TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

WRITTEN STATEMENT – PLANNING MATTERS

Land Adjacent to Pylands, Pylands Lane, Burseldon, Southampton, Hampshire, SO31 1BH

Planning Application Reference: F/14/73880

On behalf of:
Southcott Homes Limited

Prepared by:
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May 2014

NEAME SUTTON
CHARTERED TOWN PLANNERS

Town and Country Planning Act 1990 (As Amended)

Appeal on behalf of:
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APPENDICES

APPENDICES:

Appendix 1	Council's Decision Notice dated 09 May 2014
Appendix 2	Case Officer's Delegated Report
Appendix 3	Extracts from emerging Core Strategy DPD
Appendix 4	Copy of Council's SPDs
Appendix 5	Annotated version of Section C-C
Appendix 6	Decision Notice and Illustrative Site Layout Plan for Outline Consent to north of Appeal site

1.0 Instructions and Background to the Appeal

(i) Instructions

1.1 Neame Sutton Limited, Chartered Town Planners, is instructed by Southcott Homes Limited ("the Appellant") to prepare an Appeal via the Written Representations Procedure against the refusal of Eastleigh Borough Council ("the Council") to grant full detailed planning consent in respect of land adjacent to Pylands, Pylands Lane, Burseldon, Southampton, Hampshire, SO31 1BH for:

'Construction of 4 no. detached 4 bed dwellings with detached triple and double garages, bin and cycle storage, new access from Pylands Lane, following removal of existing commercial use and buildings.'

1.2 This Written Statement has been prepared pursuant to the requirements of the Town and Country Planning (Appeals)(Written Representations Procedure)(England) Regulations 2009 as amended by The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 and sets out the Appellant's Full Statement of Case on planning matters in respect of the Appeal.

1.3 The relevant planning application reference is:

Planning Application: F/14/73880

(ii) Introduction

1.4 This Appeal has been lodged following the refusal of the Council to grant full detailed planning consent for the Appeal proposal.

1.5 The Appellant considers the Appeal proposal to be compliant with the requirements of National policy and the Development Plan and appropriate for the context and setting of the Appeal site. On this basis the Appellant has taken the decision to lodge and pursue this Planning Appeal.

1.6 The remainder of this Statement is divided into 8 Sections. Section 2 sets out a description of the Appeal site set in context with its surroundings. Section 3 summarises relevant planning history and Section 4 provides a description of the Appeal proposals. Section 5 summarises the planning policy framework of relevance to the determination of this Appeal and Section 6 sets out the Appellant's evidence in respect of the key planning considerations relating to this case.

1.7 Section 7 reviews representations made by third parties and statutory consultees to the application and Section 8 deals with matters to be addressed via Planning Conditions and Planning Obligations and the Statement is drawn to a conclusion in Section 9.

2.0 Description of the Appeal Site and Surrounding Area

(i) Surrounding Context

2.1 The Appeal site is located along Pylands Lane within Bursledon. Pylands Lane is a cul-de-sac road situated off the main Dodwell Lane which is a main trunk road running through Hedge End providing links to the M27 and the surrounding towns.

2.2 Pylands Lane serves a number of residential properties as well as a large number of commercial uses and activities. The road itself is single track with passing places, which currently operates without incident and due to its configuration results in low traffic speeds.

(ii) The Appeal Site

2.3 The site is formed from an existing commercial Scaffold Yard to the rear with an open garden area of land which sits at the front of the site and measures 4873sqm/0.49hectares/1.2acres.

2.4 The land currently benefits from a commercial use as a scaffold yard along with an underused piece of residential curtilage that is situated within the proposed settlement boundary and is within the ownership of the existing dwelling of Pylands.

2.5 The existing commercial yard is located to the northern end of the site with garden areas clearly delineated by fences as shown on the site survey.

2.6 The site has an existing vehicle access onto Pylands Lane, this runs up the eastern boundary and provides access to the Scaffold Yard.

2.7 The frontage to the Appeal site contains domestic features such as short grass and managed vegetation as a result of its use as part of the extended curtilage for the existing property Pylands.

2.8 The topography of the site is varied with a general rise up from the access towards the rear (north) boundary.

2.9 A number of mature trees frame the rear boundary and also (in part) the side boundaries. In terms of formal boundary treatment the boundaries of the site are a mixture of post and rail fences, wire fences and established hedging.

