
Site Address:	Land at, 38-44 London Road, Purbrook, Waterlooville		
Proposal:	Demolition of existing buildings and redevelopment to form 42No. retirement apartments for older persons including communal facilities, parking provision and associated landscaping; and 2No. commercial/retail units.		
Application No:	APP/15/00896	Expiry Date:	11/12/2015
Applicant:	McCarthy & Stone Retirement Lifestyles Ltd.	Team:	Team 1
Agent:	Mr Matt Shellum	Case Officer:	Rachael McMurray
	The Planning Bureau Ltd		
Ward:	Purbrook		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The site is located on the corner of London Road and Stakes Road within the Purbrook Local centre (as defined in the adopted Havant Borough Local Plan (Allocations) and adjacent to the St Johns Conservation Area and encompasses No's 38-44 London Road. The site is 00.39ha in area. There is a slight downward slope in levels from the north to the south of the site.
- 1.2 At present, there are several land uses on the site including a builder's merchant, a car dealership, a tyre workshop, a specialised motorbike repair centre and an MOT and repair centre. All the businesses apart from the builder's merchant are located towards the south of the site and comprise industrial style units or cabins. These business have access from London Road. The builder's merchants incorporates the largest part of the site to the north. This business has access from Stakes Road. There is a two-storey building of flint and brick construction which sits on the north west corner of the site. This forms the sales office for the builder's merchant and was formerly a vicarage associated with the church on the opposite side of London Road. All the businesses on site are currently in operation.
- 1.3 The west boundary with London Road comprises a low level flint brickwork wall and the flank elevation of the old vicarage building. There is also a bus shelter located adjacent to the London Road vehicle entrance to the site. Turning the corner, the north boundary is marked by a 1.5m high brick wall with a vehicular access into the builder's merchants. The western boundary comprises a brick wall which forms the boundary with a footpath which extends along the western boundary down onto Parkside Close at the rear of the site. The southern boundary is formed by the rear elevations of the buildings onsite.
- 1.4 To the east of the site lies the Purbrook Methodist Church and Purbrook Centre. Development to the north of the site includes shops and residential properties. Development to the west includes the listed St Johns Church and church yard which are situated within the St Johns conservation area. The boundary is marked by an attractive low level flint wall. South of this is another flint work building in operation as a nursery and south of this is a small industrial unit. To the south of the site is a row of local shops, then a terrace of properties and then another row of shops, all of which are included in the boundary of the designated local centre.

2 Planning History

As the site is made up of several small sites, an overview of the planning history is provided below. No development proposals for residential development on the scale proposed have been made on the site.

2.1 The Vicarage, Purbrook

53/02586 – For the use of The Vicarage as a furniture depository for a limited period only terminating 31/10/56. **Permitted 16/11/1953**

53/02586/1 – Outline for the use of land as a haulage contractors yard and the ultimate development and use of the land for the erection of shops. **Permitted 16/11/1953**

54/03131 – Outline for the use of part of the garden of The Vicarage for the erection of an office building. **Permitted 13/08/1954**

55/03504 – For the change of use of part of The Old Vicarage into offices. **Permitted 06/04/1955**

2.2 London Road, Purbrook

53/02221 – For the use of land for the erection of an office. **Permitted 18/05/1953**

53/02500 – For the erection of offices. **Permitted 13/08/1953**

2.3 Land at junction of Stakes Road and London Road

58/04041/1 – Outline for the use of land since edged green on the deposited plan for the erection of four shops only on the Trunk Road frontage and a block of garage at the rear of the site. **Permitted 26/08/1958**

58/04041/2 – For use of land since edged blue on the deposited plan for the erection of shops. **Refused 26/08/1958**

63/15383 – The erection of a furniture warehouse. **Permitted 30/05/1963**

69/15383/1 – The re-building of workshops. **Permitted 02/05/1969**

74/15383/2 – Residential development. **Refused 21/01/1974**

74/15383/3 – Residential development by erection of 20 flats and 2No. shops. **Refused 21/01/1974**

2.4 38/42 London Road, Purbrook

79/15383/4 – Car Sales area. **Refused 15/10/1979**

79/15383/5 – Use of land for display and sale of motor cars for a limited period only terminating 28/02/81. **Permitted 11/03/1980**

81/15383/7 – Continued use of land for display and sale of motor cars for a limited

period only terminating 28/02/82. **Permitted 25/02/1981**

81/15383/8 – Continued use of land for display and sale of motor cars. **Withdrawn 25/11/1981**

81/15383/9 – Continued use of land for display of sale of motor cars for a limited period only terminating 31/01/84. **Permitted 11/01/1982**

