
Site Address:	82A Jubilee Road, Waterloo, PO7 7RE		
Proposal:	Proposed removal of existing commercial buildings and construction of 3No. detached 2 Bed houses		
Application No:	APP/17/01139	Expiry Date:	21/12/2017
Applicant:	Douglas Construction Ltd		
	Douglas Construction Ltd		
Agent:	Mr Wakeling	Case Officer:	Lewis Oliver
	PLC Architects		
Ward:	Waterloo		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises a level plot of land of approximately 0.1 hectares in area, located to the north of Waterloo Town Centre, and currently contains a range of dilapidated commercial buildings and unkempt open areas. The site is accessed via a poorly maintained driveway off the north side of Jubilee Road, west of its junction with Coronation Road. A secondary access leading to a spur opposite the Coronation Road junction appears to have not been in frequent use.

The site lies at the confluence of a variety of land uses. The Sunshine Day Centre is located to the west of the main access drive. The site boundary then turns to the rear of the day centre to adjoin Hillcrest School. Jubilee Park adjoins the north of the site and there are residential properties to the east and south. Beyond the immediate vicinity there are substantial areas of commercial (to the south west) and residential (to the south and east) land use.

Two prominent oak trees are sited beyond the northern boundary of the site, within Jubilee Park. The site has a variety of boundary treatments although, in line with the condition of the site itself, these are of variable quality and effect.

2 Planning History

07/71756/000 - Certificate of Lawfulness for factory. (B1 use.) , PERM,18/12/2007

09/71756/001 - Change of use from B1 to B2. Minor alterations to access doors and fenestration. Improvements to car park layout. Construct open car port. , REF,22/05/2009

APP/14/01025 - Outline application for removal of existing commercial buildings and construction of 4No. dwellings; comprising 1No. 4 bed detached town house and 3No. terraced 3 bed town houses. Approval of access with all other matters reserved., WD,26/11/2014

APP/15/00408 - Outline application for removal of existing commercial buildings and construction of 3No. detached 2 bed houses; with appearance and landscaping reserved. (Revised application).(Approved 30/10/2015). Request to Discharge Condition No's 5 & 10 (20.07.17)., Permission subject to conditions ,30/10/2015

APP/17/00765 - Reserved matters application relating to appearance and landscaping following Outline Planning Permission APP/15/00408 ., Withdrawn,24/08/201. This application was withdrawn by the applicant when it came to light that private rights of access existed across the site

3 Proposal

This application is an amended scheme permitted under outline consent APP/15/00408. This amendment to the layout was undertaken following a private right of access being highlighted across the site. As a result the overall layout remains similar to that consented under application ref APP/15/00408, although Plot 1 is re-located towards the western boundary enabling clear vehicular access along the southern boundary. The internal parking layout has also been amended in this application. The proposed reconfiguration of the vehicular access and parking arrangement will aid car manoeuvring and result in improved access to each dwelling whilst respecting the legal right of way to the southern boundary

The proposed design and scale are to be chalet bungalows with ridge heights of 6.5 metres, 5.8m in width and 10m in depth. Units 2 & 3 are arranged in staggered terrace form accessed via the existing driveway.

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

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM11	(Planning for More Sustainable Travel)
DM3	(Protection of Existing Employment and Tourism Sites)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

No Objection subject to conditions

Building Control, Havant Borough Council

No adverse comments

Community Infrastructure, Planning Policy & Urban Design

Given the marketing information supplied I am not satisfied that the property will have been in use for six months of the three years preceding the decision. Please can you follow up to see if the statement on the CIL Additional Information Form is correct. If it has not been in use as required, all the new floor space will be CIL liable.

If decision is made after 31 December, additional CIL Indexation will apply to any CIL Liability.

Further evidence has been provided about the current use of the buildings and the CIL officer has confirmed that the buildings have been in use

Crime Prevention -Minor Apps

No response

Developer Services, Southern Water

No objection subject to informative

Economic Development - Commercial and Housing

The application can be supported as the nature of the site lends itself to residential application.

Highways Engineer, Development Engineer

The new application includes the private right of way within the redline. The layout shows a gate giving access from the right of way to the proposed development. I would like to know will the new houses use this right of way or will a third party be able to use this right of way to park in this estate?

Planning Policy

Principle of Development: The site lies within the urban area as defined by Policies CS17 and AL2 of the Local Plan which seek to concentrate new development within the five urban areas of the borough.

The proposed development would result in the loss 271 square metres of B1 (c) light industrial floorspace. Marketing has been carried out in the past with no commercial interest expressed. This was accepted and the principal of residential development established through a previous planning application (APP/15/00408). Therefore it is considered that the proposal complies with Policy DM3.

Parking: Policy DM13 and the Havant Borough Parking SPD (July 2016) set out the parking standards for new development in the borough. The application proposes 6 car parking spaces in total which meets the requirement set out in the SPD.

Developer Contributions: Havant Borough Council has an adopted CIL Charging Schedule which is applied to new residential development in the borough in addition to the requirements of Policy CS21. The Solent Recreation Mitigation Partnership (SRMP) contribution will also be payable in accordance with Policy DM24.

