Site Address:	325 Milton Road, Cowplain, Waterlooville		
Proposal:	Construction of a two, three and four storey apartment block comprising 25No. 2 bed flats, with associated bin storage, cycle parking and on site car parking for 25 No. cars.		
Application No:	APP/11/01377	Expiry Date:	09/12/2011
Applicant:	Mr Gani	Team:	Team 2
Agent:	Mr McKinnia GMK Associates	Case Officer:	Daphney Haywood
Ward:	Hart Plain		

Recommendation: **GRANT PERMISSION**

1 Introduction

1.1 In November 2011 the Executive Head of Planning and Built Environment, under delegated powers authorised the **GRANT CONDITIONAL OF PLANNING PERMISSION** for application APP/11/01377 subject to:-

The applicant / landowner entering into a planning obligation under Section106 of the Town and Country Planning Act 1990 (as amended) in a form satisfactory to the Solicitor to the Council to secure a Playing Space Contribution of £27,175, to ensure at least 8 of the dwellings will be affordable housing units, and to secure a Transport contribution of £93,625

1.2 A draft S106 agreement was prepared by the Council's solicitor and forwarded to the applicant's agent, however, following a financial assessment of the development the applicant has advised that the scheme is unable to support the playspace and financial contributions. A viability report prepared by the applicant has been submitted to Council and assessed by the District Valuer who has confirmed that the S106 requirements would make the scheme unviable and it cannot support any S106 contributions. In respect to affordable housing the applicant has confirmed that the affordalb housing requirement for 8 affordable housing units can be provided as a Social Housing Landlord has been party to the negotiations and government funding secured for the affordable housing. they have confirmed that they would enter into a S106 agreement in respect to this .

1.3 The absence of contributions to play space and transport would not comply with the provisions of Policy CS21 and requires the authorisation of committee.

2 Site Description

1.1 The application site is situated on the corner of Milton Road and Eagle Avenue, Cowplain approximately 2km from Junction 2 of the A3(M). The site which is now vacant was last used as a petrol filling station.

1.2 The site extends to approximately 0.197 hectares (0.486 acres) and is roughly rectangular in shape. It has a frontage to the east to Milton Road of about 52 metres, a grassed open space to the north and is bounded by a tree screened public footpath to the west. The southern boundary with the adjoining bungalow at 323 Milton Road is partly screened with shrubs. The site is virtually level

across its whole area.

1.3 The surrounding residential areas to the east, south and west comprise a mix of styles and ages of housing, ranging from 3 and 4 storey 1970's flatted blocks, terraced cottage style housing, some recent 2 storey redevelopment housing and detached bungalows.

1.4 To the immediate north of the site across the Eagle Avenue road junction is a terrace of shops and business premises. These include a Post Office, supermarket, newsagent, Off-Licence and takeaway food outlets, all with their own frontage parking areas. There is also a large public car parking area to the rear of these shops which includes the main local bus stop and waiting area.

2 Planning History

APP/10/00199
Mixed use development comprising ground floor retail (A1 use class) and 17No. 1 and 2 bed flats at first, second and third floor levels. With drawn 4/3/2011

04/50508/013
Demolition of existing filling station and erection of a 1-4 storey building accommodating 21 residential flats (18 No two bed and 3 No one bed), altered access onto Milton Road, 30 parking spaces, a detached external store and associated landscaping. Withdrawn 04/02/05.

05/50804/014
Demolition of existing filling station and erection of a 2-4 storey building accommodating 21 residential flats (18 No. two bed & 3 No. one bed) altered vehicular access to Milton Road, 31 parking spaces, a detached external store and associated external landscaping. (Revised submission) Permit 27/01/06.

3 Proposal

Construction of a two, three and four storey apartment block comprising 25No. 2 bed flats, with associated bin storage, cycle parking and on site car parking for 25No. cars. The submitted plans provide for enclosed bike and bin storage within the building.