82/15383/10 – Continuing use of land for display and sale of motor cars not expiring before 31st January 1985 for a limited period only terminating 31/01/85. **Permitted 13/04/1982**

85/15383/13 – Continued use of land for display and sale of motor cars terminating 31/03/88. **Permitted 21/03/1985**

87/15383/14 – Renewal of permission for use of land for display and sale of motor cars for a limited period only terminating 31/12/92. **Permitted 05/08/1987**

2.5 **38/44 London Road, Purbrook**

83/15383/12 – Storage building. **Permitted 24/06/1983**

2.6 **39/42 London Road, Purbrook**

80/15383/6 – Single storey office extension. **Permitted 06/10/1980**

2.7 **42 London Road, Purbrook**

64/00197 – For the display of the advertisement. **Refused 22/09/1964**

92/57898/000 -Continued use for display and sale of motor vehicles. **Permitted 13/01/1993**

2.8 **44 London Road, Purbrook**

98/62890/000 – Change of use from a Builders Merchants Office and front sales counter to a day nursery. **Refused 27/04/1998**

03/62890/001- Retention of 4No. static externally illuminated shop fascia signs to front and side elevations. **Split Decision 24/07/2003**

3 Proposal

- 3.1 Demolition of existing buildings and redevelopment of the entire site to form 42No. retirement apartments for older persons including communal facilities, parking provision and associated landscaping; and 2No. commercial/retail units totalling 162sqm. The apartments are to be for people aged 60 years or over, or for those over this age with a partner of at least 55 years of age. The units would comprise the following mix: 23 x 1no bed apartments and 19 x 2no. bed apartments. Internally the accommodation is laid out over three floors. The external layout would include two areas of landscaped, communal gardens, one being in the centre and the other along the western boundary. The retail units would be located on London Road and include a shop frontage. These would be serviced from an existing lay by located on London

Road adjacent to the main entrance.

- 3.2 The proposed building is designed as a 'U' shaped building comprising three wings. One wing which fronts London Road is a two -storey building , rising to a two and a half storey corner building, creating a landmark feature on the north west corner of the site. The scale then drops back down to two-storey part way along Stakes Road. The third wing extends back into the site, parallel with the western boundary. The frontage buildings have been designed as smaller components with ridge lines stepping down along London Road to reflect the level changes. The roofscape comprises a series of interconnected hips and gables, with chimneys and small traditonal dormers. The approach to the design is traditonal with details such as flint with brick, natural flint panels, lime render, red multi stock bricks, clay tiles, chimney stacks, timber windows, brick soldier courses and stone cills.
- 3.3 The main access from London Road will be undercroft with automated gates set back from the road,. This leads to the internal parking court. The development proposes 35 parking spaces. 31 of these would be located within the development and 4 would be located on the north boundary with access from Stakes Road.
- 3.4 The application is supported by a number of documents:

Statement of Community Involvement
Phase 1 Ecology Report
Flood Risk Analysis
Energy Statement
Bat Survey
Arboricultural Report & Tree Constraints Plan
Acoustic Report
Planning Statement
Design and Access Statement
Asbestos Survey
Transport Statement
TOPO Survey
Site Investigation Report
Drainage Assessment
Heritage Statement
Financial Viability
Archaeology report
Construction Method Statement
Japanese Knotweed Initial report
Landscaping Plan

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

- | | |
|------|---|
| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS14 | (Efficient Use of Resources) |
| CS16 | (High Quality Design) |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |
| CS20 | (Transport and Access Strategy) |
| CS21 | (Developer Requirements) |

CS9	(Housing)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM3	(Protection of Existing Employment and Tourism Sites)
DM7	(Elderly and Specialist Housing Provision)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

Havant Borough Council Housing SPD

Havant Borough Council Developer Contributions SPD

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, (Fire Access Consultation):

No objections

County Archaeologist:

No objection raised or conditions suggested

County Ecologist:

Summary of response:

Based on the Bat Survey submitted with the application, it is evident that these surveys recorded the presence of a small roost of common pipistrelle bats (3 individuals) within the existing office building in the north-west corner of the site. This is likely to constitute a small non-breeding roost of this common and widespread species. Bats are a protected species under UK and EU law.

Where developments affect EPS, permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

An EPS licence can only be granted if the development proposal is able to meet three tests:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))

2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and

3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

I am content that the proposed bat mitigation, compensation and enhancement measures are appropriate and that these should ensure that impacts to the roosts are minimised. I see no reason why the third test is not met and why the applicant would not be granted a European Protected Species Mitigation (EPSM) licence from Natural England. It is down to the case officer to assess the proposal against the other two tests. If you are minded to grant permission can I suggest that all bat mitigation, compensation and enhancement measures are secured by condition.

