

WP/17/00967/FUL

Archard House, Waverley Road, Weymouth

Erection of 9 Flats and 1 Maisonette together with parking

Applicant Name - Boldhabit Ltd

Case Officer - Emma Telford

Ward Member(s) Cllr David Gray
Cllr Pete Barrow

1.0 Summary of Recommendation: GRANT planning permission subject to conditions as set out in section 16.

2.0 Reason for the recommendation:

- Proposal provides 10 dwellings in a sustainable location where there is a less than 5 year supply of housing.
- Paras 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- Parking levels are acceptable given the location in relation to local facilities and public transport.
- There are no material considerations which would warrant refusal of this application.

3.0 Key planning issues

Issue	Conclusion
Principle of development	Site within urban area Previous permission for residential on the site for 10 flats Commercial units already in mixed use and is not a key employment site
Affordable Housing Provision	Scheme accepted by District Valuer as not viable for the provision of affordable housing
Scale, design, impact on character and appearance	Design appropriate for mixed use area. Building line not considered refusable and overall height impact reduced through setting into site TPO trees on adjoining site would need protecting throughout development

Impact on amenity of adjoining	Daylight assessment demonstrates minimal impact on adjoining. Glazing lower part of windows to 1.5m from floor will reduce overlooking. Roof terrace set back from edge of property to minimise overlooking.
Economic impact	Commercial units now in variety of uses and low key employment uses.
Access and Parking	Parking below standard but sustainable location for walking, cycling and bus route close by.

4.0 Description of Site

The site lies to the south side of Waverley Road and forms part of a small line of commercial development along the southern side of the road leading down to the railway line. To the northern side of the road lies two storey detached houses and to the east and south of the site lies 3 storey flat development in Holly Court and Waverley Court respectively. To the west lies further small-scale commercial units which do not form part of the application site and will remain in employment use. These are generally small light industrial units but which pre-date planning and therefore could be used for general industrial purposes.

Waverley Road is a small cul-de-sac lying west of Dorchester Road and bounded by the main road and railway line. The application site is generally flat and rectangular in shape and currently occupied by a brick building comprising a small gym (now appears vacant), an embroidery business and coffee machine sales. A road runs to the rear of the site serving the flats to the rear (Waverley Court) which are set down and cut into the ground. There is a small area of open space to the east of the site which forms part of the amenity for the adjacent flats and houses an electricity substation. This area includes trees which are covered by a Group TPO. The area is in mixed use and there are good bus links to the town from the nearby Dorchester Road with a range of shops meeting daily needs in close proximity to the site.

5.0 Description of Proposal

The proposal has been amended from 8 flats and 2 maisonettes with undercroft parking as originally described to 9 flats and 1 maisonette with surface level parking for 6 cars. The proposal was subject to pre-application advice and the revised design, as amended further as the application has been progressed, seeks to address the comments made at that stage and to improve the relationship with the building line to the adjacent commercial premises and to set the building down to minimise relationship issues with the adjoining flats and to reduce impact on the street elevation. The building has a vertical emphasis to its design seeking to replicate town houses with recesses and balconies to break up

the buildings' mass and the materials proposed and a mixture of brick and render. There would be 3 flats per floor with the maisonette designed over two floors as a round tower feature on the Waverley Road frontage.

The applicant has submitted details showing how the building design has been adapted from the earlier pre-app version to ensure that the BRE daylight test for light to adjacent properties' windows is met to maintain acceptable levels of daylight to properties both north and south of the proposed new dwellings. The applicant has also submitted an assessment of the proposal against the employment policy ECON3 and NPPF policies for the retention of employment sites which concludes that there is no evidence of any shortage of employment land or properties of a comparable nature and a slow take up of new employment land. Furthermore the changing nature of the units in Waverley Road to training and non traditional employment uses such as quasi retail and a gym demonstrate that the location is not attractive as an employment location being surrounded by residential properties.

In order to ensure that adequate amenity is available on what is a limited site, the proposal is to use part of the flat roof as private amenity space (decked) which will have a glazed and set back balustrade approx. 4m from the roof edge to reduce any impact of overlooking.

