

DELEGATED OFFICER REPORT

Site Address:	The Golden Lion, 54 Bedhampton Road, Havant, PO9 3EY		
Proposal:	Retention of raised deck and seating area.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00702	Expiry Date:	31 July 2024
Applicant:	Mr Sines		
Agent:	Mr Jupp	Case Officer:	Denise Sheath
Ward:	Bedhampton Ward		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site relates to The Golden Lion PH located within the Old Bedhampton Conservation Area and is a Grade II Listed Building, the details of which state:

"Public House, early C19. Stucco with a tile roof. Plain symmetrical front (south) of 2 storeys and attic, 3 windows (centre blank). Bracketed eaves, 1st floor band plinth. Ground floor sashes, 1st floor Victorian sashes. Simple doorcase, with canopy on brackets, architrave and half glazed door."

The property has been extended at the side / rear over a period of years. To the north east and east of the building a car park with a tarmac surface and to the east of this, is a row of terraced housing.

2 Planning History

22103 – Alterations and additions – Permit 17 May 1972

06/70820/000 - Erection of covered terrace area with a glazed timber pergola with two new glazed door openings onto covered terrace from bar area. PERM - 22/01/2007

06/70820/001 - Listed Building consent for erection of covered terrace area with a glazed timber pergola, with two new glazed door openings onto covered terrace from bar area. PERM - 22/01/2007

APP/11/00082 - Listed Building Consent for the erection of a small 'Limited Waiting' restriction plate to front elevation. PERM - 21/03/2011

APP/11/01049 - Listed Building Consent for replacement of 4No. sash windows to front elevation, replacement of side door, replacement of bay window to side elevation and replacement of front step all to main building. New timber doors, rebuilt corners, new corrugated roof with additional and replacement timbers to barn at the rear. - PER - 22/07/2011

APP/16/00906 - Listed Building Consent for - enclosure of former smoking shelter, to form single storey extension. PERM - 01/12/2016

APP/16/00909 - Enclose former smoking shelter to form single storey rear extension. PERM - 01/12/2016

APP/17/00201 - Listed Building Consent for minor revisions to rear elevation of single storey extension approved by APP/16/00906 (Retrospective). PERM - 26/04/2017

APP/20/00539 - Retention of internal alterations (circa 2004 and 2020) – PERM 21/08/2020

3 Proposal

Retention of raised deck and seating area.

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)
DM5 (Control of Class A3, A4 and A5 Food and Drink and Entertainment Uses)
DM10 (Pollution)
DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

DM20 (Historic Assets)

Listed Building Grade: II
Conservation Area: Old Bedhampton.

5 Statutory and Non Statutory Consultations

Conservation Officer – Initial Response:

Site

The application site is located on Bedhampton Road in Havant and within the Old Bedhampton Conservation Area boundary. It comprises a two-storey, detached public house. The building dates back to the early C19 and has been designated as Grade II listed by Historic England with the following listing description:

‘Public House. Early C19. Stucco, with a tile roof. Plain symmetrical front (south) of 2 storeys and attic, 3 windows (centre blank). Bracketted eaves, 1st floor band, plinth. Ground floor sashes, 1st floor Victorian sashes. Simple doorcase, with a canopy on brackets, architrave, and ½-glazed door’.

The property has been extended at the side / rear over a period of years. To the north east and east of the building a car park with a tarmac surface and to the east of this, is a row of terraced housing.

Proposal:

Retention of raised deck and seating area.

Legislative and Policy Context:

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent.

Section 66 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 listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 need for the decision taker to attach considerable or special weight to the desirability of preserving the setting of listed buildings has been reinforced through two recent high court decisions of: *Barnwell Manor Wind Energy Limited vs. East Northamptonshire District Council et al* (2014); and *North Norfolk District Council vs. DCLG and Mack* (2014). The above statute and its subsequent and consistent interpretation in recent high court decision emphasises the need for the policies of the NPPF to be implemented whilst always having regard to the need to give special or greater weight to the preservation of the setting of a listed building.