Officer note: Tests 1 and 2 are considered in Section 7 of this report

Economic Development:

Summary of full response:

This is a substantial piece of employment land in an area with very little stock. Out of the five businesses on the site 3 are in the motor trade. There are in excess of fifteen full time employees on the site supporting over four thousand local residents and tradesmen according to the information they have provided.

There are no existing sites in the Havant Borough area that will be able to accommodate these businesses. This is due to lack of availability and due to the nature of their activity. The new developments will not take any motor trade businesses as stated by the agents handling the marketing for them.

The true economic impact is far greater than just the fifteen employees on the site as the local retailers and suppliers would also be severely impacted from the loss of trade. It would also significantly affect local residents and trades people who use these services.

One of the businesses supports all the local small garages with an MOT facility for cars and motorbikes. It has employed two apprentices and is closely engaged with the local schools and colleges to provide work experience, something critical to the employability of young people.

Although there is an outdated stigma attached to the motor trade they do provide a vital local service, as shown by the customer base to these businesses in particular. This is particularly important in the context of the residential developments in Waterlooville which will increase the housing stock by nearly three thousand with the attendant vehicles and the need for these services. The loss to the local community of these businesses will be significant.

This application is contrary to our policies CS4 and AL3, as it will not provide any new vitality. The proposed two retail units will be in competition with existing businesses that are providing the essential needs for the immediate area, the Waterlooville retail centre along with the ASDA and Sainsbury supports any large purchases. Therefore the viability of these will be questionable.

This also conflicts with policy CS2 and DM3 for the protection of existing employment, particularly important is in the nature of the employment on this site and the lack of suitable alternatives.

Environmental Health:

Agree with findings of acoustic report. Recommendations to be implemented in full as per the acoustic report dated May 2015 and prepared by Parsons Brinckerhoff.

Environmental Health (contamination):

Energy Statement - no noise or local air pollution issues as a result of strategy

Flood Risk - No adverse comment

Drainage Strategy - No adverse comment. A condition should be included for surface water layout to be agreed prior to commencement.

Asbestos Survey - Very little (if any) sampling been carried out as part of the 2012 survey. A pre-demolition asbestos survey should be undertaken. The safe removal of asbestos should be secured via condition.

Transport Assessment (Air Quality) - an on street parking survey should be undertaken to confirm capacity to accommodate anticipated new vehicle trips related to the retail units.

Site Investigation report - conclusions of desk study are broadly agreed. However, if this scheme were to gain consent (based upon report recommendations), the applicant would still need to submit further details (listed in the full response).

Usual contamination conditions should be included if consent is granted. Further wording of these can be provided.

Hampshire Fire & Rescue:

One of my inspectors has considered the information provided and the following comments are made:

Building Regulations: Access for Firefighting:

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 - Access for Fire Service:

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

Development Engineer - Highways:

Initial response:

If this modification to the highway in terms of the London Road access and the adjacent layby (as per the Transport Statement) is needed, then the approval of the Highway Authority will be required and the construction will need to be carried out by means of a Section 278 Agreement, I would suggest that the developer contacts Hampshire County Council section 278 section to reach a preliminary approval of the modification of the Highway. Any loss of part of the existing service layby could be controversial to the existing shops.

The parking standard seem reasonable for such a development (with a minimum age condition) but the old/ current parking standards and the new proposed HB C parking documents do not have standards for this type of development.

The 4 car parking spaces taking access onto Stakes Hill Road will require a TRO or at vehicle protection line and I would suggest that these spaces are allocated to the adjacent four units. The access to the mobility store seems rather difficult and there should be some long term cycle storage. Short stay parking is required for visitors and staff and these could be provided in the public area at the end of Stakes Road cul-de-sac.

Updated response:

As the required information has not been provided, the application should be refused on the ground of insufficient information to prove there would not be a highway safety risk and amenity issue to users of the highway.

Housing:

Summary of full response:

This proposal would normally need to comply with Core Strategy policy CS9. 2 and provide 30-40% affordable housing on-site; this would equate to a minimum of 13 units. Demand for affordable housing remains high in the borough; as at 24/09/2015 there were 279 applicants registered with HHC specifically requiring sheltered accommodation.

I would agree that a financial contribution in lieu of onsite sheltered affordable accommodation would be acceptable.

However, the Financial Viability Assessment includes an offer of only £32,736 as a financial contribution in lieu of onsite affordable housing provision. This amount falls significantly short of the figure that we would expect using our calculator as described in the Havant Borough Council Housing SPD July 2011. The calculator has returned the sum of £985,929 using the average GIA of the apartments as stated above and the expected sales values as stated by the applicant.

