

The logo for 'pure town planning' features the word 'pure' in a white, lowercase, sans-serif font, positioned within a dark blue square. Below the square, the words 'town planning' are written in a smaller, dark blue, lowercase, sans-serif font.

town planning

Appeal Statement

The Wellington Public House,
73 London Road,
Waterlooville,
PO7 7EX

Planning Application to demolish the existing building and the erection of a 3 storey building comprising a retail outlet on the ground floor with associated rear service and parking, with 4 no.1 bedroom and 4 no.2 bedroom flats above.

Appeal ref: t b c
L P A ref: A P P / 1 7 / 0 0 4 4 2

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Appendix A – Prior Approval Notice for the demolition of the Wellington Public House at 73 London Road, Waterlooville (Application number APP/17/00282)

Appendix B – Building Preservation Notice served under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appendix C – Planning Solicitor’s letter challenging the validity of the Building Preservation Notice.

Appendix D – Copy of the revised plans for APP/17/00442 which were rejected by the LPA prior to the Decision Notice being issued.



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1 Introduction

1.1 This Appeal Statement on behalf of the appellant M Forfar Limited supports the planning appeal under Section 78 of the Town and Country Planning Act 1990 (as amended) against the decision of Havant Borough Council (the LPA) for planning permission to demolish the existing building and the erection of a 3 storey building comprising a retail outlet on the ground floor with associated rear service and parking, with 4 no. 1 bedroom and 4 no. 2 bedroom flats above on land at the Wellington Public House, 73 London Road, Waterloooville, PO7 7EX.

1.2 The LPA reference was APP/17/00442. After consideration by the planning officer, the planning application was refused using the officer's delegated powers. The sole reason for refusal was:

- 1 The proposal, by reason of its scale, mass and design is considered to be excessive and inadequately related to the scale, character and design of surrounding development. It would constitute an incongruous and strident form of development, out of keeping with its surroundings, which would have a significant adverse impact on the appearance and character of the area. As such it is contrary to national and local planning policies for the area, in particular the National Planning Policy Framework 2012 and policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 1.3 The appellant considers that the proposed development is wholly acceptable considering adopted planning policies and the Government's strategic aim to provide additional housing in highly sustainable locations. As such the decision to refuse planning permission is considered unreasonable, hence this appeal has been lodged.

2 Site and Surroundings

- 2.1 The appeal site is currently occupied by a 2 storey linked attached building accommodating the Wellington House public house. The building occupies a central position within London Road, adjacent to the link footpath that connects London Road to Swiss Road and Asda at the rear. The plot itself is irregular in shape with servicing and parking positioned towards the rear of the site.





2.2 The site is in the town centre of Waterloooville so the surrounding form of development comprises retail or other commercial on the ground floor with residential above. Storey heights tend to be 2-3 storeys and buildings are of varying architectural form and merit. The adjacent building on the opposite side of the footpath link is occupied by a large concrete exterior, 3 storey building with a flat roof. The photographs below are pictures of existing buildings located nearby in London Road.





- 2.3 Within the vicinity of the site there are several 3 storey buildings of varying architectural merit, form and choice of external materials. Formation of Juliet balconies is a consistent feature as is the variance of roof design.
- 2.4 The appeal site is not in a Conservation Area nor near a Listed Buildings so there should be no policy constraints to provide this quantum of development.

3 The Appeal Proposal

3.1 In summary, the appeal proposal seeks full planning permission to demolish the existing building and erect a mixed-use development comprising:

- (i) A new commercial unit on the ground floor with additional storage and service bay area to the rear with associated car parking and refuse storage areas.
- (ii) The formation of 4 no. 1 bedroom flats and 4 no. 2 bedroom flats in the accommodation above the commercial unit. The habitable accommodation to be laid over 2 floors.
- (iii) There shall be domestic refuse and bicycle storage positioned at ground floor with access to a central stairwell core, accessed from the rear of the building.

4 Planning Policy

National Planning Policy Framework

- 4.1 In accordance with Planning law the NPPF clearly states in paragraph 2 that *'applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise'*.
- 4.2 At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development** (para14). Paragraph 9 states that sustainable development includes (but not limited to):
- Replacing poor design with better design;
 - Improving the conditions in which people live. Work, travel and take leisure; and
 - Widening the choice of high quality homes.
- 4.3 Paragraph 17 of the NPPF outlines the core planning principles which underpin the planning system
- 4.4 Section 6 of the NPPF sets out how LPA's should significantly boost the supply of housing. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

4.5 Paragraph 50 of the NPPF details how LPA's should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups, in the community. It also states how LPA's should identify the size, type, tenure and range of accommodation that is required in specific locations and reflecting local demand.

