
Site Address:	The Richard Cobden Public House, 74-76 West Street, Havant		
Proposal:	Revisions to approved application APP/15/00363: Conversion of existing Public House to create 5 No. flats.		
Application No:	APP/16/00140	Expiry Date:	08/04/2016
Applicant:	Mr Harris	Team:	Team 1
	Avalon Studios		
Agent:	Mr Critchley	Case Officer:	Heather Lealan
	Martin Critchley, Architect		
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 West Street lies within the town centre of Havant. The current permitted use of 74-76 West Street is as a Public House, although the building has been vacant for some time. The site is located within the Black Dog Conservation Area but it is not specifically identified as a locally listed building. The area is mixed use in character with residential, retail and some light industry beyond the southern side of West Street. Immediately opposite the site is the former 'Black Dog' public house, now converted and extended into a small housing development.
- 1.2 Beyond the rear northern boundary of the site is the Solent Retail park. There is no vehicular access from the north. The adjoining premises to the east remain in use with ground floor retail and residential uses above. The adjacent site to the west is a pair of semi-detached residential dwelling houses.

2 Planning History

APP/12/00377

Change of use from A4 (Public House) to Sui Generis (House of Multiple Occupation), and including part demolition and reconstruction of rear extensions, and reconstruction of rear wall and creation of separate cycle store - Refused at Development Management Committee and Permitted at Appeal

APP/15/00363

Conversion of existing Public House to create 5No flats incorporating removal of existing rear extensions and construction of single and three storey rear extension with associated bin and cycle areas. (approved 14.07.15). Request to Discharge Condition No.s 3 and 5 dated 22.01.16., PERM,14/07/2015

3 Proposal

- 3.1 Revision to rear elevation of approved application to convert existing public house and create 5.No flats.

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Policy Considerations

The National Planning Policy Framework, March 2012

Havant Borough Local Plan (Core Strategy) March 2011

CS4

CS6

CS9

CS11

CS16

CS17

DM2

DM10

Havant Borough Local Plan (Allocations) July 2014

AL1

DM24

Borough Design Guide SPD

Residential Parking and Cycle Provision SPD

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Statutory and Non Statutory Consultations

Environmental Health

Condition requested regarding ground contamination and an informative regarding Radon gas should be applied.

Additional Informatives relating to No bonfires on site, Dust suppression, Hours of work to be inserted within the application if you are minded to grant it.

Building Control

No Comments

Conservation Officer

This property lies within the Black Dog Conservation Area. It is not specifically identified as a locally listed building but is a distinct feature in the local townscape and makes a strong contribution to the character and appearance of the conservation area. The Inspector accepted the building is of some architectural/historic interest. In both schemes the public house is retained which is the primary conservation interest. The alterations chiefly apply to the rear. I have a reasonable appreciation of the building and its context and I am therefore responding based solely on a desktop assessment.

In the scheme granted on appeal and what is now proposed the street elevation remains the same. The internal arrangement is revised and is slightly poorer but not to an extent that I can take issue. The substantive change is to the rear where the bulk and scale of the rear addition is enlarged.

I feel this building is capable of being extended but the current proposals are a missed opportunity. The new building will be a more strident feature in the local townscape. The rather mediocre design solution does not do this justice. I would

urge design improvements which break down the scale and irregularity of the elevation which would be more akin to the local area. There is no direct visual or physical impact on the conservation area or any listed buildings to justify refusal on these grounds. However, the NPPF and adopted Local Plan place great weight on good quality design. This in itself should provide suitable material weight.

Comment - Noted, however it is considered in the context of the rear elevation that the changes would not be detrimental to the visual amenities of the area to warrant a recommendation of refusal of the scheme.

Environment Agency

We can confirm that the Environment Agency has no objection to the proposed application as submitted, as the proposed development is located within Flood Zone 1, which has a low probability of flooding. In addition, the proposal is not nearby a designated main river.

County Archaeologist

Records show that the site of proposed development does lie in an area of archaeological interest, no conditions suggested.

Officer comments - The application allowed at appeal included a condition requiring the recording of any archaeological deposits that may be disturbed. This condition has now been discharged

Southern Water

Any new connections will require a formal application for a connection to the public sewer to be made by the applicant or developer. Request that should this application receive planning approval, an informative regarding sewers should be attached to any consent.