I have reviewed the viability paperwork submitted and believe that certain inputs could be revised in order to support an improved financial contribution offer, and for this reason I would suggest that we instruct a third party to provide an independent assessment at the applicants expense.

As the proposed scheme is designed for residents over 60 (although in the case of a couple one can be as young as 55 providing that the other is 60 or over) I am disappointed that the applicants do not appear to have considered the possibility of shared ownership sheltered apartments within the block.

The submission does not appear to include a schedule that details the exact GIA for each apartment.

Waste Services Manager:

No response received

Landscape Team:

No landscape objection to the principle of development.

Conditions required to secure high quality materials, boundary enclosures and hardsurfacing, soft landscaping and Japanese Knotweed

Parking bays 20 and 21 in the site sketches appear undersized. Car park tracking within the transport statement also appears very constrained – particularly given this location against the boundary retaining wall.

I question the orientation of parking bay 7.

Crime Prevention:

No response received

Local Lead Flood Authority HCC:

Works in relation to ordinary watercourses:

If the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning. Information on consenting can be found at the following link

<http://www3.hants.gov.uk/flooding/hampshireflooding/watercourses.htm>

It is strongly recommended that this information is reviewed before Land Drainage consent application is made.

Surface Water Drainage:

We require further information/clarification on the proposals in order to provide a response:

- . Confirmation of the existing drainage system - at present this is just 'assumed'.
- . Infiltration tests should be carried out to discover if this method of surface water

disposal is inappropriate, and the results provided.

. Evidence of the appropriate number of treatment stages in the surface water management train, as stated in CIRIA C69?

. Calculations comparing the existing surface water run off rate, in l/s for a 1 in 100 year flood event +30% for climate change, with the proposed development's surface water run off rate for the same event.

. Calculations to demonstrate the existing run off volume for a 1 in 100 year, 6 hour flood event and evidence showing that there will be adequate storage for the attenuation of this volume on site, and allowing discharge without increasing the run off rate or volume off site.

Officer Note -

The agent queried whether the infiltration tests had to be carried out prior to the determination of the application or could these be secured by condition. This was posed to the consultee and they provided the following response:

A planning condition would be acceptable. Further information as listed above is still required.

Planning Policy:

Summary of response:

The proposal lies within the urban area and is consistent with policy CS17 which seeks to concentrate new housing within the five urban areas, including Waterloo. The policy also prioritises the use of previously developed land. The principle of development is therefore acceptable.

Promoting Havant Borough's Economy

- Accords with the principle of Policy AL3 for Town, District and Local Centres
- The inclusion of two commercial units fronting London Road will have a positive impact on the Local Centre and support the vitality and viability.
- Units are very small and it raises concerns about their let ability.
- Evidence should be provided to show that they are able to be let or show that similar size units have been a success in other schemes.
- Policies CS2, Employment, of the Core Strategy and DM3 Protection of Existing Employment and Tourism Sites both seek to protect employment sites.
- The site is currently in use by a number of established sui generis uses including car sales and builders merchant. Whilst the planning statement states that the proposal will create jobs for around 120 people, these are linked to the construction process and therefore temporary in nature. In the long term the scheme will only employ 1 or 2 persons.
- There is no indication of how many people the retail units are likely to employ.
- No information relating to the existing employment levels. Further evidence should be provided.

Housing

- Proposal accords with Policy CS9.6 and DM7
- Policy CS9(2) requires the provision of affordable housing. At 30% this would equate to 12.6 dwellings.
- The applicant has not submitted evidence to demonstrate that on site provision is not appropriate or possible (for practical and viability grounds).
- However, taking into account viability they have suggested a financial contribution of £32,736 in lieu of on site affordable housing provision (and to allow the scheme to remain viable).
- In accordance with the supportive text to Policy CS9 this viability assessment should be 3rd party tested at the developer's expense.
- Should this viability assessment subsequently be found correct (following 3rd party check) then the proposed financial contribution in lieu would be acceptable as long as it can also be demonstrated that providing affordable housing on site is neither practical nor viable.

Parking Provision

The proposed scheme falls below the requirements set out in the Havant Borough Residential Parking and Cycle Provision SPD. However, the applicant has provided evidence that the level of parking proposed is sufficient due to the site's sustainable location and also based on their experience at similar sites. I would suggest that this is reasonable. However, there is no parking provision serving the two retail/commercial units.

CIL and SRMP required.

Southern Water:

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Please note:

No development or new tree planting should be located within 3m either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5m of the a public sewer.

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water (SW).