4.6 Section 7 of the Framework encourages good design through the planning system. This ought to be achieved by incorporating the following factors which are addressed in respect of the refused scheme:

Optimising the potential of the site (para 58 bullet 3) –the scheme aims to maximise the potential of the site without material harm to the character of the area;

Responding to local character without stifling innovation, originality or initiative (para 58 bullet 4 and para 60) –the proposed scheme responds to the townscape and positively addresses the street, more over it responds to local character by utilising component elements which reflect the scale and form of surrounding buildings;

Being visually attractive as a result of good architecture and appropriate landscaping (para 58 bullet 6) –the appellant considers that this is the case in respect of the proposed scheme; and

Taking opportunities available for improving the character and quality of an area and the way it functions (para 64) –again the aim of the proposal is to take the opportunity to improve the character and quality of the area (“local distinctiveness”) by introducing a scheme of good architecture on an underused site, improving the appearance of the street scene.

The Development Plan

- 4.7 The development plan for this site comprises the Havant Borough Core Strategy (March 2011).
- 4.8 **Policy CS4** supports town, district and local centres. The centre of Waterlooville is identified as joint highest of importance to encourage commercial outlets that promote the local economy. Mixed use schemes that retain active ground floor frontages are particularly sought after and supported.
- 4.9 **Policy CS9** supports housing development, requiring schemes to offer a good and balanced mix of tenure and size to meet the differing needs of the community. Delivery of housing in highly sustainable locations is encouraged.
- 4.10 **Policy CS14** supports efficient use of renewable resources.

- 4.11 **Policy CS16** requires high quality design to be incorporated into all development schemes. Proposed development must positively respond to and respect the local distinctiveness of the area, preserve the amenities of neighbouring occupiers, and make efficient use of mixed use schemes and town centre locations.
- 4.12 **Policy CS17** supports high concentration of development within established urban areas, such as Waterlooville town centre.
- 4.13 **Policy CS20** supports proposed development that encourages use of localised shops and services, and does not create safety concerns to the existing road network.

5 Planning History

- 5.1 Prior Approval (APP/17/00282) for the demolition of the former Wellington Public House under Part 11 of the General Permitted Development Order was **granted** on 12th April 2017. A copy of the Decision Notice is attached in Appendix A of this Statement.
- 5.2 Legislative changes were subsequently introduced by the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 ("the Amendment Order"), which removed these permitted development rights with effect from 23rd May 2017.
- 5.3 It is understood that the transitional arrangements which are set out within the Amendment Order ensure that the Prior Approval consent is unaffected by that statutory instrument.
- 5.4 The appellant sought clarification from the LPA regarding the Amendment Order and the implementation of the Prior Approval. The LPA has confirmed by email that *"The proposed transitional arrangements provide for cases such as this. Having looked through these appropriate arrangements it would appear that the criteria laid out indicates that the development is permitted in accordance with the terms of the permitted rights before withdrawal by the Amendment Order. In*

accordance with those terms, any development must be completed within one year”.

- 5.5 The Local Planning Authority then served a Building Preservation Notice on 12th July 2017, under the Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990. A copy of the Notice is attached in Appendix B of this Statement. This effectively gives the Wellington Public House the status as a Listed Building from immediate effect and gives Historic England 6 months to decide to endorse the listing or de-list the property.
- 5.6 The appellant has sought advice from a planning solicitor regarding the legality of the Section 3 Notice after the issuing of the Prior Approval Notice to demolish. The advice has concluded that the Notice was unlawful and should be quashed. That matter is being resolved separate to this appeal however as a material planning consideration, the Inspector should be made aware of the situation and a copy of the Planning Solicitor’s letter is attached as Appendix C of this statement.

