just 1.8m from the existing annexed holiday building and sited within an active Class C1 hotel site would result in a poor relationship between future occupiers and constitute incompatible uses. The siting and layout of the development would moreover result in overlooking and a loss of outlook, and have insufficient amenity space, all detrimental to the amenity of all occupiers, and contrary to policies DM18 and CS16 of the development plan, the Borough Design Guide and the NPPF.

(iv) Impact upon the character and appearance of the site

- 7.14 It is considered that the existing grassed area provides a valuable contribution to the landscaped setting of the overall hotel site. It already has a tarmac recess along its eastern edge providing 5 car parking spaces but the remaining area is an attractive feature. The development of this area would result in a loss of this green space, and whilst the plans indicate some landscaping to the north and east of the dwellings, it is considered that the dimensions of the site would make this difficult to achieve. No site survey or even existing site plan is provided to enable comparison, but unless the existing drive is to be re-routed it is considered unlikely that the area is of sufficient size to accommodate the 2 dwellings, gardens and landscaping as proposed and as a result the proposals would represent an overdevelopment of the site.
- 7.15 It is also noted that the proposed dwellings would lie within only 1.8m of the annexe wing and consequently would appear very tight and cramped in visual terms, at variance with the otherwise spacious layout of the buildings at the hotel. Whilst there is no objection to the design of the proposed dwellings, which are similar in style to the recently built houses to the north of the site and approved extension to the adjacent annexe, nevertheless their siting would result in a poor relationship with the adjacent annexe building, being overly close and visually cramped. The existing annexe building is part single storey and part two storey but has an extant permission to become fully two storey. It is considered that a 1.8m separation between two 2 storey developments would be unduly cramped and out of character with the more spacious setting of other buildings at the site.
- 7.16 Policy CS16 of the Core Strategy requires development to respect local character and it is considered that the proposed dwellings do not respect the spacious character and setting of the hotel site. The proposal would represent an overdevelopment of the site, resulting in the loss of a valuable landscaped area and would appear visually cramped, to the detriment of the more spacious setting of the site, contrary to policy CS16 and contrary to Paragraph 135 of the NPPF which calls for planning decisions to ensure that developments are *".....visually attractive as a result of good architecture, layout and appropriate and effective landscaping...."*

(v) Parking

- 7.17 As noted above no existing site plan has been submitted enabling a comparison of parking provision. However following a detailed site visit it is clear that no new spaces would be provided to serve this development, and in fact some would be lost. There are currently 5 spaces adjacent the grassed area that forms the application site, as well as 5 spaces outside the existing annexe wing, and continuous spaces along the eastern boundary. The siting of the dwellings would result in the loss of the 5 spaces adjacent the grassed area and the spaces shown on the proposed site plan are substandard and only measure 4m in length (the adopted Parking SPD requires spaces to be 2.4m x 4.8m). The 5 spaces shown on the plan to serve the new dwellings already exist so would not be new.
- 7.17 The Parking SPD requires 2 on site spaces for each dwelling and as such 4 spaces would need to be provided in addition to those already existing on site. This has not been demonstrated to be achieved and the resultant shortfall of on site car parking is likely to lead to an overflow to the highway to the detriment of highway amenity for nearby residents. As such the proposal is considered contrary to policy DM13 and the Parking SPD.

(vi) Impact on trees

- 7.18 An Arboricultural Impact Assessment has been submitted which notes the layout enables retention of the significant trees on the site with scope for their protection during construction and subsequent management. Whilst no accurate site survey has been submitted it is considered that the main trees are sufficiently distanced from the proposed development not to incur any adverse impacts. As such there is no Arboricultural objection to the proposal in principle, and if permission had been recommended, then protective tree conditions would have been recommended.

(vii) Habitats Regs

- 7.19 In order to comply with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended), the application requires a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA) as the proposal is likely to have a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development of two new residential units.
- 7.20 The LPA operates two packages of avoidance and mitigation measures. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The applicant has submitted a European Site Avoidance and Mitigation Checklist, Havant Occupancy Calculator and Solent Nitrogen Budget, but the checklist and nitrogen budget are incorrectly completed and/or utilise out of date spreadsheets. On this basis the HRA has not been able to be undertaken with the best available objective and scientific information.
- 7.21 Given the recommendation for refusal on other matters, these matters have not been corrected or addressed, no HRA/AA has been undertaken and Natural England not consulted as required by the Habitats Regulations. Taking a precautionary approach to decision-making as required by Government guidance, at this stage the risk of the proposal having an adverse effect on a European site's integrity cannot be ruled out and it is therefore necessary to include the non-provision of any avoidance and mitigation packages for both recreational disturbance and impact on water quality as a reason for refusal as contrary to policies CS11, CS21 and DM24, as well as non compliance with the Habitats Regulations. Should an appeal be lodged against the decision to refuse, then these matters can be revisited at appeal stage.