Initial investigations indicate that SW can provide foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

If the application receives planning approval, the following informative should be attached to any consent:

'A formal application for connection to the public sewerage system is required in order service this development, please contact SW'.

Traffic Management Team:

We note the following:

- Paragraph 4.12 of the Transport Statement states that the existing loading bay to the south of the development access on London Road will require shortening to accommodate the amended access.
- 4 parking spaces are to be accessed via Stakes Road which will require amendment to the existing no waiting at any time restrictions in Stakes Road to provide unrestricted access to the newly created parking spaces.

Traffic Management Team request that provision is made for a sum of no less than £3000 be set aside to allow the amendment to the TROs be processed at the required time, to be invoiced to the developer on receipt of a TRO Application Form (available from the Traffic Management Team upon request).

As the 2 proposed retail units have no on-site parking and at the time of submitting these comments, the occupants of these retail units are not known, the Traffic Management Team will monitor the use of the loading bay to the south of the development as it may be that the length or time limits to the bay may need amending further to suit the needs of the businesses/residents and visitors to the area.

To this end a further TRO maybe required (as a cost of £3000).

Other points:

- No allocated visitor parking spaces. Will visitors and tradesmen be free to use any remaining spaces that are not allocated to a specific resident or has any consideration been given to clearly marking visitor parking bays within the site
- The Traffic Management Team does not permit any development signage to be erected due to the location of the site but may permit lorry routing signs to the development if the developer wishes to submit an application (any lorries would be expected to access the site via Stakes Road and not London Road).

Arboriculturalist:

No response was sought as there are no significant trees on site.

Conservation Officer:

Summary of response:

Supports the application.

The loss of the former Vicarage is a negative aspect of the scheme. The loss of the building needs to be balanced against the possible benefits the scheme achieves, through the positive enhancement of the street frontage, by reinstating the required enclosure and removing the unsightly gap.

A critical element will be the choice of materials. The roofing materials and flintwork

are particularly important aspects.

If minded to grant permission I advise the imposition of conditions relating to materials, joinery and other elements such as meter boxes and flues/ducts and informative NB the informative needs to be tweaked to include the relevant condition numbers.:-

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: 2

Statutory advertisement: Not applicable.

Number of representations received: 31

A total of 31no. objections have been received against the planning application. A summary of the points raised in these representations is provided below:

- i. The already approved license garden area on the west side of the Purbrook Centre, may result in noise and disturbance to potential future residents.
- ii. The development would lead to a loss of local jobs, businesses and services which serve the local community.
- iii. There is a lack of parking provided within the development which would have a knock on effect in the immediate locality
- iv. The development would result in the loss of an important historic building - the Old Vicarage
- v. The new access onto London Road would create traffic congestion and pose a risk to highway safety

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) Loss of Class B uses
- (iii) Impact upon the character of the area
- (iv) Impact upon residential amenity
- (v) Highway and parking considerations
- (vi) Developer contributions and legal agreement
- (vii) Ecology
- (viii) Other Issues

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site lies within the designated Purbrook Local Centre. Policy AL3 of the adopted Allocations Plan requires any development to contribute to the vitality and viability of the local centre. In this regard the proposal along with residential development, provides 2no retail units, with shop frontages facing onto London Road. With respect to housing, the proposal will contribute towards meeting the borough's housing requirement of 6,300 new dwellings between 2006 and 2026 in accordance with policy CS9(1). It will also provide accommodation for the ageing population in accordance with policies DM7 (Elderly and Specialist Housing) and policy CS9(6) of the Core Strategy. The proposal is located in a sustainable location and provides on-site amenity space to meet the needs of future more elderly occupiers.
- 7.3 Policy AL1 of the adopted Allocations Plan advises that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (improves the economic, social and environmental conditions in the area). Planning applications that accord with the policies in the adopted local plan will be approved, unless material considerations indicate otherwise. The location of the proposed development is in a sustainable area with access to amenities in the form of public transport, health provision and retail opportunities and so in principle is considered to be a suitable location for retirement accommodation.
- 7.4 However, there are currently five businesses in operation on the site including; a builder's merchant and trade counter, an MOT garage, a tyre repair centre, a car sales business and forecourt and a motorbike repair centre. Four of these businesses are considered to fall within Class B of the use class order 1995 (as amended). The car sales business is sui generis. This is a material consideration for the planning application. Policy DM3 of the local plan seeks to protect existing employment sites within the Borough and advises that the change of use or development of land or premises currently or last used for B use class employment purposes to non-B use class employment will only be permitted where it has been demonstrated that the land premises are not fit for purpose. Evidence for this must include a detailed and exhaustive marketing campaign, covering at least 12 months. No marketing evidence has been carried out and the businesses on the site are still in operation. The impacts of this are discussed in further detail in the next section.
- 7.5 Policy CS9(2) of the Core Strategy requires the provision of affordable housing and at 30% this would equate to 13no. units. The applicant has submitted information to suggest on site provision is not appropriate on viability grounds. They have carried out a financial viability assessment (FVA) and based on the outcome of this, have proposed a sum of money in lieu of the provision of affordable housing. With respect to this aspect the Housing Development Officer has raised queries with the FVA and advises that the current offer of £32736 is significantly less than the amount generated by the formula provided in the adopted Developer Contributions SPD - £985,929. The Housing Manager has advised that an independent third party review is required. However, agreement to proceed with this review has not been forthcoming from the applicant. The proposal is therefore contrary to Policy CS9 in the absence of the provision of on site affordable housing or a contribution secured in lieu of the provision.