Recommendation: No objection in principle.

Property Services Manager, Corporate Group

With regard to APP/17/01139 I would advise that the Estates Team has no adverse comments.

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: 17

Number of site notices: 1.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
Our main concern is still the width of the drive which is approximately only 10feet wide for most of its length and less than 3ft from our bungalow. Our property has been damage in the past by vehicles to trying to negotiate the drive and our fear is that this will happen again. Being only 10feet wide; this means that all traffic can go in one direction at a time. This drive will have to be used for all site traffic to remove the existing building and the construction of the new and the residents once constructed.	Damage to property is a civil matter. See section 7

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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on highways
- (v) CIL and other contributions
- (vi) Drainage
- (vii) Ecology

- (i) Principle of development

The site lies within the urban area as defined by Policies CS17 and AL2 of the Local Plan which seek to concentrate new development within the five urban areas of the borough. The proposed development would result in the loss 271 square metres of B1 (c) light industrial floorspace. Marketing has been carried out in the past with no commercial interest expressed. The proposal would result in the loss of an employment facility, but this is of low quality and in a somewhat awkward location and it is considered that sufficient marketing in the previous application was undertaken to demonstrate the site is no longer viable or desirable for continued employment use.

This was accepted and the principal of residential development established through a previous planning application, APP/15/00408, which is still an extant consent. In addition the proposal is considered to make effective use of Previously Developed Land, which weighs in favour of this application. Therefore it is considered that the proposal complies with Policy DM3.

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

As noted above, the site currently contains a range of dilapidated commercial buildings and unkempt open areas. An appropriate redevelopment would therefore result in an improvement in visual terms. The proposed layout would offer a good degree of private amenity space to occupiers of the dwellings, with a minimum rear garden length of approximately 13.2 metres, whilst also allowing space for parking, cycle and bin storage. In addition the surrounding residential properties in the area are defined by a mixture of design, size and scale of properties. Although not visible in the street scene the site can be seen from within the adjoining recreation ground. However, due to the current condition of the site, any such views would be likely to be improved by the proposal.

The trees that are to be removed are low grade and not suitable for Tree Preservation Order protection. The two off site Oaks already have buildings underneath them and do not significantly overhang the site. The application is supported by a Arboricultural Implications Assessment Method Statement and Tree Protection Plan, which is considered robust. This outlined that given the existing buildings in combination with relevant protection methods that the two off-site oak trees would be protected during construction and subsequently given the proposed layout of the properties that there would not be significant pressure to fell these trees. Furthermore the Council's tree officer has raised no objection to this application, subject to ensuring that the development is carried out in accordance with the submitted details.

As such it is considered that the proposed development by virtue of its layout, size, scale, massing and design would not have a significant adverse impact on the character and appearance of the area, and a reason for refusal on this matter could not be justified.

(iii) Impact upon residential amenity

An apparently little used access leads to the site from a spur between Jubilee Road and Jubilee Park. There is concern as to whether the proposal would impact on private rights across this access. This is a civil matter and as such is not a material planning consideration. It is acknowledged that use of the access would be likely to have an impact on occupiers of the properties adjoining at 74a, 76a and 76b Jubilee Road. However, the access is already in place and the proposed layout is such that it would appear unlikely to be used to serve the development in vehicular terms.

The proposal has the potential to impact more directly on the residential amenities of numbers 78 and 80 Jubilee Road (to the south of the site) and numbers 76b, c and d (to the east). The latter are two storey dwellings with rear garden lengths of between approximately 8 and 10 metres. Whilst the lower lengths fall short of current guidelines, the overall back-to-back distances would all be close to, or in excess of, 23metres. These distances should ensure that a detrimental level of overlooking, shadowing or overbearing impact does not occur. The outlook from these properties is likely to improve as a result of the development.

Numbers 78 and 80 Jubilee Road are single storey dwellings, each with a relatively short rear garden facing the site. Number 78 would back on to the lengthy rear gardens of the proposed dwellings. Number 80 has a rear dormer window facing the site, with a detached garage serving to some extent as a buffer between the new and existing dwellings. The proposed dwelling on Plot 1 has been relocated in this application, this unit now lies to the north of the existing nursery, and is now 18 metres to the north west of no.80. As such this amended layout improves the impact on the amenity of this property. The amended layout would now locate plot 2 approximately 27 metre to the north, with the single storey garage in the garden of no.80 remaining as an intervening feature. In order to control the impact of the development, permitted development rights are proposed to be removed again, as was the case in APP/15/00408, in order to control and further windows or alterations to the property. The site has a history of uses, which are highly likely to have resulted in the site being subject to contamination, as such and which was highlighted in the previous application by the Environmental Health Team, a number of conditions are proposed in order to investigate, control and mitigate any contamination which is found on the site. This is in order to protect the amenity of future occupants of this development.

The access to the site runs directly alongside 80 Jubilee Road and also serves a garage at that property. This access has been in unfettered commercial use for a number of years and its proposed continued use is considered unlikely to cause any more disturbance than is currently the case. Indeed, the proposal offers an opportunity to improve the surface of the access and remove general noise and disturbance resulting from the historical use of the site.