2.10 The site is also surrounded by varying styles of properties. To the east of the site adjacent to the boundary is an existing chalet style dwelling with large single storey outbuildings. To the north of the site are open fields, which are the subject of a current planning application pursuant to the Council's proposed allocation of the land for housing in the emerging Core Strategy.

2.11 To the west of the site is the existing dwelling of Pylands, which sits at a higher ground level. To the south of the site is Pylands Lane, which is screened by boundary vegetation from the adjoining woodland on its southern side.

2.12 In general terms the Appeal site can be characterised as a large plot with residential characteristics to its frontage in the form of the extended residential curtilage for Pylands and a commercial use to the rear served by an existing access along its eastern boundary. The site is reflective of many properties along Pylands Lane some of which have been consolidated and redeveloped for a more appropriate residential use.

3.0 Site History

3.1 Whilst the Appeal site does not benefit from any planning history of direct relevance to the determination of this Appeal there are a number of planning applications relating to land in the vicinity of the Appeal site that are of relevance. The relevant details of those applications/appeals in the vicinity of the site are summarised in the table below:

Reference	Description	Decision/Date
F/14/74087	Erection of detached three bedroom dwelling (Land east of Naomi Farm)	Awaiting determination
F/13/73737	Construction of 4 no. detached dwellings with associated driveway, parking and landscaping (Beech cottage)	Awaiting determination
F/09/65842	Construction of three bed chalet dwelling with associated driveway (land east of Naomi Farm)	Refused (November 2009) Appeal Dismissed.

3.2 The above planning history is reviewed in the context of the key planning considerations relating to this Appeal in Section 6 below.

3.3 In addition to the above planning history it is relevant to note that the Council has granted Outline Consent for a scheme of approximately 250 no. dwellings on land to the rear (north) of the Appeal site. The Outline Consent was granted on 28 November 2013 (LPA Ref: O/12/71522) and it is understood that the Applicant is currently working with the Council on the first phase of detail to be submitted via Reserved Matters.

3.4 The Outline Consent changes the context for the rear of the site in that it no longer comprises open countryside, which is an important factor, particularly when part of the Council's justification for its refusal of this Appeal scheme is considered in detail in Section 6 below.

3.5 For the Inspector's information a copy of the Council's Decision Notice and the illustrative site layout plan is attached at Appendix 6 of this Statement.

4.0 Description of the Appeal Proposals

4.1 The Appeal proposals involve the development of the existing site for additional residential units. It is proposed to erect 4 new dwellings which have been designed as detached units with four bedrooms and double and triple garages.

4.2 The existing access to the eastern boundary will provide access for plots 3 and 4 on the site for car parking spaces and turning areas. A new access will be formed onto Pylands Lane in the centre to provide access for plots 1 and 2.

4.3 There are trees on the site which are marked on the proposed site plan. The mature trees to the rear of the site will be retained along with the existing boundary treatments and vegetation.

4.4 The new dwellings will be designed in a traditional form with brickwork elevations including elements of tile hanging and pitched roofs finished with plain tiles. The new dwellings have been designed to be integral to the site topography and site at a low level in keeping with the dwellings running across the of the site fronting Pylands Lane.

4.5 The Appeal proposals aim to regenerate an existing commercial and underused site to provide a more appropriate residential use.

4.6 The development will include appropriate car parking facilities and provide suitable vehicular access using the existing access to the commercial yard and create a new access onto Pylands .

4.7 All new dwellings will be provided with suitable gardens and amenity space along with cycle and bin store facilities. The overall scheme will consist of 4 new four bedroom detached dwellings with the removal of the existing commercial use and buildings.

4.8 Further detail on the design approach taken is set out in the Design and Access Statement that accompanied the planning application submission and is included within this Appeal submission pack.

5.0 Planning Policy Framework

5.1 The planning policy framework of relevance to this appeal comprises the National Planning Policy Framework (NPPF) and the adopted Development Plan, a summary of which is set out below.

(i) National

5.2 On 27 March 2012 the coalition Government published the NPPF, which introduced a fundamental change to national planning policy. The NPPF supersedes the majority of previous Planning Policy Guidance and Planning Policy Statements together with a number of Circulars and is intended to simplify the national policy framework by consolidating all Government planning policy into a single volume.

5.3 The NPPF seeks to provide a proactive National policy framework that is not simply about scrutiny but operates to encourage sustainable growth. At the heart of the NPPF is a presumption in favour of sustainable development, which the Government advises should be seen as a golden thread running through both plan-making and decision-taking (Paragraph 14).