NPPF

The revised NPPF sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

202. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the

heritage asset's conservation and any aspect of the proposal.

209. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

210. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

214 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Local Plan

Local planning policy comprises the adopted Havant Borough Local Plan Core Strategy 2011, along with the Allocations Plan 2014. With regards to local planning policy, the following are relevant:

Policy CS11 of the Core Strategy 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.

Policy CP16 (1a) of the Core Strategy states 'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design: Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site'.

Policy DM20 of the Allocations Plan states that planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.
2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

Assessment

Looking through the application documents, no heritage statement has been submitted with this application. As such, no assessment has been made on the significance of the designated heritage asset, nor the impact of the development (the raised seating areas and the reconfiguration of the car park).

The development which has already taken place, comprises a series of raised wooden decks located along the eastern boundary of the car park. These were installed during the Covid period to allow the business use to operate outside due to restrictions imposed nationally. These decking areas include tables for customers and are raised off the floor. As a result of the reconfiguration of the car park, the area for vehicle parking is reduced and a new, low height fence has been installed across the front part of car park to subdivide the space. Unfortunately, this has meant the refuse has now been placed in front of this new fence, with no bin store or screening and is viewed in context with the front elevation of the listed building.

As such, whilst there is no direct physical impact on the listed building, the refuse arrangement which has been moved as a result of the reduced car park, has a harmful impact on the setting of the listed building from a visual perspective. Furthermore, this arrangement is clearly visible within the context of the Old Bedhampton Conservation Area and does not preserve or enhance the special character of the area. For these reasons, the proposal is not supported from a heritage perspective.

Conclusion OBJECTION

Conservation Officer – Final Comments:

Thank you for consulting me on the additional information submitted for this application in response to the objection previously raised. The previous response was as follows:

'Looking through the application documents, no heritage statement has been submitted with this application. As such, no assessment has been made on the significance of the designated heritage asset, nor the impact of the development (the raised seating areas and the reconfiguration of the car park).'

The development which has already taken place, comprises a series of raised wooden decks located along the eastern boundary of the car park. These were installed during the Covid period to allow the business use to operate outside due to restrictions imposed nationally. These decking areas include tables for customers and are raised off the floor. As a result of the reconfiguration of the car park, the area for vehicle parking is reduced and a new, low height fence has been installed across the front part of car park to subdivide the space. Unfortunately, this has meant the refuse has now been placed in front of this new fence, with no bin store or screening and is viewed in context with the front elevation of the listed building.

As such, whilst there is no direct physical impact on the listed building, the refuse arrangement which has been moved as a result of the reduced car park, has a harmful impact on the setting of the listed building from a visual perspective. Furthermore, this arrangement is clearly visible within the context of the Old Bedhampton Conservation Area and does not preserve or enhance the special character of the area. For these reasons, the proposal is not supported from a heritage perspective’.

The agent has now submitted a heritage statement which sets out the historical significance of the listed building and its position within the Old Bedhampton Conservation Area.

A further concern was raised with regards to the re siting of the bin store following the reconfiguration of the car park. A plan has been submitted which now shows the bin store being relocated back to the original position at the back of the car park, so it is now not being viewed in context with the listed building and conservation area.

Based on the additional information submitted, the objection raised on heritage grounds is now removed.

Economic Development:

No Comments Received.

Environmental Health

I have considered this application for the retention of raised deck and seating area at the Golden Lion. I can confirm that we do not have objections to the proposed scheme. Whilst we have had to deal with complaints relating to noise nuisance from live music, it is noted that this does not seem to form part of the current application. Moreso, the application was subject to a premises licensing hearing, which the pollution team made representation on the grounds of noise and nuisance.

However, the sub-committee decided in favour of the applicant. On the basis this decision, it is considered that no rationale exists to justify further objections. However, any residual noise resulting from the retention of raised deck and seating area will be dealt with by the pollution team as a potential statutory nuisance under the Environmental Protection Act 1990.