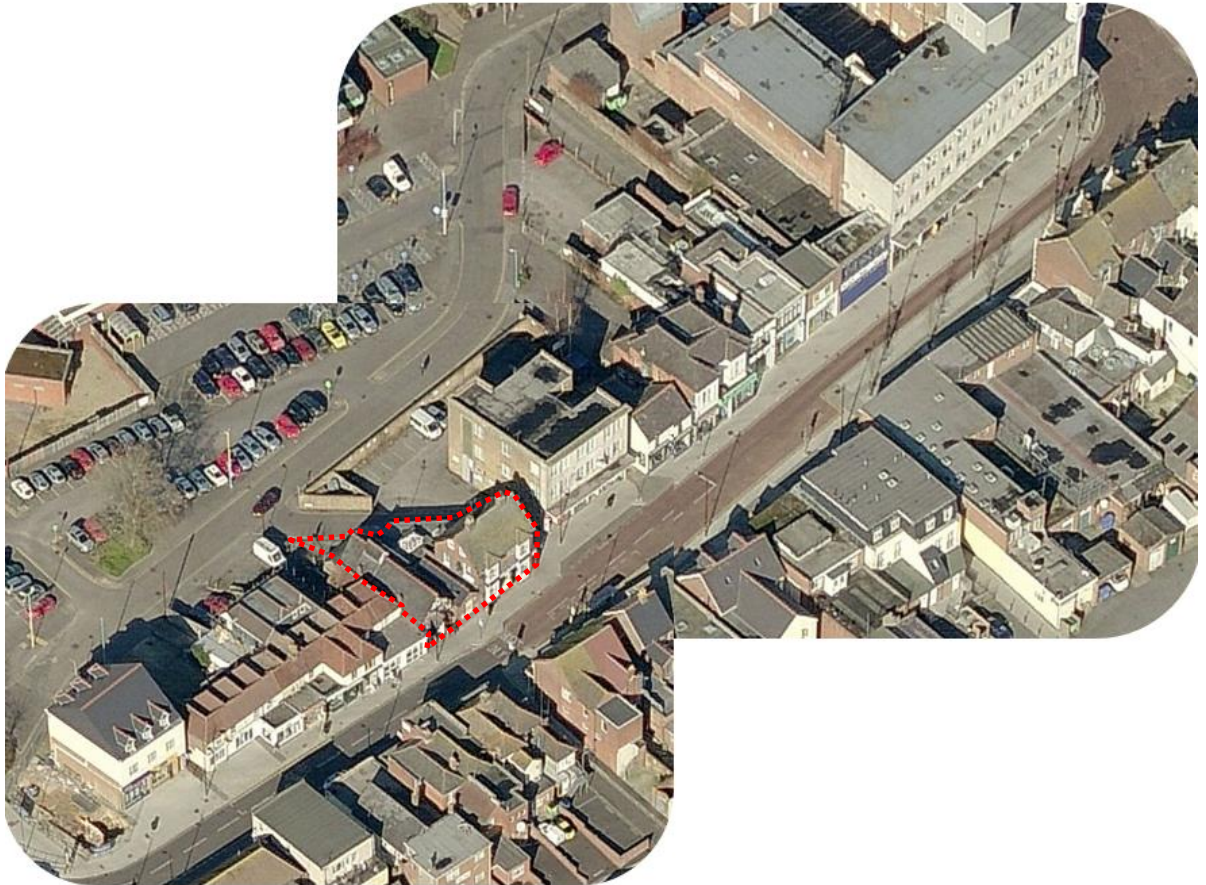
6 Grounds of Appeal

- 6.1 As mentioned in the first section of this report, the proposed development was refused on a single reason for refusal. As such I would respectfully request that the Planning Inspector has regard to the following question and evidence when determining the outcome of this appeal:

Whether the proposal, by reason of its scale, mass and design is considered to be excessive and inadequately related to the scale, character and design of surrounding development, and therefore constitute an incongruous and strident form of development, out of keeping with its surroundings and which would have a significant adverse impact on the appearance and character of the area?

- 6.2 The context of the appeal site is in the high street, known as London Road. In planning terms, it is the most sustainable location in the area and national and localised planning policies advocate mixed forms of developments in such locations.

- 6.3 The prevailing form of buildings in this stretch of London Road is 3 storey buildings of varying architectural form, shape, massing and appearance. To aid the Planning Inspector's recollection the site and its surroundings I submit the following Ariel photographs:

