
Site Address: The Gables, Purbrook Heath Road, Purbrook,
Waterlooville, PO7 5RT

Proposal: Application to determine whether prior approval is required for the
method of demolition of buildings and any proposed restoration of the site.

Application No: APP/19/01251 Expiry Date: 21/01/2020

Applicant: Ms Turley
West Waterlooville
Developments/Grainger PLC

Agent: Bryony Stala Case Officer: Lewis Oliver
Savills

Ward: Purbrook

Recommendation:

1 Site Description

The Gables is a detached property currently within the ownership of West Waterlooville Developments Limited. The site forms part of the West of Waterlooville Major Development Area (MDA). Outline Planning Permission was granted for the development of approximately 2,550 new dwellings, a local centre and two primary schools, as well as associated infrastructure and open space (Ref: Winchester City Council 10/02862/OUT and APP/10/00828).

The Outline Parameter Plans which were approved, setting out the uses at Berewood. The Master Plan Design Document includes a Land Use Strategy on Page 51, where the land adjacent to Purbrook Heath Road in which the Gables is currently situated will be developed for residential use. The approved site wide Design Code identifies the land adjacent to Purbrook Heath Road as within 'The Hamlets' identity area, an entirely residential area.

2 Planning History

The outline permission for the site is 10/02862/OUT for Winchester and APP/10/00828 for Havant. The approved outline permission was for:
Outline application for the development of approx 2550 no dwellings including the construction of a new access from Ladybridge Roundabout, Milk Lane and completion of Maurepas Way access, a local centre comprising retail, community building, land for healthcare, land for elderly care, public house, land for 2 primary schools, land for a nursery, land for employment uses, associated amenity space along with substantial green infrastructure, SuDS, land for allotments, main pumping station, land for cemetery, restoration of River Wallington together with landscape structure planting. The same permission also approved the detail for 194 dwellings on Phase 1, to the west of the ASDA roundabout on Maurepas Way. There is a S106 agreement that covers financial contributions and works for various infrastructure matters; the timing of the payments and works being tied to numbers of units completed over the entire Grainger part of the MDA.

Subsequent to the approval of the outline permission, both Authorities approved a

Design Code under APP/12/01297 for Havant and 10/02862/OUT for Winchester for the outline area, named Berewood, in December 2012. The Code deals with the structure, use and form of development for a number of identity areas which are the Market Town, Garden Suburb, The Hamlets, Employment hub and the Countryside and River Wallington Corridor. The application lies within the Garden Suburb identity area. The approved Design Codes also give guidance on planting and hardsurfacing.

Other applications submitted since the approval of the outline and of relevance are:
10/02862/OUT (WCC) and APP/12/01322(HBC) - Discharge of Conditions Application for Infrastructure for Phase 2 - Approved
14/00068/REM (WCC) and APP/14/00032 (HBC) - Reserved matter application for 246 dwellings, phase 2 of the Berewood development, together with the discharge of conditions 3, 4, 11 and 16 of the outline permissions - Approved 22 July 2014.

APP/14/00061 (HBC) and 14/00092/REM (WCC) - Reserved Matters Application for landscaping of Phase A of the Town Park (under Condition 6(i)d)), together with discharge of Condition 6(ii)(f)(ecological mitigation) and condition 3 (Compliance with outline documents) of Planning Permissions for HBC APP/10/00828 and WCC 10/02862/OUT - Approved 22 July 2014

APP/14/01265 - Discharge of Condition No 6(ii)(o) of Planning Permission

APP/10/00828 in respect of play equipment for Phase A - Approved 20 July 2015
APP/15/00366 - Discharge of Condition No. 1 of Reserved Matters Application
APP/14/00061 - Approved 1 June 2015

10/02862/OUT - Deed of Variation to the S106 Agreement to allow for various changes to the timing and delivery of infrastructure associated with the Berewood development, both in light of the current stages of development of the site and the evolving approaches to delivery of that infrastructure. Included in the proposed changes is the relocation of the MUGA from the northern reaches of the Town Park to the southern area the subject of this current application. Whilst the Deed of Variation is yet to be signed at the time of drafting this report, the variations were approved in principle by the Joint West of Waterlooville Major Development Area Planning Committee at its meeting on 9 January 2017.