5.4 Paragraph 14 advises that for decision-taking this means that where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

5.5 In terms of what defines sustainable development Paragraph 7 of the NPPF advises that there are three dimensions: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **An economic role** – contributing to building strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and,
- **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

5.6 With regard to housing delivery Paragraph 47 requires Councils to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against their requirements with an additional buffer of at least 5%. Where the Council has a persistent record of under delivery of housing the buffer should be increased to 20%.

5.7 In giving consideration to applications for housing Paragraph 49 advises that Councils should consider these in the context of the presumption in favour of sustainable development. Relevant Development Plan policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a 5 year supply of deliverable housing sites.

5.8 With regard to matters of design the NPPF maintains the previous national policy emphasis on achieving high quality design particularly in relation to the residential environment.

5.9 In relation to landscape and ecology the NPPF advises that Councils should aim to conserve and enhance biodiversity and valued landscapes. Consideration should be given to ground conditions and land stability where necessary and appropriate.

5.10 In March 2014 the Government introduced the final version of its National Planning Practice Guidance (NPPG) that supports the NPPF and provides further guidance on the Government's approach to delivering sustainable development in the UK, and in specific relation to housing, the core objective of significantly boosting the delivery of new housing.

5.11 With regard to design the NPPG advises that context is an important factor and that the layout of new schemes should respond positively to the surrounding area. This point is considered, by the Appellant, to be key given the approach taken by the Council in respect of No. 28, the advice received at the pre-application stage, and the decision taken by Officers in determining the Appeal proposal.

(ii) The Development Plan

5.12 The current Development Plan comprises the saved policies of the Eastleigh Borough Local Plan Review 2001 – 2011. Those policies of relevance to the determination of this Appeal are set out in the table below:

Policy	Title
Policy 1.CO	Countryside
Policy 3.CO	Local Gap
Policy 18.CO	Landscape Character
Policy 28.ES	Waste Collection/Recycling
Policy 34.ES	Sustainability
Policy 59.BE	Development Criteria
Policy 100.T	Minimise Travelling
Policy 101.T	Infrastructure Contributions
Policy 104.T	Parking

Policy 147.OS	Public Open Space
Policy 191.IN	Social Infrastructure

5.13 Extracts of the above policies are attached at Appendix 3 of this Statement for the Inspector's information.

5.14 The issues raised by the above policies are explored in the context of the key planning considerations relating to this case in Section 6 below.

(iii) Other Policy Considerations

5.15 In addition to the adopted Development Plan Eastleigh Borough Council has made progress on the preparation of its new replacement Local Plan 2011 - 2029, the Pre-Submission version of which was published in February 2014.

5.16 Those draft policies considered to be of relevance to this Appeal are set out in the table below:

Policy	Title
Policy S1	Sustainable Development
Policy DM1	Development Criteria
Policy DM2	Environmentally Sustainable Development
Policy DM5	Drainage
Policy DM23	Transport Criteria
Policy DM24	Parking
Policy DM25	Residential Development in Urban Areas
Policy DM29	Internal Space Standards
Policy DM32	Provision of Open Space/Recreation
Policy DM37	Funding Infrastructure

5.17 Extracts of the above policies are attached at Appendix 3 of this Statement and the matters raised within them are explored in Section 6 below.

5.18 The Council has also published a number of Supplementary Planning Documents (SPDs) that are considered to be of relevance to this Appeal:

- Quality Places
- Planning Obligations
- Environmentally Sustainable Development
- Residential Parking Standards

5.19 Copies of the above SPDs are attached at Appendix 4 of this Statement for the Inspector's information.

6.0 Planning Considerations

6.1 A number of key planning considerations are of relevance to the determination of this Appeal and are explored within this section of the Statement.

(i) The Principle of Development

6.2 As a starting point it is relevant to note that the saved policies in the adopted Local Plan identify the Appeal site as being situated on land outside of the defined settlement and within a local gap (saved Policies 1.CO and 3.CO respectively). It is also relevant to highlight the fact that the Appeal site comprises predominantly previously-developed land in accordance with the definition set out in Annex 2 to the NPPF.

6.3 In the context of the saved policies alone the principle of development on the Appeal site in the manner proposed would therefore be resisted by the Council.

6.4 However, the saved Local Plan is now out-of-date (a fact accepted by the Council) and the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with the requirements of the NPPF.