Hampshire Highways – Initial Comments:

In regard to application APP/23/00702, having reviewed the information contained within the application pack, there would be no objection to the proposals from a highway perspective.

ACCESS: Access in and out of the site remains unchanged, with both pedestrian and vehicle access taken from Bedhampton Road, as has historically been the case. No

changes will be made in this regard as a result of the application.

PARKING: The application form states that no changes will be / have been made as a result of the application proposals. Whilst this may be the case in recent times, given that the application is retrospective, it does appear from historic Google Map street views that the area now utilised for a deck and seating area has been used for parking in recent years. Whilst no parking plan has been submitted, it would be estimated that the area could have accommodated in the region of 5 vehicles, plus the area to the front which is being retained as open and as such assumed as being available for parking. Given this loss of parking, it may be prudent for the remaining parking area to be formally laid out in order to maximise the continued opportunity for parking, as at present this is potentially limited due to gaps and the various angles customers may wish to park. As such, it would be recommended that the Case Officer requests a parking layout drawing is produced accordingly, against which they can assess the parking quantum against the HDC Parking Standards, as Local Parking Authority. In terms of any loss of parking, whilst this would likely result in migration out onto the highway, there are no concerns in this regard from a highway perspective, given the extent parking restrictions in the local vicinity (i.e. yellow lines) which will limit the potential for obstructive parking to occur. However, parking in local streets may remove an element of residential parking at times, causing a loss of amenity to existing residents who may rely upon this.

DELIVERIES:

No details of deliveries have been provided; however it would be assumed that this would take place on site. Whilst the area converted to deck and seating could well have been driven into in the past, it does not appear that the space would have been adequate for the turning of a large delivery vehicle, particularly if there was historic customer parking in the area. As such, a reverse movement on or off of the highway would have been required.

Looking at the frontage space to be retained for parking, this looks adequate in size to continue with this function, though this should be considered if a formal parking layout drawing is to be requested (i.e. can the delivery vehicle pull up in the aisle width). In terms of vehicle movement, whilst this would continue to require a reverse on or off the highway (which isn't necessarily welcomed), it would appear that this was a continuation of the existing situation, and as such will not have been caused as a direct result of the proposals.

Hampshire Highways – Final Comments:

In regard to application APP/23/00702, it is noted that an additional parking layout plan, with supporting text has been submitted since the last HCC Highway consultation response dated 22 November 2023.

In terms of the layout of this, this has been assessed and is acceptable from a highway perspective with all 4 spaces being of adequate size, and that the remaining space is sufficient to provide a turning area which enables forward gear access and egress.

The turning area will also allow for the temporary parking of delivery vehicles, should they wish to park on site rather than along the frontage of Bedhampton Road.

Whilst this would require a reverse on or off of site, this would have been the situation prior to the implementation of the raised deck area, and as such there is no increase in highway impact. Given the above, there remains no objection to the retention of the raised deck and seating area from a highway perspective.

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: 15

Number of site notices: 1

Statutory advertisement: Yes

Number of representations received:

3No. Letters of Support – 7No. Letters of objection:

Summary of Support:

- There is no objection to improvements being made to the building or premises.
- The building should be maintained as an important hub for the village of Bedhampton.
- It provides a valued meeting place for local residents and should continue to serve that role.
- There is no objection to the proposed decking in principle.
- Local businesses are currently facing difficulties, and residents want to enjoy and support them so they can survive. The beer garden has helped people to support the business and make use of the premises.

Summary of Objections:

- Noise nuisance from outdoor live music, karaoke, loud talking, swearing and rowdy behaviour, particularly on Sunday afternoons and during warm weather.
- Music has reportedly been measured at high levels, around 80–90 dB on occasions, and can be heard some distance away, including near Havant Rugby Club.
- Residents are unable to enjoy their gardens, hold conversations, hear the television indoors, or keep windows and doors open during noisy events.
- The raised decking encourages a permanent outdoor entertainment area for parties, bands, karaoke and drinking.
- There appears to be inadequate monitoring or control of outdoor music volume, customer behaviour and offensive language.
- The pub has indicated changes to licensing hours, raising concerns that outdoor noise and disturbance could continue for longer periods.
- The raised decking and seating pods are too close to neighbouring gardens and allow customers to look over fences, causing loss of privacy.