There are no windows proposed to the rear elevation at second floor level and the windows to the south elevation at ground and first floor all have lower half of the windows obscure glazed to a height of 1.5m from floor level so only the upper part of windows would be clear glazed on this elevation. There are also no windows on the west elevation. This is important to ensure that further redevelopment of the adjoining remaining commercial premises is not prejudiced.

A total of 6 parking spaces are proposed to the front of the building abutting Waverley Road which, although below the usual parking standards, is not considered unacceptable by the highway authority given that this is a sustainable location within town where there are good walking and bus routes and a range of nearby facilities.

6.0 Relevant Recent Planning History

09/00316/FULMAJ Demolition of existing commercial building and erect block of 10 affordable flats including residents lounge – granted October 2009

01/00524/COU change of use of part ground floor and first floor to gymnasium/fitness centre – granted October 2002

Permission has been given for a nearby commercial unit outside of the application site to change from B1 light industrial use to a training centre, use class D.

Pre application advice was sought and the main issues raised were as follows:-

- Loss of employment use and conflict with policy ECON3

- Overall number of units being 10 and the relationship with adjoining properties both in terms of overlooking and dominance
- Need to minimise impact on the building line of the existing commercial properties and height of buildings
- Need to ensure suitable standards of living accommodation for occupiers of the new properties

7.0 Relevant Constraints

Within settlement limit for Weymouth

Flood Risk Zone 1 (low risk/fluvial flooding)

Mains sewer

8.0 Consultations

All consultee responses can be viewed in full on the website.

District Valuer – independent assessment of the submitted viability analysis has been undertaken and concludes that scheme would not be financially viable unless 100% market housing but profit margin also very low and scheme may not be deliverable unless costs savings can be made elsewhere.

Highway Authority - (amended plans) cannot object though disappointed to note revised layout results in less than one parking space per dwelling. Condition relating to parking implemented prior to occupation recommended.

Lead Local Flood Authority - (amended plans) withdraws previous holding objection having received further information on surface water management subject to imposition of 2 conditions and informative relating to detailed surface water management plan and ongoing maintenance and management of the sustainable drainage scheme.

Tree Officer – no protected trees on the site but could be on adjoining land immediately to the east.

Urban Design (amended plans) -

- Proposal set back to address previous concerns and thus reduces impact but building still forward of building line of other commercial units so limits ability to assimilate to character of area.
- Natural ventilation to bathrooms would be preferable where possible and still not achieved for some units

Conservation Officer – no comment.

Economic Development Officer – concerned at loss of employment for unit in active use.

Landscape Officer – Scheme unlikely to have impact on landscape character or visual amenity of public areas.

Planning Obligations Manager - scheme is CIL liable so no objections.

9.0 Representations

12 x objections from individuals raising following concerns (some objectors have written twice as a result of amended plans) -

- Impact on adjoining Waverley Court from windows directly facing property not all frosted glazing only partial (amended plans) and are openable so loss of privacy
- Covenant prevents windows on south and east from being openable and they must be of opaque glass.
- Description confusing as to number of flats and maisonettes
- Lack of parking which is below standards and impact on parking in cul-de-sac leading to congestion
- Existing parking areas need to be accessible at all times for emergency vehicles
- Height of buildings will dominate adjoining affect light to adjoining properties in some rooms and cause claustrophobic effect
- Overdevelopment on small site leaving inadequate parking and amenity
- Potential overlooking to adjoining properties from roof terrace, balconies and decking areas
- Design not in keeping
- Loss of employment
- Loss of views
- Disruption during construction phase as no space for construction vehicles
- Devaluation of property
- No objection to principle of housing but to design and number of units. Lower number of units might be acceptable

10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan

ENV1 Landscape, Seascape and Sites of Geological Interest

ENV5 Flood Risk

ENV10 Landscape and Townscape Setting

ENV12 The Design and Positioning of Buildings

ENV16 Amenity

SUS2 Distribution of Development

ECON3 Protection of Other Employment Sites

HOUS1 Affordable Housing

HOUS4 Development of Flats, Hostels and Houses in Multiple Occupation

COM7 Creating a Safe and Efficient Transport Network

COM9 Parking Standards in New Development
COM10 The Provision of Utilities Service Infrastructure