6.5 In this respect the Council has accepted that Paragraphs 14 and 49 of the NPPF apply in this case and the Appeal proposal should therefore be considered in the context of the presumption in favour of sustainable development. For decision making this means that permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

6.6 With regard to housing land supply because the Council has accepted that its Development Plan is out-of-date and the Appeal proposal should therefore be determined against the relevant policy test in the NPPF the Appellant does not consider that this case turns on the current housing land supply shortfall. Notwithstanding this point a summary of the Council's housing land supply position is set out in Section 5 above for the Inspector's information.

6.7 With regard to the sustainability of the Appeal site's location, the Case Officer's delegated report advises that the Council consider the site to comprise a sustainable location on the basis of the benefits that the adjoining Outline consent for circa 250 no. dwellings will bring to the area.

6.8 It is the Appellant's view that even without the consent on the adjoining land the Appeal site comprises a sustainable location capable of accommodating modest growth given the relative proximity to the existing services and facilities within Hedge End and Bursledon including direct access to public transport in the form of regular bus services.

6.9 A summary of the key existing facilities and their relative proximity to the Appeal site is set out in the table below:

Facility	Proximity to Appeal Site
Hedge End Centre (retail and commercial uses)	2km
Tesco – Bursledon	1.2km
Playing Fields (including sports pavilion) Heath House Lane	1.7km
Kings Copse Primary School	2km
Bus route (No. 15)(linking between Tesco and Hedge End)	375m

6.10 A final point to highlight on the matter of principle is the emerging policy position set out in the Pre-Submission Local Plan 2011- 2029, which together with the land to the north (subject of Outline Consent for circa 250 no. dwellings) is proposed to be included within the defined settlement boundary.

6.11 The principle of development on the Appeal site is therefore clearly established, which is a matter of fact and common ground between the Appeal and the Council. The Council also accepts that this Appeal should be determined on the basis of the relevant policy test set out in the NPPF, which places a strong presumption in favour of sustainable development. The Council has confirmed its agreement to the fact that the Appeal site comprises a sustainable location for accommodating residential development.

6.12 It is therefore considered on the point of principle that planning permission should be granted unless the adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits of delivering housing at a time when the Council cannot currently demonstrate a 5 year supply of deliverable housing sites and the Government is seeking to significantly boost the delivery of new housing.

(ii) Issues Raised by Refusal Reason No. 1

6.13 The Council's first refusal reason states the following:

'The proposed development by reason of its layout, design, scale and dominance of built form and taking account of the visible and prominent elements of the application site's rear section would constitute an overdevelopment, which would be out of keeping and visually harmful to the prevailing pattern of development and the rural character and appearance of the locality.'

6.14 On the basis that the Council's second refusal reason relates only to Planning Obligations the matters raised within this first refusal reason comprise the Council's concerns in relation to the Appeal proposal.

Council's Reliance Upon 2009 Appeal Decision:

6.15 The Case Officer's delegated report provides elaboration on the matters raised in the refusal reason and relies upon the commentary provided by a previous Inspector in dismissing an Appeal on land east of Naomi Farm in 2009 (Appeal Ref: APP/W1715/A/09/2118408).

6.16 The Appellant raises the following points on the Inspector's commentary provided in the 2009 case:

- The Inspector's consideration related to a time when the policy position relating to the principle of development was considerably different to the current time. This is accepted by the Council and noted in the Case Officer's delegated report;
- As a consequence the Inspector's approach to the 2009 Appeal scheme was set against a background context whereby the principle of development was unacceptable;
- The 2009 scheme did not look at the site context in a comprehensive manner and instead only proposed a single dwelling on part of the site; and,
- The planning history context relating to the site and its surrounding context is materially different now with the grant of Outline consent to the rear of the Appeal site.

6.17 The 2009 Appeal decision is not therefore considered to be of assistance to the Council's in supporting its refusal reason in this Case. In fact the significant changes in terms of planning policy, planning history and the nature of the scheme render the 2009 decision of limited relevance to this current Appeal.

6.18 This is perhaps best demonstrated by the point that the Case Officer makes in the delegated report that development alone the lane has been minimal and so the Inspector's comments remain pertinent today. This point clearly ignores the fact that the Council is proposing to include the whole lane within the defined urban area and in considering the principle of development on the Appeal site it confirms that the proposed inclusion of the land is a material consideration that weighs heavily in favour of the principle of development on the site.

6.19 It therefore follows that the Council expects further development to come forward along the lane and that it accepts the inevitable consequence that the character of the area will change. The Inspector will note that two further applications along the lane are under consideration by the Council at the time of preparing this Statement.