4 Policy Considerations

National Policies
National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

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)
CS6	(Regeneration of the Borough)
CS8	(Community Safety)
CS9	(Housing)

CS9 (Housing)
DM10 (Pollution)
DM13 (Car and Cycle Parking on Residential Development)

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF

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

5 Statutory and Non Statutory Consultations

Environment Agency, Planning Liaison - No objection subject to conditions .
Economic Development;- No objection
Engineering/Coast & Drainage No issues of concern
Access Officer, Community Group No adverse comments
Development Engineer The level of parking shown will not result in highway safety problems. No objection subject to conditions A highway contribution of £93,625 will be required
Crime Prevention -Major Apps Detailed security comments including boundary treatment and lighting which are to be the subject of a condition requiring further details.
Arboriculturalist No objection subject to conditions
Environmental Health Condition required re remediation works, hours of working, no bonfires, lighting.
Planning Policy No objection

Hampshire Fire & Rescue No adverse comments
HCC Education Department no contribution required.
Housing
Taking into account the number of potential children resident in this scheme I would like to see more outside amenity space.
Highway Agency 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: 269

Number of site notices:One

Statutory advertisement: 22/09/2011

Number of representations received: 4

Summary:
Over development, excessive density, out of character and an eyesore.
Comment: See section 7.

Summary:

Harm to the outlook of surrounding existing residential properties.
Comment: See section 7.

Summary:
Parking is completely inadequate and this and the additional traffic from the development and during construction will lead to safety issues and congestion near a busy junction and school.

Comment: The site has a history of petrol filling station use and historically has generated a high level of traffic. Whilst parking provision is only one space per unit, given the proximity to local facilities and the bus route, this level of parking is considered adequate and the Development Engineer does not raise objection. In respect to construction traffic this would not warrant refusal of the application.

Summary:
No need for more social housing. There is already trouble form drugs/parties etc in the area.
Comment: The development plan requires 30 to 40% and the proposal complies with this.

Summary: Overlooking of development opposite
Comment: See section 7.

Summary:
If permitted there should be an hours of work and delivery condition, and no pile driving.
Comment: Hours of working condition is recommended. But the from of the proposal does not warrant delivery and pile driving conditions.

Summary:
The adjacent bungalow will be overlooked by three floors of the construction,which will adversely affect my quality of life. Four stories is too high a development on such a small area
and will also take away light. I agree with the re-planting of trees but would like a say in the type and proximity to my property as they will also affect the light and the tree roots may affect my properties foundations.
Comment: See section 7.

Summary:
Units too small and no where to dry clothes which forces use of dryer which is not good for the environment**.**
Comment: The flats would range from 58 to 67 sq m and this l is considered acceptable. The agent advised that Drum Housing Association have agreed the flat sizes in respect to the affordable units.

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

7.2 The proposal seeks the redevelopment of a previously developed site in the defined

urban area and there is a history of permission for residential development. Subject to respecting the environmental quality of the area and the amenities of neighbouring properties the proposal is acceptable in principle.

7.3 It is acknowledged that the previous use of the site was a former petrol filling station and that contamination is likely to be present in the land. However, it is considered that prior to any development on the site, the land can be decontaminated to an acceptable standard so as not to pose a risk to human health. A condition to that effect will be placed on any permission granted.

(ii) Effect on the character and appearance of the area

7.4 The current proposal would accommodate 25 No 2 bed flats in a building two storeys in height adjacent to the bungalow at 323 Milton Road and increasing to four stories in height at the road junction between Milton Road and Eagle Avenue.

7.5 The building is of fairly standard design but incorporates the use of varying materials such as brick, coloured render and glass and stainless steel balconies to break up the visual bulk and mass of the proposal. The development has been designed to fit the site and works with the corner plot to create a focus at the junction . The way the development wraps around the corner plot means the car parking area can be hidden behind the building and away from public view so the proposed car parking is not dominant and the development provides an active frontage tot he street.

7.6 It is acknowledged that the surrounding development is of a lower density than the proposed development, however, the mix of existing dwellings, designs and sizes (3 and 4 storey 1970's flatted blocks, terrace cottage style housing and 2 storey redevelopment) ensures the character of the area is sufficiently mixed to accommodate flatted development of this style.

(iii) Effect on neighbouring properties

7.7 The proposed development has been designed with the height of building at its lowest adjacent to the bungalow, 323 Milton Road. The height of the proposed development adjacent to the bungalow is 2 storey and approximately 6 metres, the height of the bungalow is approximately 4.5 metres ensuring the bungalow is not dwarfed by the proposed development. The bungalow is also partly screened from the development by existing foliage and new tree planting is proposed to replace the conifers previously removed from along this boundary. A minimum of 9m would separate the 2 buildings. The development does have windows facing the boundary with the bungalow but these are sited towards the front of the site, and a minimum of 6m form the side boundary. The bungalow has no windows overlooking the development. The relationship with the bungalow is considered acceptable and a condition requiring obscure glazing is not required.