- Photographs submitted with the application are considered misleading and do not accurately show the overlooking impact on neighbouring gardens.
- The development negatively affects residents' quality of life and their right to peaceful enjoyment of their homes and gardens.
- The former car park should not be used as an extension of the public house because the area is not suitable for both parking and a beer garden.
- Loss of parking spaces has increased pressure on limited local parking, causing customers to park on nearby roads, pavements, double yellow lines and other unsuitable areas.
- Vehicles using the remaining parking area create hazards by reversing across the pavement and onto Bedhampton Road with restricted visibility.
- Parking and vehicle movements are dangerous for pedestrians, school children, cyclists, e-scooter riders and other road users.
- Delivery vehicles and customers now have fewer safe places to park, increasing congestion and obstruction around the pub and nearby roads.
- The car park was originally intended to allow vehicles to turn safely and leave in a forward direction; the current arrangement removes that safety benefit.
- The change from car park to outdoor trading area significantly alters the character and impact of the pub within the local residential area and Bedhampton Conservation Area.
- The outdoor area may accommodate large numbers of people, with references to around 70 to over 100 customers, increasing noise, disturbance and pressure on parking.
- The use of the car park as a beer garden began during Covid relaxation rules, which residents believe have now expired and should not justify permanent retention.
- Residents feel the landlord and applicant have shown insufficient consideration for neighbours affected by noise, privacy loss and parking problems.
- Concerns have been raised about possible inaccuracies or inconsistencies in the application, including statements about car parking capacity and the visual impact of the decking.
- Environmental Health concerns and residents' complaints about noise should be properly considered, including requests for effective monitoring and enforcement.
- The development may affect the value and saleability of nearby properties due to noise, overlooking and disturbance.
- Residents do not object to people enjoying the pub, but believe any outdoor music should be properly controlled, screened, directed away from homes and kept at a reasonable volume.
- The preferred outcome is for the raised decking to be removed and the area returned to use as a car park.

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) Appropriateness of design and impact on the character of the Conservation Area and Listed Building
- (iii) Impact upon residential amenity

- (iv) Biodiversity Net Gain (BNG)
- (v) Highway Implications
- (vi) Loss of Parking Area
- (vii) Planning Balance

(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.

(ii) Appropriateness of design and impact on the character of the Conservation Area and Listed Building

- 7.3 The application seeks retrospective permission for the retention of a raised decking and seating area. The development comprises five raised timber deck structures positioned along the eastern boundary of the car park. It is understood these were installed during the COVID-19 pandemic to enable the continued operation of the business through outdoor seating, in response to national restrictions. Each deck accommodates customer seating and is elevated above ground level. As part of the reconfiguration of the site, the overall area available for vehicle parking has been reduced, particularly along the eastern boundary where the decking has been installed. A low-height fence has also been erected within the frontage area of the car park to subdivide the remaining space.
- 7.4 The Council's Conservation Officer was consulted as part of the application process as the premises themselves are a Grade II Listed Building within the Old Bedhampton Conservation Area. Initial concerns were raised regarding the repositioning of the bin store. This has since been addressed, with the bin store returned to its previously approved location. Consequently, the Conservation Officer now raises no objection to the proposal, including in respect of its impact on the setting of the listed building and its location within the Old Bedhampton Conservation Area, meeting the requirements of Policies CS11, CS16 of the HBLP (Core Strategy) and DM20 of the HBLP (Allocations) and the statutory duty set out in Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(iii) Impact upon residential amenity

- 7.5 Havant Borough Local Plan (Core Strategy) March 2011 - Policy CS16 – High Quality Design

Policy CP16 (1a) of the Core Strategy states that:

'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

- "a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site'.*
- b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;*
- 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;*

- d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and*
- e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking”.*

Policy DM10 states:

“Development that may cause pollution of water, air or soil or pollution through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, heat, electromagnetic radiation and other pollutants will only be permitted where all of the following relevant criteria can be met:

Policy DM10 then set out the relevant criteria, with a recognition that some “...pollutants are necessary to the economic and social needs of the borough.” This is considered further under the heading below Planning Balance.