Drainage Engineer

No comments

Crime Prevention

No comments received

Development Engineer

No adverse comments

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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: 12

Number of site notices: one

Statutory advert: No

Number of representations received: 0

7 Planning Considerations

7.1 The development plan identifies the main considerations in relation to the proposal as:

- (i) Principle of development, (including loss of community use)
- (ii) Effect on neighbouring properties
- (iii) Effect on the character of the streetscene and conservation area
- (iv) Parking Implications
- (vi) CIL and SRMP considerations

(i) Principle of Development

7.2 Policy CS4 of the Local Plan applies. This policy states that planning permission will be granted for development proposals that enhance the evening economy of town, district and local centres and encourages high quality mixed use developments with active frontages. The proposed development will not constitute an active ground floor frontage and will not directly enhance the evening economy of Havant Town Centre. However, considering the period of time that this property has been vacant, it is desirable to bring it back into effective use and conversion from A4 to C3 would enable this to be achieved.

7.3 Public Houses can be classed as a community use according to Local Plan (Core Strategy) Policy DM2. This policy is in place to protect existing community facilities and shops and sets out a series of marketing requirements that must be met before a change of use can be permitted. The proposed development site is no longer within the designated secondary retail frontage following the adoption of the Local Plan Allocations. The supporting text of DM2 states that *'In the case of shops located outside the primary and secondary frontages it is recognised that a series of vacant units can be damaging to the vitality and viability of an area. The intention is to maintain an active frontage that contributes to the surrounding local community. A reduced period of six months is therefore required....In the case of all other community uses, a longer marketing period is required.'* This property has remained vacant since 2009 and is therefore having a damaging effect on the vitality and viability of its surroundings. Therefore, a minimum 6 month period of marketing is required. As a minimum, the applicant is required to provide;

- *Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.*
- *Dated photographs of marketing board/s on the premises of an appropriate quality, size, scale, location and number during this time.*
- *An enquiry log, how it was followed up and why it was unsuccessful.*
- *A copy of all advertisements in the local press and trade journals (should be at least four weeks' worth of advertisements, spread across a six month period.*
- *Evidence of marketing via the internet.*

The period of marketing undertaken and the submitted Marketing Statement is considered to be acceptable.

7.4 Local Plan (Core Strategy) Policy CS6 states that planning permission will be permitted for development which positively contributes to the regeneration of the borough. This development proposal would bring a vacant building back into

effective use and will therefore contribute to the positive regeneration of Havant Town Centre.

(ii) Effect on neighbouring properties

- 7.5 The permitted current use of the site is that of a Public House with associated pub garden and, although the site has been vacant for sometime, it could re-open as a public house without planning permission. Regard must be given to this existing lawful use as a potential 'fallback' for the applicant and it is considered that the conversion to 5 No flats, is a less intensive use than that of a Public House, with potential residential accommodation over. Noise mitigation measures between the building and the adjoining residential flat to the east would be a matter for Building Control consideration. Environmental Health have raised no concerns with regard to the proposed use in respect of the impact on the adjoining and adjacent residential dwellings.
- 7.6 It is not considered that the potential increase of the use of the existing access alley by the residents of the proposed flats would be a reason to refuse this application, as there is no current planning restriction on the level of use of this access. The main pedestrian access into the building would still be via the central front door which provides access to all units, communal areas and the rear garden. Access via the alleyway is required for cycles and refuse access. The agent to the application has stated that the applicant has a right of access over this alleyway. Although rights of access and ownership of land is not a planning issue once the correct notice is served on all landowners, it is considered that a condition should be applied to any planning consent. Such a condition would ensure that if access for bins and cycles proves not to be achievable then alternative access for bins and cycles must be agreed in writing by the Local Planning Authority prior to the implementation of any consent.
- 7.7 With regard to the extensions and alterations proposed to the rear of the building, the revised scheme is not considered to be as good a design solution as the permitted scheme but the impact of the extensions on the amenities of the adjacent occupiers will not increase to a detrimental extent to warrant a refusal of the revised elevation

(iii) Effect on the character of the streetscene and conservation area

- 7.8 In this regard the proposal should comply with Local Plan (Core Strategy) Policy CS16 High Quality Design. This policy states that development should demonstrate that its design; *'1. Responds to, draws inspiration from and respects local context and: c. Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors'*.
- 7.9 Furthermore, the proposed development site is located within the Black Dog Conservation Area and therefore Local Plan (Core Strategy) Policy CS11 applies. This policy states that planning permission will be granted for development that; *'Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest'*.