Drawing these elements together it is not considered that the development would have a significant adverse impact on the amenities of neighbouring properties in order to justify a reason for refusal on this matter.

(iv) Impact on highways

The width of the site access is limited (a little over 3 metres for the first 24 metres from the highway), but provides visibility along its full length. Furthermore, the access has been serving commercial operations for many years. The set back building line along the frontage of Jubilee Road should ensure that visibility in both directions along the main highway is acceptable. The Highways Engineer has raised no objection to the proposal.

Parking within the site would comprise two spaces per dwelling, in line with the adopted Borough standards. Two covered and secure cycle storage spaces per dwelling would also be provided, with short term visitor spaces secured to the side walls of each dwelling. There is sufficient room within the site to provide bin storage.

(v) CIL and other contributions

This application is CIL liable, however the existing buildings to be demolished comprises a floor area of 271 square metres of B1 (c) light industrial floorspace, whilst the proposed dwellings will have a combined area totalling 244.6sqm. As such no CIL contribution would be payable on this permission, the agent has been informed of this.

A contribution towards to the SPA is required under Policy DM24 of the Allocations Plan. The relevant contribution has been paid and paperwork returned.

(vi) Drainage

Southern Water have raised no objection, it is therefore considered that the site can be suitably drained.

(vii) Ecology

An ecology survey with proposed mitigation measures has been submitted with this application. The submitted report highlights that the application site is not a site which has any protected species, largely given the existing commercial use. However mitigation measures are proposed, in the form of providing bat boxes, this are secured through a planning condition.

8 Conclusion

In conclusion the proposal would result in the loss of an employment facility, but this is of low quality and in a somewhat awkward location and it is considered that sufficient marketing in the previous application was undertaken to demonstrate the site is no longer viable or desirable for continued employment use. The design, scale and massing of the proposal is considered to have an acceptable impact on the character and appearance of the area.

The dwellings can be provided such that it would have an acceptable impact on the amenities of neighbouring residents and to provide appropriate residential amenities for the future occupants. Mitigation has been provided in relation to potential impacts on the SPA. The proposals would subject to conditions and details have an acceptable impact on highways and future occupants through ensuring that any continuation is appropriately dealt with on site. CIL contributions are not required, given the net loss in floor space with this development, however a financial contribution to mitigate impacts on the SPA has been received. It is therefore considered that planning permission can be recommended in this case.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/01139 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing block plan 17.2274.106 P1
Proposed plans and elevations - Plot 1 - 17.2274.100 P4
Proposed plans and elevations - Plot 2 17.2274.101 P2
Proposed plans and elevations - Plot 3 17.2274.102 P3
Location, Block and Site Plan 17.2274.103 P6
Ecological Assessment - Revised October 2017 - Report prepared by Adam Jessop
Arboricultural Implications Assessment and Method Statement - Report ref:

17953-AIA - Report date: 6 October 2017

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by any such Order shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the locality and occupiers of the dwellings hereby approved and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The development shall not be brought into use until the spaces for the parking of vehicles have been provided within the site, and surfaced and marked out in accordance with the approved details and any other details subsequently agreed in writing with the Local Planning Authority. Two such spaces shall be allocated to each dwelling and thereafter shall be retained and used solely for those purposes.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 The development shall be carried out in full accordance with the Arboricultural Implications Assessment and Method Statement - Report ref: 17953-AIA - Report date: 6 October 2017. All protection measures contained therein shall be undertaken and fully adhered to at all times whilst such implementation is in progress. Any such tree which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position and of not less than Extra Heavy Standard when planted.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 7 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall thereafter not be altered without prior consent other than for routine maintenance, which does not change its details

Reason: To protect the occupiers of nearby residential properties from light disturbance/pollution and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 Prior to the commencement of development approved by this planning permission, or at any other stage otherwise agreed in writing by the Local Planning Authority; a scheme to deal with the risks associated with potential ground contamination at the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded:

1. A Desk Study & Preliminary Risk Assessment identifying: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme based upon 1), appropriate to the scale of the site and the risks identified, to provide sufficient information for an assessment of the risks to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and, if appropriate, a remediation or risk mitigation strategy based on these results giving full details of the measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of remedial measures, and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that no contamination sources exist or remain on the application site that may pose an unacceptable risk to future site users, offsite residential land uses, buildings, potable supplies or other services and having regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM17 of the Havant Borough Local Plan Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

- 9 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that no contamination sources exist or remain on the application site that may pose an unacceptable risk to future site users, offsite

residential land uses, buildings, potable supplies or other services and having regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM17 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason: To ensure that no contamination sources exist or remain on the application site that may pose an unacceptable risk to future site users, offsite residential land uses, buildings, potable supplies or other services and having regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM17 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012
- 11 The development hereby approved shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Assessment - Revised October 2017 - Report prepared by Adam Jessop, unless otherwise agreed in writing by the Local Planning Authority. Any mitigation, compensation and enhancement features shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
Reason: To provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, Policy CS11 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework 2012.