(ii) Loss of Class B uses

- 7.6 If approved, the development would result in the closure of five businesses currently in operation on the site. This would potentially result in the loss of over 15no. full time jobs. As no evidence has been provided with the application to show that the site has been marketed for a 12 month period, with no other Class B use business uses coming forward, the proposal is contrary to Policy DM3 of the local plan. Although one of the business on the site is not Class B use, the other four are considered to fall within the Class B use categories. Policy DM3 advises that it is important for the borough to protect existing employment sites that are fit for purpose. Economic development must provide jobs, generate wealth or produce an economic output. Whilst the proposed development would create some level of employment and a degree of economic output (2no jobs within the residential development and then some within the retail unit), it is unlikely that this would equate to 15no. full time jobs.
- 7.7 The Council's Economic Development Officer has advised that this is a substantial piece of employment land, located in a sustainable area, in an area with very little stock. Out of the five businesses on the site, three are in the motor trade. There are no existing sites in the Havant Borough area that will be able to accommodate these businesses due to the lack of availability and nature of their activity. The new developments will not take any motor trade businesses as stated by the agents handling the marketing for them. There is concern that local retailers and suppliers would also be severely impacted from the loss of trade. It would also significantly affect local residents and trades people who use these services. Although there is an outdated stigma attached to the motor trade they do provide a vital local service, as shown by the customer base to these businesses in particular. This is particularly important in the context of the residential developments in Waterlooville which will increase the housing stock by nearly three thousand with the attendant vehicles and the need for these services. The loss to the local community of these businesses will be significant.
- 7.8 The proposal is considered to directly conflict with policies CS2 and DM3 for the protection of existing employment, particularly important is in the nature of the employment on this site and the lack of suitable alternatives.

(iii) Impact on the character of the area

- 7.9 Other than the old vicarage, the buildings on the site do not contribute in architectural terms to the visual amenity, or character of the streetscene (London Road and Stakes Hill Road) or the adjacent conservation area. The loss of the old vicarage building is regrettable however, the application has been assessed by the Council's Conservation Officer (CO) who has advised that the building is not worthy of statutory listing and therefore immunity from demotion. The CO advises that the loss of building must be measured against the potential benefits of the overall scene.
- 7.10 The depth of the blocks necessitates a false roof with intervening area of flat roof. This is not ideal, but the proposed scale and massing is otherwise satisfactory, well considered and supported by good quality elevations and perspectives. When read in elevation, the amount of roof viewed is generally suitably convincing. As a piece of townscape it knits in well with the largely domestic scale of the adjoining development. The form, scale rhythm and articulation of the elevations works well in breaking down the mass of the building. Overall the development results in a positive street frontage and therefore accords with Policy CS16 of the local plan.

7.11 The inclusion of shop units which continues the present small shopping commercial frontage, are in keeping with the mixed use of the area and depending on the future occupation of the units, will contribute to the vibrancy of this local commercial centre. This accords to some extent with Policy AL3 of the Allocations Plan.

7.12 Whilst the site is not within the boundary of the St Johns Conservation Area, it sits adjacent to it and the London Road frontage is opposite St Johns Church which is a grade II listed building and the adjoining church yard. St Johns Church and its associated buildings and boundary treatments, are characterised by attractive flint work and include a low flint wall which extends along London Road. There are other buildings of historic character along each side of the road which reflects the historical character of the immediate locality. Given its proximity to the conservation area, the proposed development has been designed with this as a major consideration and makes use of a traditional building form and high quality materials and detailing. It is considered that overall the development would enhance the setting of the conservation area and overall streetscene by providing a high quality design. The proposal therefore accords with Policy CS11 of the local plan.