National Planning Policy Framework

Para 11 Presumption in favour of sustainable development

Para 57 Viability considerations for decision making

Para 63 provision of percentage of affordable homes on major development

Para 105 application of parking standards - The NPPF makes it clear that in setting local parking standards policies should take into account the accessibility of the development and the availability of and opportunities for public transport and,

Para 109 states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe”

Para 177 states thatdecisions should promote an effective use of land in meeting the need for homes and other uses and

Para 118 sub section c) states “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land d) promote and support the development of underutilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”

Para 121 subsection a) “use retail and employment land for homes in areas of high housing demand, providing this would not undermine key economic sectors or sites or the vitality and viability of town centres and would be compatible with other policies in this framework; “

Para 122 - efficient use of land

Para 124 – 132 design considerations

11.0 Human rights (standard text)

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty (standard text)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties the scheme includes some parking spaces in close proximity to the units to provide easier access and the proposal includes three units on the ground floor all at one level.

13.0 Financial benefits

Material benefits of the proposed development	
Affordable housing	None provided due to viability
CIL contributions	Estimate £8,258.40

Non-material benefits of the proposed development	
Business Rates	Loss of commercial business rates
Council Tax	Unknown
New Homes Bonus	Unknown

14.0 Planning Assessment

Principle of development

The site lies within the defined development boundary for Weymouth and therefore the principle of residential development is generally accepted provided it complies with other national and Local Plan policies. In this instance a major consideration is the loss of employment premises and the application of policy ECON3.

At present part of the site remains occupied but part now appears vacant. The uses on the site are low key and the premises are suited to small scale business uses. However, there are no restrictions on the buildings use as they predate planning and therefore a far more intensive use, not suitable for a residential

area could take place here. It is therefore a question of seeking to consider the various elements of policy ECON3.

The policy states *“The redevelopment of employment land and premises for non-employment uses that are in accordance with other planning policies will be permitted where it will not prejudice the efficient and effective use of the remainder of the employment area and:*

- the present (or where vacant or derelict, the previous) use causes significant harm to the character or amenities of the surrounding area and it has been demonstrated that no other appropriate viable alternative employment uses could be attracted to the site; or*
- a substantial over-supply of suitable alternative employment sites is locally available; or*
- redevelopment of the site would offer important community benefits or no significant loss of jobs / potential jobs.”*

The proposal would represent the redevelopment of a part of the current employment land and would not preclude the remainder of the site staying in employment use and therefore in principle the scheme can be supported, particularly in light of a previous decision for residential on this site. The premises are in part vacant but not derelict and the current low keys uses do not cause any significant issues in relation to adjoining residential properties but, as indicated above there are no restrictions on occupation by a range of industrial uses which could be less appropriate to this mixed use area in the future.

In relation to the second criteria, the applicant has submitted an analysis of existing business premises within quite a wide area of Weymouth and Portland and looked at both new build employment land take up and also vacancy rates in existing premises and from this it is evident that there is a current supply of small units which remain vacant within the locality and as such it would be difficult to justify a refusal on the basis of the need to retain these units in employment use. Furthermore this is not a key employment site and permissions to change use from traditional employment to non employment uses on some of the units has already been granted as has the use of this site for residential use been agreed historically.

In relation to the third criteria whilst the loss of employment use would mean that there is a potential for loss of jobs, the low number of people who could be employed in these premises is low and could not be described as “significant “ in relation to the application of this policy.

On balance, given the past history of redevelopment agreed on this site and the fact that other premises in this small commercial area have been allowed to change form their traditional employment use, it would be difficult to sustain a refusal based on the need to retain these premises in employment use under policy ECON3. The applicant has carried out relevant analysis of the market in the locality and it is acknowledged that there are vacancies for similar units within

a suitable catchment area. On this basis the proposed redevelopment of this site would accord with the principles of policy ECON3 for the redevelopment of this employment site given the current supply of vacant premises elsewhere within Weymouth and Portland.

