

Site Address: The Falcon, Hambledon Road, Waterloo, PO7 6XF
 Proposal: Erection of garden canopy/shelter (retrospective)
 Application No: APP/21/00865 Expiry Date: 24/09/2021
 Applicant: Mr Beacher
 Agent: Mr Andrews Case Officer: Graham Speller
 SDA Planning and Architecture
 Ward: Waterloo

Recommendation: GRANT PLANNING PERMISSION IN RETROSPECT

1 Site Description

- 1.1 The site is occupied by The Falcon public house and is situated on a corner of Hambledon Road and Sunnymead Drive.
- 1.2 The site forms part of Hambledon Parade, a local district town centre.
- 1.3 Other than Hambledon Parade the area is residential in character.

2 Planning History

88/51115/1 – External alteration on side (facing Hambledon Road) and front facing Sunnymead Drive - PERM
92/51115/004 - Single storey extension and internal alteration, INV.07/12/1992

3 Proposal

- ### 3.1 Erection of garden canopy/shelter (retrospective).

4 Policy Considerations

National Planning Policy Framework 2021
Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Local Plan (Core Strategy) March 2011

CS2	(Employment)
CS4	()
DM10	(Pollution)
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E22 (Amenity and pollution)

C8* (Food, drink and entertainment uses)
E1* (High quality design)
C6* (Local centres, local shops and services)

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

5 Statutory and Non Statutory Consultations

Councillor Gwen Robinson

No comments received.

Councillor Mike Seal

No comments received.

Councillor Peter Wade

No comments received.

Environmental Health

There are no specific conditions relating to the use of the 'outside drinking area'. Hours of use are already covered by the licensed premises opening hours, and restrictions are already in place on the activities that are permitted outdoors (entertainment generally prohibited).

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: 20

Number of site notices: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 3

3 letters of representations raising the following issues:

- Noise from garden/canopy shelter is very intrusive
- Music noise from within the building

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) Other matters

(i) Principle of development

- 7.2 The application site is situated within an urban area within a local district town centre where further development is considered acceptable subject to the usual development management criteria.

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

- 7.3 As noted above, this is a retrospective application for a covered area sited within the rear garden.
- 7.4 The structure has been erected on an outside patio seating area. It is relatively low and not prominent within the street scene. Whilst utilitarian in design, it is not untypical for public houses to have a covered area, particularly in these coronavirus pandemic times and also historically as smoking shelters.
- 7.5 As such, it is considered there is no adverse impact on the character of the area or the visual amenities of the street scene as a result of the development.
- 7.6 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.7 It is considered that the structure itself does not adversely impact upon neighbouring amenity.
- 7.8 The representations are noted and are primarily in relation to noise generated by patrons using the public house and also comments regarding behaviour.
- 7.9 There are no planning restrictions regarding the use of the existing garden. Whilst the canopy/shelter will allow use during inclement weather, as noted above, it is not untypical for public houses to provide such a covered area and these were historically erected as smoking shelters albeit more recently for coronavirus pandemic reasons.
- 7.10 The noise that the representations are concerned with would be a matter for licensing who can restrict use of areas and hours of operation. It would also potentially be a matter for Environment Health if it was considered to represent a statutory nuisance.
- 7.11 In a recent consultation referred to below under 'other matters' below, the Government comment that the statutory nuisance framework provides an enforcement mechanism for local authorities to deal with noise where there are unacceptable impacts.
- 7.12 As there are no planning restrictions regarding the use of the garden area it is considered that to impose hours restricting the use of the canopy/shelter would not be reasonable and as noted above, this would be a matter for licensing in such circumstances.

- 7.13 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Other matters

- 7.14 On 5 September 2021 the Government launched a public consultation on proposed planning reforms to support hospitality businesses so that outdoor space can be used more easily which has been driven by the coronavirus pandemic. Hospitality venues have been able to erect temporary marquees being put up under temporary measures without requiring planning permission, albeit the current application is considered to be a more permanent fixture.
- 7.15 The proposed measures would also introduce simpler licensing process for outdoor seating for pubs making it easier for people to safely drink and dine outside.

8 Conclusion

- 8.1 The canopy/shelter has been erected in response to Government advice in relation to the coronavirus pandemic and this will enable customers to be able to dine and drink in a well ventilated area.
- 8.2 The scale, siting and design of the canopy/shelter has limited and acceptable impact on the neighbours, the character of the area and the visual amenities of the street scene and is therefore considered to be appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/21/00865 subject to the following conditions:

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

004 - SITE & BLOCK PLAN

001 - FLOOR PLAN

002 - FRONT ELEVATION

003 - SIDE ELEVATION

Reason: To ensure provision of a satisfactory development.