(viii) CIL

- 7.22 As new residential development the proposal is CIL liable. However in light of the recommendation for refusal on other matters, the CIL forms have not been actioned and the Draft Liability Notice not prepared, and could be done at appeal stage if necessary.

## 8 Conclusion

- 8.1 It is considered that the proposal for 2 open market Class C3 dwellings within the heart of a C1 tourist hotel site would represent incompatible uses with resultant harm to the amenity of future occupiers. The layout, siting and proximity of the proposed dwellings to the adjacent holiday annexe wing would result in a poor relationship between future occupiers, and would result in overlooking and a loss of outlook, and have insufficient amenity space, all detrimental to the amenity of all occupiers, contrary to policies DM10 and CS16 and the NPPF. In addition the siting and layout would represent an overdevelopment of the site, resulting in the loss of a valuable landscaped area and would appear visually cramped, to the detriment of the more spacious setting of the site, contrary to policy CS16 and the NPPF. Furthermore, it has not been adequately demonstrated that new on site parking would be provided to serve the development, contrary to policy DM13 and the Parking SPD.
- 8.2 The historic significance of the stone wall proposed to be demolished has not been assessed, and it cannot therefore be concluded that there would be no harm to the significance of the designated heritage asset, contrary to the NPPF and policies DM20 and Policy CS11 and the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition the lack of appropriate mitigation measures for likely adverse effects on the Solent European Sites as specified by the Habitats Regulations is also contrary to policies CS11, CS21 and DM24. The proposal is therefore recommended for refusal.
- 8.3 It is acknowledged that the Council's Five Year Housing Supply is below the threshold and that the proposal would provide two new dwellings making a very small contribution to the Council's housing need. However the adverse impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits of provision of just two dwellings, such that the planning balance is not tilted in favour of the proposal.
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## 9 **RECOMMENDATION:**

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/23/01040 for the following reasons

- 1 The proposed siting of Class C3 dwellings in close proximity to existing holiday accommodation and events venue on a Class C1 hotel site would constitute an incompatible use with resultant noise and disturbance likely to lead to harm to the amenity of future occupiers of the dwellings. Furthermore the layout, siting and proximity of the proposed dwellings to the adjacent holiday annexe wing would result in a poor relationship between these buildings and their occupiers, and would result in overlooking of the proposed dwellings and their gardens, and a loss of outlook from the existing holiday accommodation. The proposed gardens for the new dwellings are also considered to be of insufficient size to provide adequate amenity space for future occupiers.

Taken together, the proposal would not provide satisfactory levels of amenity for the future occupiers of the new dwellings and would be harmful to the amenity of holiday makers occupying the adjacent holiday accommodation, contrary to Policy DM18 of the Havant Borough Local Plan (Allocations) 2014, Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide SPD 2011, and the National Planning Policy Framework.

- 2 The siting and design of the dwellings proposed, and their proximity to the adjacent holiday annexe wing building, would amount to an over-development, resulting in the loss of a valuable landscaped area and would appear visually cramped and congested, to the detriment of the more spacious setting of the site. The proposal is therefore out of keeping with the character of the site and contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The historic significance of the stone wall running to the north of the existing annexe wing has not been adequately assessed, and its loss as part of this development has not been justified in the submitted Heritage and Planning Statement. In the absence of information assessing the significance of the wall and the impact of its loss on the setting and character of the adjacent Listed Building, the development is contrary to Paragraph 200 of the National Planning Policy Framework (December 2023), Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, Policy CS11, criteria 4, of the Havant Borough Local Plan (Core Strategy) 2011, and the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- 4 The proposal would result in the loss of existing parking spaces on the site and no additional on site spaces to serve the new dwellings. Furthermore, the spaces shown to the east of the new dwellings and holiday annexe wing on the proposed site plan Drawing Number 22-038-14 are substandard in size. The development would therefore lead to a reduction in on-site parking provision serving the Class C1 hotel site, and such shortfall in car parking on site is considered likely to lead to an overflow to the highway to the detriment of the highway amenity of nearby residents and other road users, contrary to the adopted Parking SPD 2016, Policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 In the absence of a Habitats Regulations Assessment and suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant adverse effect on the Solent European Sites. The development would be likely to result in increased recreational pressures from future residents and have an impact on the water environment, and as such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) 2014, Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.