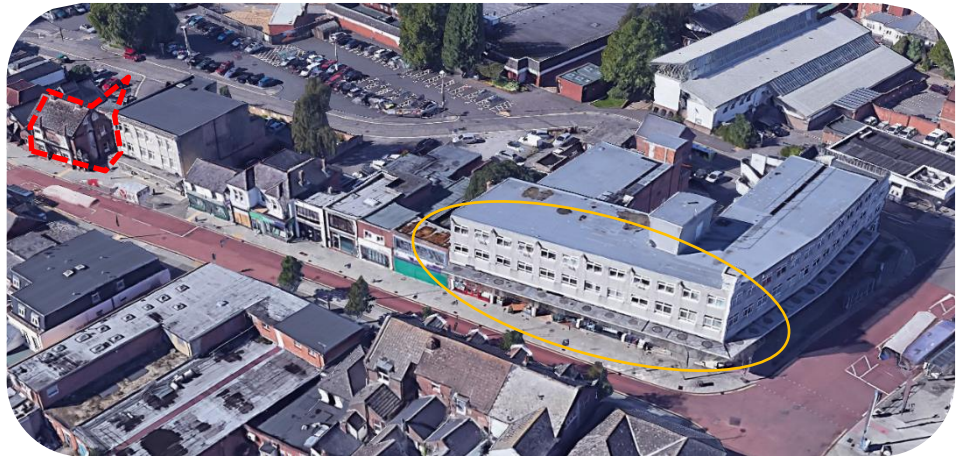




6.4 The principle of the proposed development of commercial uses on the ground floor with residential units positioned above has been accepted by the Council as confirmed in the case officer's report. Furthermore, the LPA confirms that there is no policy basis that would prevent the demolition of the building (prior to the Section 3 Notice being served) and the redevelopment of the site, in principle with a retail/ commercial use with purpose built flats above is acceptable.

6.5 The LPA allege that the proposed building is excessive and fails to relate to the surrounding development because of scale, mass and design.

- 6.6 According to paragraph 006 (Reference ID 14-00-20140306) from the Department of Communities and Local Government website, the definition of 'Scale' is the height, width and length of each building proposed within the development in relation to its surroundings.
- 6.7 The definition of 'Mass' is not defined however usually refers to the cubic size of a building having regard to its height, width and length.
- 6.8 The proposed replacement building will occupy most of the site frontage onto London Road, but not in its entirety unlike the existing building. This is evident on the proposed ground floor plans. The width of the proposed building on the London Road frontage shall be 18.6 metres wide (to the corner entrance). The total width of the building shall be 20.5 metres. This is consistent with the prevailing pattern of development, for example nos. 59-71 London Road occupy a street frontage of 26 metres; or nos. 75-75b London Road has a frontage length of 16 metres. On the nearby corner of London Road with Hambledon Road (to the north-east of the appeal site) there is a large 3 storey perimeter block building. Whilst the building fronts both streets, the width of the building fronting London Road is 38 metres wide.



- 6.9 As such the width of the building accords with the prevailing pattern of development.
- 6.10 The width (or should that be the depth) of the proposed building is again not as deep into the site as the current building. According to drawing no. 6, the depth of the proposed building is 15.6 metres which again is consistent with nearby buildings. For example, the adjacent block at nos. 75-75b measures as 18 metres from front to rear elevations.
- 6.11 Scale can also relate to the human scale of floor to ceiling heights. As per drawing no. 5 shows, the proposed ground floor would have a floor to floor height of 3.0 metres which is consistent with neighbouring commercial units. The floor to ceiling height inside the retail unit would be lower at 2.8 metre having regard to ducting and floor construction.
- 6.12 The residential accommodation floor to ceiling height would be 2.6 metres which again is acceptable and appropriate for this style of building.

- 6.13 The overall building height shall be 9.3 metres which is wholly acceptable within a town centre location and is the same height as the existing ridge over the Wellington Public House. When the height of the proposed building is compared to the 3 storey block at nos. 75-75b (being 10.6 metres) on the adjacent site, the proposed building is lower by 1.3 metres.
- 6.14 It is the opinion of the appellant that the proposed building is in scale with the neighbouring buildings and as such, accords with the local distinctiveness of the area and is supported by adopted planning policies that actually advocate larger buildings of mixed developments should be located in town centre locations.
- 6.15 The design of the building is subjective in terms of whether an individual likes the building or not. Functionally the layout and appearance will accommodate the quantum of development without causing material harm to the street scene or to neighbouring amenities.
- 6.16 The window positioning is uniformed and reflects the prevailing appearance and relationship to other properties in terms of cill and window header heights.
- 6.17 The design of building being 3 storeys has a flat roof, which if it did not, would result in a substantially larger roof form or an unsightly mansard roof. Within the locality there are many buildings which have large flat roofs, so the proposed development is consistent with that characteristic. The image below

demonstrates those buildings fronting London Road which have a large flat roof, for the Inspector's ease of reference.