3 Proposal

Application to determine whether prior approval is required for the method of demolition of buildings and any proposed restoration of the site. The application is accompanied with information relating to the need for the demolition. This outlines that since Summer 2017, the property has been boarded up with security fencing. Despite these measures, there has been continued serious vandalism at the site including theft, arson and criminal damage. Low-level vandalism includes the smashing of roof tiles and hanging tiles through bricks and other materials being thrown at the building. Vandalism of the interior of the property had also occurred.

The applicant has advised that recently the severity of the vandalism has increased, with the oil tank of the property being set on fire in September 2019. The applicant has submitted as part of the evidence base that on 11 October 2019, a notice (Ref: 19/06106/DEM) was received from Havant Borough Council Building Control Team

pursuant to Section 81 of the Building Act 1984 requiring measures specified in the notice to be undertaken at the appropriate time during the demolition, or within four weeks of commencement of the demolition works on site.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

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

5 Statutory and Non Statutory Consultations

Councillor Gary Hughes

No response

Councillor Husky Patel

No response

Councillor Ms C Howard - Purbrook Ward

No response

County Ecologist

As a result of ongoing vandalism, the applicant is seeking a European Protected Species licence for bats without having carried out detailed bat roost surveys. The dwelling has been subject to internal and external inspection and no evidence of bats was recorded. However, there are features on the exterior which are suitable for crevice dwelling species. It is not possible to determine the species or number of bats potentially present within the structure and therefore a 'worst-case' scenario is given.

Based on the submitted information I am content that as much effort as possible has been employed in trying to establish the presence of bats and that the urgent need for works is a sensible justification for the atypical nature of the bat licence application. Normally we would expect any additional bat surveys to be undertaken prior to determination, although in exceptional circumstances, and where suitable evidence is provided, the requirement for surveys can be subject to discussion. In this case I am confident that a licence would be issued by Natural England due to health and safety concerns.

The proposed mitigation, compensation and enhancement measures are proportionate to the likely scale of impact to roosting bats: the building is highly unlikely to support large numbers of bats.

Environmental Health Manager, Community Group

Based on the documentation provided, this office has no adverse comments to make

in regard to the proposed demolition, other than to advise the dust control regime as indicated, be strictly adhered to.

Natural England Government Team

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection the demolition plans. We note that the site is proposed to be made available as residential land under Phase 4 of the Berewood development, we advise that Natural England is consulted on the forthcoming reserved matters application.

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: 0

Number of site notices: Erected by applicant as part of the requirements under Part 11

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 This application is a prior notification under Schedule 2 Part 11 of the GPDO 2015 for the demolition of the existing building known as The Gables. As such the principle of demolishing the building constitutes 'permitted development'. The GPDO sets a series of tests under Class B.2 of Part 11 - these are set out below with a commentary on each:

(b) where the demolition does not fall within paragraph (a) and is not excluded demolition

(i) the developer must, before beginning the development— .

(aa) in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site;

Given the setting of the site, and the consultation responses received, it is considered appropriate that prior approval is required. The application is supported by a Demolition Method Statement, which includes appropriate methods in terms of fuel tank and septic tank removal, dealing with waste streams and restoration of the site. Based on the documentation provided, the Environmental Health team has no adverse comments to make in regard to the proposed demolition, other than to advise the dust control regime as indicated, be strictly adhered to. The agent has also clarified that this area forms part of the wider MDA residential area. As such it is considered that these details are acceptable with regard to the method of demolition and the proposed restoration of the site, in the terms laid out for permitted development.

and

(bb) in cases where the building is not a community asset and is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, send a written request to the local planning authority as to whether the building has been nominated;

The application site is not a community asset and is not used for a purpose falling within Class A4 (drinking establishments).