Affordable Housing

The proposal comprises a total of 10 dwellings which is classed as major development for the interpretation of planning decision making. As such the requirements as set out in the NPPF for the provision of a percentage of affordable homes as part of major development is applicable and thus policy HOUS1 of the Local Plan applies. In this location a requirement of 35% affordable housing units would normally be required or a financial contribution equivalent in the event of partial units. However, the NPPF makes it clear that where there are viability considerations the usual requirement for affordable housing can be set aside provided evidence of non viability has been submitted and assessed.

In this instance the applicant has provided an open book viability assessment which has been considered by the District Valuer. This concludes that the scheme would not be viable were affordable housing to be required and indeed, it remains a marginal scheme in any event. As a result of this independent assessment it is agreed that there is no requirement to provide affordable housing as part of this scheme on the basis of the viability evidence provided and independent assessment. The scheme would therefore be for 10 market housing units although, given their relatively small size are likely to be at the lower end of the market in terms of affordability.

In such circumstances the provisions of HOUS1 would not apply.

Scale, design, impact on character and appearance of area

The proposed design is not dissimilar to that previous approved in 2009 featuring a round tower feature and development spread across 3 storey with 3 flats on each floor and one maisonette in the tower feature at first and second floor levels with parking under this part of the building and 4 further surface level spaces provided (6 in total). The main building line, with exception of the tower element is compatible and in line with the remaining commercial units to the west in terms of both front and rear building lines and in an almost identical position to that previously approved. The tower maisonette would be on the frontage and is designed as a feature on the street elevation.

Waverley Road properties are of mixed design with both two storey houses and 3 storey flat roof blocks of flats in the immediate vicinity. The building has been reduced in height through the removal of the undercroft parking and the building has recessed sections and balconies to break up the scale and form. The flat roof design would be similar to those already in the vicinity. There is also a mixture of materials in the locality and the proposed mix of render, brick and

cladding would also be appropriate. The urban design officer does not raise objection to the design of the building although does indicate that the front feature tower would restrict the ability to assimilate into the wider area but having approved a similar tower feature previously and with the variety of design in the area the proposal is not considered to be so discordant as to warrant refusal.

Impact on amenity of neighbours

A number of the letters of objection have been based on the relationship between the new building and existing and orientation of windows and the roof terrace leading to overlooking. The applicant has provided a cross section through the development and applied the BRE daylight standards tests. These demonstrate that with the remodelling of the roof and the setting down of the building will mean that the daylight tests for impact on the adjoining properties is acceptable.

In terms of overlooking, the position of the roof terrace and its balustrading means that this is sited in the centre of the roofscape and thus there is minimal ability for overlooking to adjoining premises due to the angle of the roof and distance involved. The relationship between the building and properties to the rear is as previously granted in 2009 with a distance separation of some 14m to flats in Waverley Court. Previously windows on this elevation were to be fully obscure glazed and fixed but this application proposes obscure glazing for the windows below 1.5m from floor level which would limit overlooking. The distance is not considered to be unacceptable given the relationship which already exists between the commercial premises and Waverley Court and with the provisions of the obscure glazing, which is covered by condition, this is considered to be acceptable.

To the front elevation the closest point of the tower would be approx. 13.5m to the properties immediately on the northern side of Waverley Road at no 3a and 3 and approx. 19m from no 2. The windows to the tower are set at an angle to view up and down the road rather than directly across to the existing properties and the distances are not considered to be unacceptable in an urban environment.

Neighbours have also raised issues in relation to noise and disturbance from cars and parking and also from noise and parking issues during construction. It is proposed that a Construction Traffic Management Plan be conditioned so that details of how the site will be developed can be controlled.

Economic Impact

As set out above under Principle of Development, this proposal would result in the loss of what appears to be currently 3 small business units set over 3 floors, one of which is a former Gym. Given the availability of similar sized premises elsewhere I as identified in the applicant's employment assessment, whilst the loss of any employment provision is regrettable, in a mixed use area like this it would be difficult to justify a refusal of the proposal against policy ECON3.

Overall the balance is between the provision of housing, in the absence of a 5 year housing land supply and the loss of these units and given the history of

permission on this site and limited size of the units in the context of employment provision in Weymouth and Portland, it is considered that the economic impact of the loss of these units is negligible.

