

Recommendation: **REFUSE PERMISSION**

APP/17/00282 - Application to determine whether prior approval is required for the demolition of The Wellington Public House and any proposed restoration of the site.,
PAYA.12/04/2017

3 Proposal

The proposal would result in the existing pub building being demolished, which has been authorised by a Prior Approval application APP/17/00282. The proposal is for the erection of a 3 storey building with a flat roof, which comprises a one ground floor retail unit (A1), with would have 146m² of floor space, having a storage and rear servicing provided from the rear from Swiss Road. The second and third floors comprises 4 no. 1 bedroom units and 4 no. 2 bedroom flats. To the rear of the building there would be vehicle parking for 2 cars, secured and covered storage for 10 bicycles and covered storage for commercial bins.

The proposal would have an overall height of 9.45 metres and a width of 22 metres. The depth of the building at its maximum extent would be 16m, however this does vary as the side (north east) elevation, would be angled and reduces in depth as it follows Chapel Lane, which allows provides pedestrian access from London Road to Swiss Road and the neighbouring ASDA supermarket. The proposed external materials are render, timber cladding, aluminium windows and glazing to the new shopfront.

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)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS4	()
CS9	(Housing)

Havant Borough Local Plan (Allocations) July 2014

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

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

1) The proposed building will be within 3m of a foul water public sewer shown on GIS as 150mm diameter at about 2m deep. A consultation should be carried out with Southern Water.

2) It should be ensured that a fire service appliance can get to within 45m of all points within the building (as the fire hose would be run)

3) The windows shown on the south west elevation appear to be on the site boundary. There should be a maximum area of window of 1m² to this elevation where the window is within 1m of the boundary.

Crime Prevention -Minor Apps

Thank you for your letter of the 8th May 2017 and the opportunity to comment upon the application. Having considered the application I have the following comments to make with reference to crime prevention.

Access to the apartments is via Chapel Lane to the rear of the development, the access door itself is set back with a large recess. The effect of this is to limit the natural surveillance of the main access door and both the cycle store and store doors, which increases the vulnerability of the area to crime and anti-social behaviour. To reduce the vulnerability of this area, the access door should be moved to either London Road or Chapel Lane.

Confirming the identity of a visitor wishing to access the accommodation is important for the safety of residents and visitors. Planning guidance advises "taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits. Crime includes terrorism, and good counter terrorism protective security is also good crime prevention." Therefore, to provide for the safety and security of residents an audio visual access control system should be installed to provide for visitor access.

With the close proximity of the residential access and the pedestrian access into the storage area, there is the possibility for conflict. To reduce these opportunities I recommend that these two accesses are separated.

Waste bins provide a number of opportunities for crime and anti-social behaviour. Planning guidance advises "Unsightly bins can damage the visual amenity of an area. Carefully planned bin storage is, therefore particularly important. Local authorities should ensure that each dwelling is carefully planned to ensure there is enough discretely designed and accessible storage space for all the different types of bin used in the local authority area (for example landfill, recycling, food waste)." To reduce the opportunities for crime and anti-social behaviour the waste bins should be stored within a secure store.

The development creates eight apartments and two retail units and yet only two parking spaces are provided. With this level of parking the development will almost certainly place an additional burden on the local on street parking provision which in many places is already at capacity. I would remind you that vehicles parked on the public highway are many times more likely to be subject to an incident, than those parked on private space. Therefore, I recommend that at least 1 parking space per apartment is provided within the development site.

Highways Engineer, Development Engineer

The Highway Authority has no adverse comment to this application. However as the road construction of Chapel Lane abuts the existing building it is important that the road edge retaining detail are agreed with the Highway Authority. This should be conditioned and a highway informative placed on the permission.

Public Spaces

No response

Waste Services Manager

No Objection

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: 21

Number of site notices: 1.

Statutory advertisement: Not applicable.

Number of representations received: 55

Summary of planning issues raised (with officer comments where issues are not addressed in Section 7 below):

Loss of one of the last historic pubs in the town centre, the building should be reused for another use if not viable as a pub.

Overdevelopment of the site and subsequent adverse impact on the character and appearance of the area

Lack of parking and adverse impact on the highway network

Insufficient provision for cycling storage

No need for more flats or retail units in the area

Poor design of the building, which would not be an inspiring addition to the area

3 letter of support - This would make good use of the site and would allow much more needed housing in area

This is a good quality design in the context of the surrounding area

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) Nature of development
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Impact on highways and parking

- (i) Principle of development

The application site is situated within an urban area and the town centre of Waterloo, where further development for residential and A1 retail is considered acceptable subject to the usual development control criteria.

