Eastleigh Borough Council

Town and Country Planning Act 1990

Statement of Local Planning Authority

Planning Inspectorate Reference No: APP/W1715/W/15/3017887

Local Planning Authority Reference No: C/15/75937

Appeal Site: Capstan House, High Street, Hamble-Le-Rice, Southampton, SO31 4HA

Update on Local Plan

1. In terms of decision making little weight can be afforded to the submitted Eastleigh Borough Local Plan 2011-2029 July 2014. Although the submitted local plan has not been formally withdrawn, the Council has confirmed its decision to prepare a new local plan that will cover the period up to 2036. With regard to this application, the new policies essentially echo those in the current plan and guidance contained within the National Planning Policy Framework. The status of the submitted local plan is not considered to affect the recommendation put forward.

Details of the Appeal

2. The appeal seeks permission for the change of use of the building from A1(retail) & B1 (office) to 3no. one bed & 1no. two bed dwellings with associated communal garden, cycle and bin storage. The application was considered and refused by the Local Planning Authority on the following grounds:

   (1)The proposed residential use, unlike the existing use, will not attract customers to the designated shopping area and as such will detract from the vitality and viability of Hamble Village Centre. The proposal is therefore contrary to saved Policy 140.TC of the Eastleigh Borough Local Plan (2001-2011), Policy DM20 of the Submitted Eastleigh Borough Local Plan 2011 - 2029 and guidance contained within the National Planning Policy Framework.

   (2) The proposed development fails to provide adequate provision for on site car parking and as such will encourage the parking of vehicles on the public highway and so interrupt the free flow of traffic and cause a hazard to road users. As such the proposal is contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011], Policy DM24 of the Submitted Eastleigh Borough Local Plan 2011 - 2029, guidance contained within the National Planning Policy Framework and Residential Parking Standards Supplementary Planning Document.

Rebuttal of Appellants Statement of Case

3. The appellant is correct in his statement that the change of use requires full planning permission because it is a grade II listed building. To achieve listed building status a property has to be of special architectural or historical interest

and Capstan House is no exception. The Conservation Officer's comments (as referenced by the appellant) relate to the unsympathetic 1970's rear extension, but this extension does not alter the importance of the historic building. Listed buildings have purposely been taken out of the prior notification procedure and as such the Local Planning Authority is entitled to consider all material planning considerations.

4. Nevertheless, even if the building was not listed the appellant's argument does not stand up. Under The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 2, Classes M (retail) & O (office) the developer must apply to the Local Planning Authority for determination as to whether the prior approval of the authority will be required. As part of the determination for retail premises under class M (dii) The Local Planning Authority has to consider the affect the change of use would have on the sustainability of the shopping area and class M(a) transportation & highway implications. Therefore regardless of the listed status of the building the Local Planning Authority would have refused the prior notification application on the same grounds as the full appeal application.

5. The appellant argues that there are a number of residential properties within the High Street and this is not disputed by The Local Planning Authority. When Hamble Village Centre is considered as a whole, it contains a mixture of shops, eating/ drinking establishments and residential properties. However, it is the loss of the existing A1 retail unit and B1 Office and the impact this has on the vitality and viability of Hamble Village Centre as a whole that concerns the Local Planning Authority. The impact being both the loss of customers and footfall which supports other nearby commercial outlets and the loss in the variety of facilities that makes up Hamble Village Centre. The loss of units being more strongly felt in smaller village centres, such as Hamble, where there are less retail outlets that make up the village centre.

6. The second part of the appellants argument is that there is a low demand for this type of retail unit. However, this argument carries little weight as the building is partly occupied. Clearly there is some commercial demand for the premise as there is already an A1 art gallery and B1 Royal Yachting Association Office operating from the building. Both of these uses contribute to the variety of facilities within Hamble Village Centre and complement other nearby businesses.

7. The application site is within an established local centre/ shopping area, the most relevant local plan policy is saved Policy 140.TC. The policy states that proposals for the change of use of A1 retail to a use that does not attract customers within the shopping areas will not be permitted. The proposed change of use from mixed A1(retail) & B1 (office) to residential is clearly contrary to this policy. The same provision is set down within Policy DM20 of the Submitted Eastleigh Borough Local Plan (2011-2029).

8. Policies 140.TC & DM20 are in line with the NPPF (National Planning Policy Framework), which recognises town/ village centres as being at the heart of communities. The NPPF encourages local plan policies that support the viability & vitality of village centres, by providing customer choice and a diverse retail offering (para 23).

9. It is considered that the appellant's arguments on the car parking provision have been addressed within the Local Planning Authority's report. A copy of which has previously been sent to the Planning Inspector and the Appellant.

10. The Local Planning Authority respectfully requests that the Planning Inspector upholds the reasons for refusal and dismisses the appeal. However, should the Inspector be minded to grant permission the Local Planning Authority would wish that the following conditions are included as part of the approval.

Planning Conditions

(1) The development hereby permitted shall start no later than three years from the date of this decision. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

(2) The development hereby permitted shall be implemented in accordance with the following plans: Blo 01, 02, 03. Reason: For the avoidance of doubt and in the interests of proper planning.

Note to Applicant: This development is located within a resident's parking scheme and it is Council policy that residents of all new developments will not be eligible for parking permits. The term development means the construction of new or replacement buildings or alterations to existing buildings that result in an increased demand for parking not catered for within the development.