7.8 The properties to the rear in Blackbird Close are set on higher ground than the development site. They will therefore overlook the development site rather than be dominated by it. The proposed development provides a minimum 28m window to window distance with properties in Blackbird Close, which is considered an acceptable separation distance.

7.9 The properties to the north of the site are on the opposite side of the road to the proposed development and fall within a parade of shops. Due to the separation distance between the properties to the north and the proposed development (38m

approx.), the properties will not be significantly affected. It is acknowledged that the four storey element of the proposal has balconies on the corner windows, however, the balconies will not afford significantly greater The properties to the east in Crombie Close face onto the site, but are located on the opposite side of Milton Road. The separation distance between these properties and the proposed development is also considered acceptable to ensure the amenities of the existing dwellings are protected (approx. 30m).

(vi) Highways and parking issues

7.10 The proposal provides one space per 2 bed unit, and as the site is served by public transport and there are some local facilities within walking distance this is considered adequate and the Development Engineer does not raise objection. Additionally there is a public car park opposite the site.

(v) Contributions/S106 requirement

7.11 As the site was last occupied in excess of 5 years ago aTransport Contribution of £93,625 is required in respect of the proposal.

7.12 The propsoal would require a an open space contribution of £27,175.

7.13 30% on site affordable housing is required and the applicant has been in discussions with a Housing Association to provide this. The Housing association has not raised any objection on the size of the flats and the level of amenity space.

7.14 Whilst the applicant was initially willing to enter into a legal agreement in respect of the contributions and affordable housing requirement, a subsequent assessment of the viability of the development has confirmed that the financial contribution would result in the development being unviable. This report has been assessed by the District Valuer and this conclusion confirmed.

8 Conclusion

8.1 The site ,which, occupies a prominent location near the Milton Road retail area and the junction with Eagle Avenue has been vacant for some time and is now overgrown. , the development of the site would provide a positive contribution to housing in the borough comprising 25 residential units of which 8 would be affordable. The District Valuer's report confirms that the scheme would not be viable if required to provide the financial contributions.

8.2 The proposed development is considered acceptable in form, having due regard to the amenities of the area and neighbouring properties. Whilst the absence of contributions to play space and transport would not comply with the provisions of Policy CS21 the development would make a positive contribution towards housing provision including affordable housing, and bring forward for development a site which has been vacant for in excess of 5 years and the proposal is recommended for approval.

8.3 As the Community Infrastructure Levy (CIL) will apply to all decisions from the 1st August 2013 if the approval decision is not issued by this date it is recommended that the application be refused.

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9 RECOMMENDATION:

1

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/11/01377

(A)The applicant / landowner entering into a planning obligation under Section106 of the Town and Country Planning Act 1990 (as amended) in a form satisfactory to the Solicitor to the Council to ensure at least 8 of the dwellings will be affordable housing units, and

(B) subject to the following conditions

2

If the decision is not issued by the 31st July 2013 that the application be refused for the following reasons:-

1

The proposal, without completion of the appropriate binding arrangements, is contrary to the Council's approved policy which, seeks to secure an appropriate provision of playing space for new development or alternatively making financial contributions to the provision of improvement of playing space off-site. The development proposed would not provide satisfactory provision of playing space, either on the site or off the site, to meet the needs of the new residents. The proposal is therefore contrary to policy CS21 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework.

2

The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, is contrary to the Council's Policy on contributions towards transport infrastructure which, seeks to ensure that the provision is made from new development towards improvements to the transport infrastructure. It is therefore contrary to policies CS21 and DM12 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework.