Policy DM2- Protection of Existing Community Facilities and shops of the Core

Strategy, requires the retention of communities facilities (pub uses fall into this category), unless it could be demonstrated that the pub had been actively marketed and that it was no longer viable for their authorised use or any other use, which would provide a beneficial facility to the local community.

The Government amended the General Permitted Development Order (GPDO) on 23rd May 2017, to remove permitted development rights in relation to demolition of pubs (class A4 use), in recognition of concerns raised by communities and stakeholder's across the country regarding this process, which allowed for Pubs to be demolished without the loss of this facility being assessed in a planning application. The amended GPDO now means that planning permission would be required for any redevelopment/demolition of public houses. However the previous application for this site APP/17/00282, which was to determine whether prior approval is required for the demolition of The Wellington Public House and any proposed restoration of the site, was considered under the previous GPDO prior the 23rd May 2017. Prior approval was subsequently granted for the demolition of this building on 12/3/17, with a condition that the prior approval allows for the demolition within one year of the date of this decision.

The government published accompanying transitional arrangements, to provide guidance regarding decisions that had been made before the Order came in. The arrangements advise that where the developer has secured prior approval before 23rd May, that the development is carried out in accordance with the terms of the permitted development rights before withdrawal of the Amendment Order. Therefore in this case the demolition can be carried out until 12/4/18, in accordance with the approved details. Therefore given this fall back position, in that the existing pub has prior approval to be demolished, policy DM2 of the Core Strategy is not engaged, therefore the LPA cannot resist the loss of the community facility, in these specific circumstances.

The primary objective of the National Planning Policy Framework (NPPF) is to increase delivery of sustainable growth and development. It is about delivering growth that is not to the detriment of future generations. This positive growth should perform an economic, social and environmental role and should be allowed to go ahead, without delay. The NPPF requires local development plans to take local circumstances into account and meet the objectively assessed development needs of an area.

When making decisions on planning applications, this presumption means that development proposals that accord with the development plan should be approved without delay; but where the development plan is out-of-date, permission should be granted unless the adverse effects of doing so would significantly outweigh the benefits.

Specifically to this application, the National Planning Policy Framework (NPPF), Paragraph 61 advises that 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'.

(ii) Nature of development

The application seeks 8 dwellings which equates to approximately 216 dwellings per hectare (dph). Core Strategy policy CS9 states that planning permission will be

granted for housing proposals which (amongst other matters) 'Achieve a suitable density of development for the location, taking account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form'.

Supporting text of the Core Strategy paragraph 6.21 provides further guidance stating that:

The density of new housing will depend on its design and appropriateness to its location. As a guide the following minimum density thresholds have been developed using the Havant Borough Townscape, Landscape and Seascape Character Assessment and the levels of accessibility to a range of facilities:

High Density - Minimum of 60 dwellings per hectare
Medium Density - Minimum of 45 dwellings per hectare
Low Density - Up to 45 dwellings per hectare

Under this assessment, the density of development can be considered to be within the High Density category. This is considered to be appropriate given its highly sustainable location within Waterlooville town centre. However there is a need to consider whether the development would meet the environmental dimension of the NPPF, in terms of the impact on the character and appearance of the area, this is considered below.

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

The existing public house is not statutorily or locally listed, although it is of some architectural and historic merit. Together with its setting within the site the building does make a positive contribution to the character and appearance of the street scene. However there is currently no policy basis, which would prevent the replacement of this building on the application site. Taking the site as a whole, together with its setting, in principle, there is no reason why the site could not be redeveloped for purpose built flats with retail, provided any development complied with the prevailing planning policies regarding impact on the character and appearance of the area.

The proposed development would remove the buildings and replace them with a three storey building, which would be both significant in terms of size and scale. The proposed width of the building is 22 metres, with the building then wrapping around and being immediately adjacent to Chapel Lane for up to 16 metres in depth. It is considered that the proposed development of this site marks a significant change to the existing characteristics of this part of London Road/Chapel Lane, introducing a much more intensely developed built form that is distinct from the prevailing character of the area and does not achieve an effective transition between the respective patterns of development surrounding the site on this highly visible and sensitive corner plot. It is acknowledged that the neighbouring building to the north is a 3 storey building, however this is set back further from both London Road and Chapel Lane, in addition it is a building with a reduced width across the site, which does provide it with a sense of spaciousness in its immediate context.

It is considered that the proposed design solution does not relate either to the local area or surrounding houses, neither does it establish a high quality contemporary or innovative design, which addresses this sensitive corner site. This is emphasised through the angled (north east) side elevation which would bring stark elevations,

which would not sit well with the design of the remainder of the scheme. It is therefore considered that this approach lacks a sense of proportion and balance, which would result in the development having an adverse impact on the character and appearance of the area.