Access and parking

The current site has a total of 7 car parking spaces for the 3 uses on the site, which, including a gym, would have led to parking difficulties in the vicinity as identified by the objectors. The proposed 10 dwellings would have a total of 6 car spaces which is below the usual parking provision but give the proximity of public transport and the provision of nearby shops and community facilities within walking distance means that a lower standard could be acceptable. The highway authority whilst pointing out the lower than usual standard have indicated that this would not warrant a refusal of the proposal.

The Construction Traffic Management Plan as required and explained above, would allow for some control over parking and access during construction but ultimately blocking or limiting access along a public highway is a matter for the Police.

Community Infrastructure Levy

The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate.

The development proposal is CIL liable.

The rate at which CIL is charged is £93 per sqm. The CIL charge is approximately £8,258.40. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning permission is granted.

15.0

Conclusion

The proposed development would provide an additional 10 market dwellings in a sustainable location close to local facilities and public transport routes. Although there would be a loss of employment land and buildings the site with not a key employment site and with the mix of uses in the area the proposal would provide an opportunity to remove a potentially conflicting land use. There has previously been a permission for residential on this site for a similar number of units so the principle of the loss of these units from employment use has previously been accepted. The NPPF makes it clear that local authorities should take opportunities to provide housing on employment land if otherwise deemed

appropriate and in the absence of a 5 year housing land supply, and with the previous permission on this site, the proposal is considered to be a suitable alternative use of land.

A viability assessment has been submitted and assessed by the District Valuer which concludes that the scheme would not be viable if the policy requirement for 35% affordable housing is applied. In such circumstances it is accepted that the scheme would not need to provide a percentage of affordable homes nor any financial contribution towards provision elsewhere. Whilst regrettable given the national policy stance and evidence of a lack of viability it is not considered any refusal could be based on lack of affordable housing provision.

The proposal is similar in design and bulk to that previously approved in 2009 and measures have been taken through the amended plans to minimise impact on adjoining residential premises through both the design and bulk. Windows would be obscure glazed in part on the southern elevation and the roof terrace set back to prevent overlooking into adjoining premises and the daylight assessment shows that any loss of light would be minimal and within the BRE standards. As such it is not considered that there would be any significant harm to neighbouring residential amenity.

Whilst the highway authority identify that the parking standards are below the ideal it is clear that it would be difficult to refuse permission even with lower levels of parking given the close proximity to local facilities and the fact that there are good walking routes to the town centre and that buses run along the main Dorchester Road nearby.

In the absence of any material considerations which would warrant refusal of the application the proposal is considered to meet both national and local policy requirements.

16.0 Recommendation.

GRANT Planning Permission subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Proposed Site Plan - Drawing Number DC/WR/R/AO-4 received on 29/08/2019
Proposed North & East Elevations - Drawing Number DC/WR/R/AO-2 received on 29/08/2018

Proposed Floor Plans - Drawing Number DC/WR/R/AO-1 received on 29/08/2018

Location Plan - Drawing Number DC/WR/R/AO-5 received on 29/08/2018

Proposed South & West Elevations - Drawing Number DC/WR/R/AO-3 received on 29/08/2018

Site Plan with Drainage Details - Drawing Number DC/WR/R/AO-4A received on 12/11/2018

Proposed Floor Plans with Drainage Details - Drawing Number DC/WR/R/AO-1A received on 12/11/2018

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding.

4. No development shall take place until details of maintenance & management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system and to prevent the increased risk of flooding

5. Before the development hereby approved is occupied or utilised the parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

6. No development above the Damp Proof Course (DPC) level of the development shall take place until details and samples of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

7. The lower sections of the ground floor and first floor windows on the south elevation shall be obscure glazed to level 3 as shown on the approved plan DC/WR/R/AO-3. The windows shall be provided and retained as such thereafter.

Reason: In the interest of residential amenity.

8. Prior to the commencement of the development, a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities), and details of working hours. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety and neighbouring amenity.

Informatives

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at dorsetdirect@dorsetcc.gov.uk, or in writing at Dorset Highways, Dorset County Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

Community Infrastructure Levy

This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.