6.18 The design of the building also takes account of the external finishes of the building. The refused drawings indicate that the walls shall be rendered but whilst the illustration shows yellow and blue, the actual specification colour has not been agreed. As such the LPA should have resolved this matter by condition, rather than refusing the scheme.

6.19 The density of the proposed development was accepted by the LPA according to the case officer's report. If the density of the development being considered as 'high' (above 60dph) is acceptable, then there is an expectation that the size of the building will be large as well, especially if there is need to retain commercial or retail space on the ground floor to accord with the prevailing street scene.

- 6.20 The above paragraphs clearly demonstrate that this proposed building should have been approved as it will be absorbed within the existing street scene without incurring material harm to surrounding development. The scale, mass and design of the building are in keeping, and as the area is not covered by any specific design constraint planning policies, there should have been a presumption in favour of the development.
- 6.21 The LPA then allege that the proposed development shall be incongruous and strident, being out of keeping with its surroundings and would have a significant impact upon the appearance and character of the area. The second half of the reason for refusal appears to replicate the first half.
- 6.22 Without clear guidance from the decision notice, the appellant must refer to the case officer's report for a better understanding of the particular issue. In the case officer's report, it is alleged that the proposed building will not provide "*an effective transition between the respective patterns of development surrounding the site on this high visible and sensitive corner plot*" then suggests "*neither does it establish a high quality contemporary or innovative design, which addresses this sensitive corner site*". Interestingly the word 'strident' is not used in the case officer's report so no justification is given.

- 6.23 The appeal site is not located in a Conservation Area, is not seen with the setting of a Listed Building or in urban design terms, is not at the corner of an important junction between 2 named main roads. The site is located in the centre of a high street where the prevailing pattern and form of development offers buildings of considerable mass and varying architectural appearance.
- 6.24 The appeal site does abut the footpath between London Road and Swiss Road to the rear. Swiss Road is only a service road so is not of significant importance in terms of hierarchy or setting. The footpath known as Chapel Lane is a part road/ part pedestrianised footpath positioned to the side and rear of the proposed building. Members of the public use the lane as a 'cut through' to the Asda store, located behind the appeal site or to the car park. There is no sensitivity or importance of the lane or its junction with London Road.
- 6.25 The proposed building will occupy a position that is similar to the existing building so the effect of the lane will be minimal. The proposed building is positioned slightly away from the building line of the existing building so will replicate to a similar degree of that of the 3 storey flat roof building of nos. 75-75B. The next image is an illustration of the proposed building's siting relative to Chapel Lane and the neighbouring buildings.



- 6.26 The appellant is strongly of the opinion that the proposed development fully accords with the prevailing pattern and form of development in the area. Given the Council's housing needs it was expected that this scheme would receive the support of the LPA as the proposal deliveries 8 affordable (in terms of rental value) flats in a highly sustainable location.
- 6.27 In terms of Housing needs, according to the Council's Housing SPD (adopted 2011) the population of the borough will increase to 119,558 people by 2026. Of than increase in population, it is expected that the one-person households will increase to 33% of all households by 2026. As such this type of proposed accommodation would assist the Council meeting that expected need.

6.26 For the Inspector's information, the appellant did prepare a revised set of drawings to take account of this and overcome the LPA's objection to the scheme. Those drawings were submitted on 19th June to the LPA (9 days before the refusal date). The LPA refused to consider the revised plans which, in the appellant's opinion goes strongly against the policy advice of paragraph 187 of the NPPF that advocates "*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area*". The revised plans are submitted to the Planning Inspector in appendix D; nevertheless, to say the original set of drawings were and still are acceptable considering adopted planning policies. The revised plans are submitted as evidence to the Inspector that the appellant was willing to negotiate whereas the LPA was not.

7 Conclusion & Summary

- 7.1 The appeal proposal seeks full planning permission to demolish the existing building (already permitted under a Prior Approval) and erect a new building to include a ground floor retail outlet with rear servicing arrangement and storage and the creation of 8 self-contained flats above.
- 7.2 This statement has specifically demonstrated that the proposal would not harm the character and appearance of the area, nor harm neighbouring amenities.
- 7.3 As such, the proposal has been sensitively designed and wholly accords with the provisions of adopted planning policies.
- 7.4 The appellant therefore considers that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and planning consent ought to be granted in line with the presumption in favour of sustainable development in the NPPF and respectfully asks the Inspector to do so.