In itself the height of the proposed building would not be out of keeping with the locality, having regard to the varied heights of other buildings within the area. However, at its widest point the proposed building would extend to the full width and depth of the site and would be immediately adjacent to London Road and Chapel Lane. As such due to the height combined with the width and depth of the proposed building, together relationship the surrounding roads, it would appear cramped and as such result in over development of the site.

The proposed bin store, parking and access area to the rear of the site would, at points, project almost up to the boundaries of the site, the proposal includes no soft planting or landscaping. It is acknowledged that provision needs to be made for servicing, bin stores and cycle shed, however the surrounding developments provide these facilities from areas that are screened by either boundary walls/fencing or landscaping and integrated into the overall development. However with regard to this development the rear of the site would be dominated by hard surfacing and the overall scale of the development, which is visible from Chapel Lane. This situation is exacerbated by the prominent siting of the proposed bin and cycle stores, which increases the built form at the rear of the site. Given the overall scale and layout of the proposal spreading across the site, there would be little room available to provide soft landscaping and tree planting on the site.

On the above basis it is considered that the proposed development would have a harmful effect on the character and appearance of the surrounding area, as it would seriously and unacceptably undermine the prevailing character and appearance of London Road/Chapel Lane and the wider surrounding area. Furthermore, when viewed alongside the adjoining properties on all sides of the site, the proposed development would not integrate with or respond positively to the character and appearance of the surrounding area in terms of layout, scale, design or scale. For these reasons the proposed building would appear unduly cramped, prominent and stark within the street scene. The harm that would be caused to the character and appearance of the area would outweigh the benefits of providing 8 flats, which comprises a mix of one and two bedroom units.

In conclusion on this issue the proposal would unacceptably harm the character and appearance of the area. It would therefore conflict with policies CS16 of the Core Strategy, the Design SPD and the NPPF.

(iii) Impact upon residential amenity

Given the proposed layout, relationship and degree of separation from neighbouring properties it is not considered that the development would have a significant adverse impact on the amenities of neighbouring properties with regard to loss of sunlight/daylight, overlooking or overbearing impact.

(iv) Impact on highway/parking

A number of objections have been received that the development proposes no car parking for the residential elements of the scheme. The application does provide any parking for the proposed for the residential element of the scheme and 1 car parking

space for the commercial element. The Havant Borough Residential Parking and Cycle Provision SPD identifies Waterlooville Town Centre to be a highly accessible location where reduced or even zero standards of vehicle parking provision can be considered in order to maximise the use of land and discourage use of the private motor vehicle, and the proposals are considered to be consistent with the aims of the SPD.

In terms of cycle parking, the submitted plans and documentation confirms the intention of the development to accommodate cycle parking provision in accordance with the adopted standards of the Havant Borough Residential Parking and Cycle Provision SPD. The Highway Authority has not objected to the application and it is considered that the highways, traffic and parking arrangements can be secured in are satisfactory for the site as a stand-alone development.

(v) Developer contributions

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 (plus indexation) per square metre on new floorspace (measured as gross internal area) in Waterlooville.

It is considered that there is a CIL liability for this site. A credit can be given for the existing floorspace of the dwelling within the site and therefore only the additional floorspace is CIL liable. The agent has completed the CIL planning form and confirmed that the net additional gross internal floor space will be 121m and as such this will require a CIL payment of £12,316.07. The applicant has been advised of this sum accordingly.

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 in April 2016 requires a payment of £176 per dwelling (plus admin and monitoring fee) to the Solent Disturbance Mitigation Project. The applicants have made the necessary planning obligation and returned the associated paperwork. As such the appropriate financial contribution has been secured.

(vi) Drainage

It is considered that the site can be suitably drained and suitable conditions could be attached if permission were to be granted.

8 Conclusion

It is considered that the proposed development would have a harmful effect on the character and appearance of the surrounding area, as it would seriously and unacceptably undermine the prevailing character and appearance of London Road/Chapel Lane and the wider surrounding area. Furthermore, when viewed alongside the adjoining properties on all sides of the site, the proposed development would not integrate with or respond positively to the character and appearance of the

surrounding area in terms of layout, scale, design or scale. For these reasons the proposed building would appear unduly cramped, prominent and stark within the street scene. The harm that would be caused to the character and appearance of the area would outweigh the benefits of providing 8 flats, which comprises a mix of one and two bedroom unit. As such the proposed development is considered to be contrary to the NPPF and policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/17/00442 for the following reasons

- 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.