Policy DM5 which deals with food, drink and entertainment uses seeks to resist development that would result “... in indiscriminate customer parking and/or traffic movement that would be likely to create hazards for traffic or pedestrians.” And development that causes “...unacceptable disturbance to the occupiers of nearby residential property at times when activity in the immediate vicinity would otherwise be at a relatively quiet level.”

- 7.6 The raised decking and seating area is sited adjacent to the rear eastern side boundary, with a separation distance of approximately 0.6 metres between the development and the shared boundary with No. 46 Bedhampton Road. When in use, the elevated nature of the decking allows direct views into the rear amenity area of the neighbouring residential property, resulting in an unacceptable loss of privacy and an increased level of overlooking. This impact was not present prior to the installation of the decking and seating area and is considered significantly harmful to the residential amenity of the neighbouring occupiers. The proposal is therefore contrary to Policy CS16 of the HBLP (Core Strategy).
- 7.7 During the assessment process, the agent was invited to consider the provision of screening to help address concerns regarding loss of privacy and overlooking. However, any alternative design would have required the submission and full assessment of amended plans. No response was received from the agent/applicant in relation to this suggestion; therefore, the application has been determined on the basis of the plans as submitted.
- 7.8 A school recreation field lies directly to the rear of the application site; however, the school buildings themselves are located a significant distance from the proposal. Given this separation, the retention of the raised decking and seating area is not considered to result in any adverse impact on the operation or amenity of the school.
- 7.9 Directly to the front of the application site over the main highway of Bedhampton Road is the Volvo Car sales showroom and garage. Given this separation, the retention of the raised decking and seating area is not considered to result in any adverse impact on the operation or amenity of the Car sales showroom and garage.
- 7.10 Neighbouring properties Nos. 56a and 56b Bedhampton Road are located adjacent to the western shared boundary of the application site. Having regard to the separation distance between these properties and the proposed raised decking and seating area,

the proposal is not considered to result in any adverse impact upon their residential amenity.

- 7.11 Concerns have been raised regarding noise and disturbance arising from the use of the raised decking and seating area. Nearby residents have reported that noise from patrons using the area as loud and continues late into the evening and night. The retention of the decking and seating area results in an unacceptable level of noise and disturbance to neighbouring occupiers' amenity, which did not exist prior to their installation. The proposal is consequently considered to cause unacceptable harm to neighbouring residential amenity and is contrary to Policies CS16, DM5 and DM10 of the HBLP (Core Strategy).

This is balanced in the 'Planning Balance' section below, having regard to the social and economic needs of the borough.

(iv) Biodiversity Net Gain (BNG)

- 7.12 The application was submitted before the BNG regulations came into effect.

(v) Highway Implications

- 7.13 Hampshire Highways Authority were consulted as part of the application process and have assessed the proposal. They consider the proposal to be acceptable from a highway perspective and raise no objection. The full response can be viewed in Section 5 of this report.

(vi) Loss of Parking Area

- 7.14 Policy DM14 of the Core Strategy requires that development provides car parking in accordance with the Council's adopted standards, and that such provision is appropriately located and practical for its intended use. The Havant Borough Council Car Parking Supplementary Planning Document sets out minimum dimensions for parking spaces of 2.4 metres by 4.8 metres to ensure usability and safe manoeuvring.

- 7.15 The application form states that the site has no vehicle/cycle parking spaces. Historically there has been laid out parking for approximately 8 spaces along the eastern boundary where the decking has been sited. Although some removal of the parking area was established by previous extensions, several spaces remained, approximately 8 in total. Google Earth has shown up until the year 2020 (pre-covid) the area to the rear eastern boundary was marked out and used for parking.