(iv) Impact upon residential amenity

7.13 Concern has been raised by the owners of the Purbrook Centre with regards to the potential impact of the centre on future occupiers of apartments in the wing which face onto the Centre. The Purbrook Centre has a late night licensed garden area on the eastern elevation for private functions and they are concerned that complaints of noise and disturbance may arise.

7.14 The eastern elevation does contain several windows. However, these serve either a corridor with the entrance to the apartments being set off this corridor, or bathroom windows. There are no close by windows on the south elevation. Overall it is considered that as there are no windows servicing primary rooms in the south or east elevation which would directly overlook the garden area of the Purbrook Centre, then it would be difficult to justify a reason for refusal on these grounds. Furthermore, any potential future residents should be aware of the location of the Purbrook centre and make an informed decision on whether to commit to the unit.

7.15 All other nearby residential development is considered to be far enough in distance so as not be adversely affected by the proposed development either visually or in terms of activity generated by the site.

(v) Highway and Parking considerations

7.16 The sheltered apartment scheme is provided with 35no. car parking spaces which equates to a parking space ratio of 0.83 per flat. This is greater than the one space per 4 units (0.25 per unit) which was the historic standard previously used for similar forms of developments within Havant that have a minimum age condition. This standard is not however referred to in the adopted parking standards as expressed in the Residential Parking SPD. Under those standards the provision falls just short of the general parking standard of 0.9 spaces for 1 bed flats and 1.3 spaces for 2 bed flats when spaces are unallocated; in respect of parking for sheltered housing in particular the standard varies between 1 space per unit (general) down to a maximum of 0.5 spaces per unit in Havant town centre. Concern has been raised with regard to the lack of parking provision and concern that the parking will occur on adjoining streets and exacerbate parking issues. However, the applicant advises that similar schemes have been accepted with lower parking provision and that given the

alternative public transport links immediately adjacent to the site, it would be unreasonable to refuse the application on these grounds. The Council's Highways Engineer (HE) has advised that the parking standard seem reasonable for such a development (with a minimum age condition).

- 7.17 The site is currently accessible from Stakes Hill Road and London Road to both vehicles and pedestrians. The proposal would close off the Stakes Hill Road vehicle access and create a larger access point from London Road, serving all the vehicular traffic to and from the site. A pair of electronic gates would be installed at the entrance/exit point to the site. Concern has been raised that the intensification of this access onto London Road will result in traffic congestion, resulting in a risk to highway safety. London Road forms part of the old A3 and is a major route from Waterlooville to Portsmouth and the M27, traffic is heavy along this section of the road. This congestion would be magnified by the use of the gates which would result in a delay in traffic being able to enter the site. Due to the positioning of a bus stop close to the existing access, the visibility splay is not the most clear.
- 7.18 Concern has been expressed by the HE that although the existing access and the proposed access to London Road appear to be in the same position, the transport statement paragraph 4.12 states, " For the retail units either side of the access deliveries are proposed to take place using the existing loading bay to the south of the site. Whilst the existing loading bay will be shortened to accommodate the access it will still be sufficient (approx. 15m) to service the two small units." If this modification to the highway is needed then the approval of the Highway Authority will be required and the construction will need to be carried out by means of a Section 278 Agreement. It is not clear from the submitted information whether this approval has been sought. Any loss of part of the existing service layby could be controversial to the existing shops. As the information required by the HE has not been provided, they have advised that the application should include a reason for refusal on the grounds of insufficient information to prove there would not be a highway safety risk and amenity issue to users of the highway.
- 7.19 Use of the existing layby would also require an amendment to the existing TRO. A sum of no less than £3000 should be set aside to allow the amendment to the TRO be processed at the required time. The Traffic Management Team will monitor the use of the loading bay, as it may be that the length or time limits to the bay may need amending further to suit the needs of the businesses/residents and visitors to the area.
- 7.20 The 4no. car parking spaces taking access onto Stakes Hill Road will also require an amendment to the existing TRO, also at the cost of no less than £3000 to the developer. The HE has advised that these spaces should be allocated to the adjacent four units. The access to the mobility store seems rather difficult and there should be some long term cycle storage. Short stay parking is required for visitors and staff and these could be provided in the public area at the end of Stakes Road cul-de-sac.
- 7.21 It is not clear from the information submitted whether visitors and tradesmen would be free to use any remaining spaces that are not allocated to a specific resident, or if any consideration been given to clearly marking visitor parking bays within the site? Whilst on-street parking is available along London Road, these are predominantly used for visitors to the local shops to ensure the economic viability of these shops.