- 7.10 It is considered that the retention of the ground floor windows and the minimal changes proposed to the front elevation meet the requirements of these two Core Strategy policies. The proposed rebuilding to the rear of the building is also considered to be acceptable. It is not out of keeping with the other gable elements ,of which there are numerous, to the rear of this and the adjacent properties. The rear elevation is not visible to and will not detrimentally impact the amenities of the conservation area. The amendment to the plans to hang the elevations with tile rather than timber cladding will assist to make the new elements appear recessive against the existing backdrop.

(iv) Parking Implications

- 7.11 The site location plan indicates no on-site car parking and the Council's Development Engineer has been consulted and has advised that as the proposed residential use would be likely to generate less modal trips than the use of the building as a Public House, therefore no parking would be required to be provided on site for the conversion of the Public House to residential units. Further supporting this is the site's location within the designated Havant Town Centre Public Transport Accessibility Boundary and as such the provision of cycle spaces only is acceptable.

(vi) CIL and SRMP considerations

- 7.12 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre + indexing on new floorspace (measured as gross internal area). It is considered that there is a CIL liability for this site as the scheme and the agent has been made aware accordingly

- 7.13 This development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the LPA at the end of June 2014 requires a payment of £172 per dwelling to the Solent Recreation Mitigation Partnership. The applicant has paid this contribution and returned the necessary forms (under APP/15/00363).

8 Conclusion:

- 8.1 It is considered that the proposed use is acceptable and provides a sustainable form of development in this mixed use location that will bring the disused building back into use to the benefit of the conservation area. Having regard to the lawful use of the site as a Public House it is considered that the new use proposed together with the various extensions and alterations will not cause harm to interests of residential amenity and highway safety. It is therefore concluded that the application should be permitted subject to planning conditions.
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9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00363 subject to the following conditions

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00140 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:
Design, Access, Sustainability and Heritage Report
Site Plan Drwg.No 1044-131
Block Plan Drwg.No 1044-131
Existing Ground Floor Plan Drwg. No. 1044-231
Existing First and Second Floor Plans Drwg.No 1044-232
Existing Elevation Plans Drwg.No 1044-331
Existing Elevation Plans Drwg.No 1044-401
Proposed Ground Floor Plan Drwg.No 1044-431
Proposed First & Second Floor Plans Drwg.No 1044-432
Proposed Elevations Drwg.No 1044-532 (as amended to show tile hung elevations)
Reason: - To ensure provision of a satisfactory development.
- 3 All works of external repair, restoration and replacement shall faithfully match the original features and materials, unless otherwise agreed with the Local Planning Authority in writing. The tiles for the rear north elevation shall be David Cover & Sons Ltd - Heritage Edwardian and render to be Sandtex Umber Stone.
Reason: To secure a satisfactory and sympathetic form of development and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The windows at ground floor level within the front elevation of the building shall be retained unless otherwise agreed in writing with the Local Planning Authority.
Reason: In order to retain important features or materials which may be of benefit in maintaining the history or character of the area and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and The National Planning Policy Framework, March 2012.

- 5 If, during development, soil or groundwater that appears to be impacted by contamination is found to be present, no further development shall be undertaken until an appropriate assessment has been undertaken, and a report detailing how that contamination is to be dealt with, has been submitted to and approved by the Local Planning Authority. Unless otherwise agreed in writing, all works outlined in the submitted report shall be adhered to.
Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and DM17 of the Havant Borough Local Plan (Allocations) (2014) and the National Planning Policy Framework, 2012; there is a low risk of the presence of Contamination associated with historic uses of land or buildings at the site that if present, could pose a risk to future site occupiers.
- 6 No part of the development shall be brought into use before the bin storage shown on the approved plan is provided and thereafter shall be kept available for this purpose.
Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 7 The use hereby permitted shall not be implemented unless right of access for cycles and bins is established through the alleyway included within the red line. If a right of way cannot be established the use shall not be implemented until an alternative route for cycles and bins has been agreed in writing with the Local Planning Authority.
Reason: In the interests of the amenities of the area and of the future occupants of the building and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.