- 7.16 Notwithstanding the above, neighbour representations and officer observations indicate that vehicles associated with the public house have historically parked within the site, prior to the installation of the decking and external seating area. Whilst the precise extent and formal status of this parking provision is unclear, it is evident that the site previously accommodated some level of vehicle parking associated with the use. Officer observations further indicate that surrounding streets are subject to parking restrictions, including yellow lines and parking time limits within the on-street parking bays, which limit opportunities for on-street parking. Representations also indicate that parking associated with the use has resulted in vehicles parking in restricted areas. Whilst enforcement of such matters is not a planning consideration,

this context demonstrates that parking stress already exists locally. The loss of the area previously available for vehicle parking, and its replacement with decking and seating, has reduced parking opportunities associated with the public house and increased reliance on surrounding streets, to the detriment of highway safety and convenience.

- 7.17 It is, however, acknowledged that the site is reasonably accessible by public transport, with nearby Bus Service 23 providing connections to Havant and Portsmouth. Bedhampton railway station is also located within convenient reach of the site and provides connections to a wide range of destinations along the South Coast and beyond. Whilst this level of accessibility is a positive attribute of the site and may reduce reliance on the private car for some journeys, it does not negate the fact that the proposal has resulted in the loss of parking previously available in association with the public house. Consequently, the likelihood of overspill parking and the associated harm to the safe and efficient operation of the surrounding highway network remains a significant concern.

(vii) Planning Balance

- 7.18 In undertaking the planning balance, weight is given to the economic and social benefits arising from the continued operation of the public house. Public houses perform an important community function, providing a venue for social interaction and supporting the local economy through employment opportunities and expenditure within the area. The decking and seating area has expanded the outdoor facilities available to patrons and has contributed positively to the commercial operation of the business. These benefits attract moderate weight in favour of the development. However, the proposal must be assessed against the development plan as a whole. In this case, the benefits identified are insufficient to outweigh the harm arising from the loss of parking associated with the use and the resulting adverse impacts on highway safety and convenience, together with the unacceptable harm to the living conditions of neighbouring occupiers through noise and disturbance. Consequently, the adverse impacts of the development significantly and demonstrably outweigh its benefits, and the development is therefore contrary to the relevant provisions of the development plan.

8 Conclusion

- 8.1 In conclusion, whilst it is acknowledged that the raised decking and seating area has provided an enhanced outdoor amenity space for the public house and supports the social and economic function of this community facility, these benefits are afforded only moderate weight. The proposal results in unacceptable harm to residential amenity and contributes to parking and highway safety concerns. When assessed in the round, the identified benefits do not outweigh the harm arising from the development. The development is therefore contrary to the relevant policies of the development plan and the National Planning Policy Framework and planning permission is recommended for refusal.

9 **RECOMMENDATION:**

That the Interim Head of Planning be authorised to **REFUSE PERMISSION** for application APP/23/00702 subject to the following reasons

Reason 1:

The retention of the decked seating area to the eastern boundary of the site gives rise to direct overlooking and loss of privacy to the adjacent neighbouring properties to the detriment of the amenities of the occupants of these properties. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Reason 2:

The retention of the decked seating area to the eastern boundary of the site gives rise to late night noise and disturbance which is detrimental to the amenities of nearby residential properties in the area. It is therefore contrary to policies CS16, DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Reason 3:

The retention of the raised decked seating area has resulted in the loss of part of an area historically used for parking in connection with the public house. The development has reduced the level of on-site parking provision serving the use, resulting in an inadequate level of parking provision for patrons and staff. Given the parking restrictions and existing parking pressures within the surrounding area, the development has increased reliance on on-street parking, to the detriment of the amenities of neighbouring occupiers and the safe and convenient operation of the local highway network. The proposal is therefore contrary to Policies CS16 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Parking SPD and the National Planning Policy Framework.

Informative:

In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

Offering a pre-application advice service, and

Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

You were updated about issues after the initial site visit,

Your application is considered unacceptable for the reasons set out in this Decision Notice.