(vi) Developer contributions and legal agreement

- 7.22 The application would be liable for the Community Infrastructure Levy, as well as requiring payments towards the SRMP and the provision of affordable housing or a contribution in lieu and be required to enter into a s106 agreement to secure the these contributions (not CIL). However, the s106 has not been entered into following early concerns over the application and the subsequent recommendation to refuse.

(vii) Ecology

- 7.23 With regard to the impact on the Solent Special Protection Area, 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 with regard to 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 at the end of June 2014 requires a payment of £174 per dwelling to the Solent Recreation Mitigation Partnership (SRMP) – this is to secure accordance with Policy DM24 of the Allocations Plan 2014. As discussed above, this payment has not been secured prior to the determination of the application and therefore the proposal is contrary to Policy DM24 and Policy CS21 (Developer Contributions) of the local plan.

- 7.24 A Bat Survey has been submitted as part of the application. The County Ecologist advises that the survey records a small roost of pipistrelle bats within the existing office building on the NW corner of the site (the old vicarage). As such, the development would affect bats which are a protected species under EU law. If unmitigated, the development has potential to result in harm to individual bats and result in impacts to the favourable conservation status of bats species locally. In order for an EPS license to be granted, a development proposal must be able to meet three tests:

- the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; (Regulation 53(2)(e))
- there must be 'no satisfactory alternative (Regulation 53(9)(a)); and
- the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

The County Ecologist is content that the proposed bat mitigation measures are appropriate and should ensure impact is minimised, therefore the third test set above is met. It can be argued that the proposed development would provide specialist housing for elderly people thus preserving public health to some extent. With regards to the second test, it could be considered that this is the most suitable location for the development given its size and sustainable location for the purpose of the elderly residents. The mitigation measures can be secured by planning condition.

(viii) Other matters

- 7.25 Given the former industrial use of the site, several reports investigating potential contamination have been submitted for consideration. These have been examined by the Council's Environmental Health Officer and overall they have not raised an

objection subject to further data gathering, conditions and drainage proposals.

- 7.26 In terms of drainage, Hampshire County Council Lead Local Flood Authority has been consulted. They have advised that further information is required which is detailed in their consulted response in Section 5 of this report. The agent queried whether the required infiltration tests could be carried out via a planning condition. The HCC Flood Authority have advised that this information is necessary to make a full assessment however, they would not object to a planning condition. A response to the other queries raised has not been submitted at the time of the determination of the application.

8 Conclusion

- 8.1 The location of the proposed development is in a sustainable area with access to amenities in the form of public transport, health provision and retail opportunities and so in principle is considered to be a suitable location for retirement accommodation. It would provide two new retail units, contributing to the vitality of the local centre. It would also replace unsightly forms of building development and infill a gap in the streetscene with a high quality, attractive building form. This would enhance and improve the setting of the adjacent conservation area. Furthermore, the proposal would result in providing well needed housing including the provision of elderly housing. As such on many levels, the proposal accords with local planning policies.
- 8.2 However, the proposal is directly contrary to Policy DM3 of the local plan by proposing the loss of Class B use businesses with no evidence to suggest that these are unviable. It is also contrary to Policy CS9 by failing to provide either affordable housing units on site or by agreeing to a third party review of the FVA and proposed contribution submitted with the application. It is also contrary to Policy DM24 by failing to secure the provision of a financial contribution towards the SRMP. Overall therefore the application is recommended for refusal on these grounds.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/15/00896 for the following reasons:

- 1 The proposed development would lead to the loss of existing employment uses on the site including Class B uses. These uses make a valuable contribution to the local economy providing employment and services to the community. In the Local Planning Authorities opinion it has not been satisfactorily demonstrated that the site is not fit for purpose or financially unviable for B use class employment, or other types of economic development, in particular it is not satisfied that a suitable comprehensive marketing exercise has been carried out. Therefore the proposal is contrary to policies CS2 and DM3 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 2 In the absence of binding arrangements for the provision of on site affordable housing or alternatively an acceptable contribution in lieu of on site provision the proposal fails to make adequate provision for affordable housing in the

interests of creating mixed communities and responding to housing need. Furthermore the financial contribution offered does not meet the assessed contribution requirement and in the absence of independent third party review and viability testing is considered unacceptable. As such the proposed development is contrary to Policy CS9 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Havant Borough Council Housing SPD July 2011 and the National Planning Policy Framework 2012.

- 3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.
- 4 On the basis of the information provided and in the absence of binding arrangements necessary to secure the alterations to the surrounding highway network as anticipated in the submitted Transport Assessment and shown on the proposed plans, it has not been adequately demonstrated that the access and highway works associated with the London Road access and the parking spaces on Stakes Road would not result in harm to the amenity and safety of users of the highway. The proposal is therefore contrary to the policies CS16, CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.