1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Construction of the building hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework

3 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework

4 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework

5 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework

6 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The [development / use] hereby permitted shall not [be brought into use / commence] until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
Reason: In the interests of the amenities of the locality and having due regard to policies CS16, of the Havant Borough Core Strategy 2011 which form part of the Local Development and National Planning Policy Framework

7 No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the [development/use] hereby permitted shall not [be brought into use/commence] prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.
Reason: To safeguard the amenities of the locality [and/or] occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework

8 No development hereby permitted nor any related site clearance shall commence until a plan and particulars specifying the provision to be made within the site and/or on other land nearby for the parking (throughout the clearance and construction period) of construction vehicles and of other vehicles delivering/removing materials and other items to/from the development site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout such site clearance and implementation of the development hereby permitted, all such temporary parking provision shall be provided and used only as such.
Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16,of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework. and National Planning Policy Framework

9 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the provision to be made for a material storage compound within the site have been submitted to and approved in writing by the Local
Planning Authority. The approved compound shall be available prior to the commencement of any building works and throughout the contract period and no materials shall be stored anywhere else on the site.
Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework.

10 No development hereby permitted nor any related site clearance shall commence until a specification of measures to be undertaken to prevent deposition on nearby roads of mud and spoil from vehicles leaving the site throughout the implementation of the same has been submitted to and approved in writing by the Local Planning Authority. All measures forming part of such approved specification shall be undertaken and fully adhered to at all times when such implementation is in progress.
Reason: In the interests of traffic safety and having due regard to policies CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework

11 Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.
Reason: To protect the amenity of adjoining residents and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework

12 The premises shall not be occupied before the proposed access and the crossing of the highway verge and/or footway is constructed and laid out in accordance with the approved details.
Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework

13 The development shall not be brought into use until space for the loading, unloading and parking of vehicles has been provided within the site, surfaced

and marked out in accordance with the approved details Such areas shall thereafter 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 Core Strategy 2011 which forms part of the Local Development Framework and an National Planning Policy Framework

14 The development hereby permitted shall not be commenced until an Interim Certificate of Compliance with the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. The Certificate shall demonstrate that the development will attain a minimum standard of Level 3 in accordance with the Code. The development shall be carried out only in accordance with the details the subject of the Certificate.
Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and an National Planning Policy Framework

15 Prior to the occupation of the development a Post Construction Certificate shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of Level 3 of the Code, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework

16 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority (LPA)), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by LPA:

1. A preliminary risk assessment which has identified:
    - 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 on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason: The site lies within a groundwater Source Protection Zone 1 and

above the upper chalk formation, a principal aquifer. Potable supplies are at risk from contamination present as a result of the sites historical use as a petrol filling station. Information presented as part of the planning application confirms that contamination is present within the soils and groundwater. To ensure the development complies with National Planning Policy Framework

17 A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the LPA. 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, and for the reporting of this to the LPA.
Reasons: To confirm remediation has been carried out in accordance with the agreed strategy and to ensure the development complies with National Planning Policy Framework

18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reasons: To protect groundwater quality and to ensure the development complies with the and National Planning Policy Framework

19 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
Reason: To protect groundwater quality and to ensure the development complies with the and National Planning Policy Framework

20 There shall be no bonfires site during the period of demolition, clearance and construction, and best practicable means should be used to prevent dust emissions from all demolition and construction activities (e.g. the use of water to suppress dust) to prevent causing a nuisance to people living and working in the vicinity of the site.
Reason: To ensure a satisfactory form of development and to protect the amenities of occupiers of nearby properties and having due regard to policies CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework

21 Unless otherwise agreed in writing by the LPA, all measures outlined in section 9 of the Structa Report dated April 2010 (Ref: 1918-R001) ['Approved remediation Works'] must be undertaken with due regard to the outlined timetable given in that document. Following completion of the approved remediation works, a verification report shall be prepared confirming all measures that have been undertaken in accordance with the approved remediation works, and setting out any further measures for maintenance, further monitoring and reporting; if required."
Reason: to ensure the ongoing protection of the chalk aquifer, potable supplies and designated Source Protection Zones (SPZ) from identified residual contamination and having due regard to policies CS16 of the Havant

Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework.

22 The development shall be carried out in accordance with the details set out Tree Protection Plan and Arboricultural Method Statement ref DP/AA/AIS/10/11and dated October 2011.
Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and having due regard to policies CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework.

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

Site plan
Block plan
survey
site layout floor plans and section drawing no 2082-30E
Elevations drawing no 2082-31D
Energy statement received 5 August 2011.
Sustainability Statement received 5 August 2011
Transport Statement received 5 August 2011
Contamination assessment received 5 August 2011