(ii) an application described in paragraph (b)(i)(aa) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid;

This requirement has been met.

(iii) a request described in paragraph (b)(i)(bb) must include the address of the building, the developers contact address and, if the developer is content to receive communications electronically, the developer's email address;

This requirement has been met.

(iv) subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;

This requirement has been met.

(v) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

Not applicable in this case.

(vi) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order and the building is nominated, whether at the date of request under paragraph (b)(i)(bb) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period;

As identified above, The application site is not a community asset and is not used for a purpose falling within Class A4 (drinking establishments), therefore this part of the application is not relevant to this notification.

(vii) subject to paragraph (b)(x), the development must not begin before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application was received by

the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

A written notice will be given to the applicant within the designated period.

viii)the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out— .

(aa)where prior approval is required, in accordance with the details approved; .

(bb)where prior approval is not required, in accordance with the details submitted with the application;

Prior approval is required and therefore a condition has been placed on this prior approval, that the development should be carried out in accordance with the submitted details.

(ix)subject to paragraph (b)(x), the development must be carried out— .

(aa)where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given; .

(bb)in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii);

See consideration below under section (x)

(x)where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, in addition to the requirements of paragraph (b)(vii) and (ix), the development must not begin before the expiry of a period of 56 days following the date of request under paragraph (b)(i)(bb) and must be completed within a period of 1 year of the date of that request.

The application site is not a community asset and is not used for a purpose falling within Class A4 (drinking establishments), therefore this part of the application is not relevant to this notification.

Other matters

As the notification involves the demolition of a building, due regard must be given to an ecological impact of the demolition. As a result of ongoing vandalism, the applicant is seeking a European Protected Species licence for bats without having carried out detailed bat roost surveys. The dwelling has been subject to internal and external inspection and no evidence of bats was recorded. However, there are features on the exterior which are suitable for crevice dwelling species. It is not possible to determine the species or number of bats potentially present within the structure and therefore a 'worst-case' scenario is given.

Based on the submitted information the Local Planning Authority are content that as much effort as possible has been employed in trying to establish the presence of bats and that the urgent need for works is a sensible justification for the atypical nature of the bat licence application. Normally we would expect any additional bat surveys to be undertaken prior to determination, although in exceptional circumstances, and where suitable evidence is provided, the requirement for surveys can be subject to discussion. In this case the LPA are confident that a licence would be issued by Natural England due to health and safety concerns. This is clarified by the consultation response from Natural England, who do not object to this notification. As such the

proposed mitigation, compensation and enhancement measures are proportionate to the likely scale of impact to roosting bats: the building is highly unlikely to support large numbers of bats. A condition is recommended to ensure that the ecological mitigation and enhancements measures detailed within the European Protected Species mitigation licence application form and method statement (Lyndsay Carrington Ecological Services, 28 November 2019).

8 Conclusion

The development is considered to comply with the relevant criteria with part 11, the building, is not within use class A4, and is not a nominated building, neither is it a designated Asset of Community Value (ACV), as such it is considered that the development is permitted development under the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 11.

9 RECOMMENDATION:

That the Head of Planning be authorised to for application APP/19/01251 subject to the following conditions:

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

Location Plan (Mayer Brown, December 2019)
Method Statement (Portsmouth Demolition & Salvage Ltd, November 2019)
Section 4 COSHH Assessments and associated appendices
Demolition Phasing Plan (Portsmouth Demolition & Salvage Ltd, November 2019)
Asbestos Method Statement (Portsmouth Demolition & Salvage Ltd, November 2019)
Asbestos Risk Assessments

Reason: - To ensure provision of a satisfactory development.

- 2 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the European Protected Species mitigation licence application form and method statement (Lyndsay Carrington Ecological Services, 28 November 2019).

Reason: to protect biodiversity in accordance with the Conservation Regulations 2017,
Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.