6.20 For this important reason the conclusions drawn by the Inspector in 2009 cannot be relevant to the determination of this current Appeal.

Case Officer's Commentary on Appeal Proposal:

6.21 The Case Officer suggests that the Appeal proposal would be harmful by virtue of the fact that it introduces two houses on the site frontage where the neighbouring sites only have one. As a consequence it is alleged that the frontage properties will appear crammed and will lack a feeling of space.

6.22 The Appellant's Section B-B demonstrates how the two frontage properties will appear within the streetscene relative to the neighbouring dwellings on either side. Whilst the two new dwellings will be sited closer to each other than the adjoining dwellings they will not be crammed and do not lack a feeling of space. Furthermore the properties will not appear dominant in the street when read in context with the adjoining properties. Indeed the new dwellings will be read as part of the varied streetscene that is a characteristic of the lane including the changes in roof levels that occur in response to the range in topography.

6.23 The Council also allege that the presence of garages and driveways within the frontage would be harmful in this locality and would introduce 'visual clutter'.

6.24 The presence of a garage either to the side or the front of a property is not uncommon and examples exist along the lane. Notwithstanding this the Appellant does not consider the presence of a garage to be harmful to the character of the area or the streetscene at this point. If anything these features add to the variety of built form that is present along the lane, which is a characteristic the Council itself acknowledges.

6.25 With regard to the properties to the rear the Council suggests that these will project above the roofs of the frontage plots due to the topography of the site and will, as a consequence, be visually prominent from the lane. This cannot be the case. As the Inspector will note from the site layout plan the two plots to the rear of the site are situated almost directly behind the frontage plots. As demonstrated on the annotated version of Section C-C attached at Appendix 5 of this Statement from a line of sight taken on Pylands Lane it is not possible to see any of the rear buildings.

6.26 In this respect the Council's allegation regarding the rear properties is entirely without foundation. At best only a glimpsed view will be achievable of the rear properties when standing in the access driveway for these properties on Pylands Lane, but this cannot of itself comprise a prominent view.

6.27 Finally the Council suggests that the two rear properties would be harmful to the appearance of the surrounding countryside to the rear. This allegation is directly contradicted by the Council's own acknowledgment that it has granted Outline consent for circa 250 no. dwellings on the land to the rear of the Appeal site and therefore the proposal cannot result in any harm to the countryside at this point.

6.28 Through discussion with the Council it is understood that the Outline site layout for the development to the rear does not propose any dwellings along the boundary with the Appeal site and therefore the Appeal proposal would not give rise to any harm to the character of new dwellings to the rear.

6.29 The relationship the Appeal proposal creates with the land to the rear is considered to be entirely acceptable given that the Council has not sought to require public access between Pylands Lane and the new development to the rear and therefore a private rear garden boundary is appropriate at this point.

6.30 The Council has failed to demonstrate that the Appeal proposal would give rise to any **significant and demonstrable** harm that would outweigh the benefit of delivering new housing, which is the policy test that must be applied in this case.

6.31 The Appellant notes the Council is seeking to rely upon Paragraph 64 of the NPPF regarding good design, but for the reasons set out above the Appellant has demonstrated that the Council's allegations relating to the quality of the design approach taken are without foundation. Therefore the Appeal proposal does not conflict with the objectives of Paragraph 64 regarding good quality design.

6.32 It should be noted that the Council has raised no specific adverse comments in relation to the design of the dwellings themselves.

(iii) Issues Raised by Refusal Reason No. 2

6.33 The Council's second refusal reason concerns matters to be addressed via Planning Obligations and states that:

'The proposal fails to make contributions towards the provision of essential off-site open space works, community infrastructure and sustainable transport, the need for which will increase as a direct result of the development proposed.'

6.34 The Appellant has always embraced the need to address any offsite impacts arising from its developments. This Appeal proposal is not exception and the Design and Access Statement that accompanied the planning application confirmed the Appellant's willingness to address offsite impacts via appropriate financial contributions to be secured through a Planning Obligation.

6.35 In this respect the Appellant is currently in the process of finalising a S.106 Unilateral Undertaking to secure the delivery of the financial contributions sought by the Council in relation to open space, community infrastructure and sustainable transport.

6.36 In the Appellant's view the contributions sought by the Council are appropriate and meet with the necessary Statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. The Appellant does however accept that it is for the Council to demonstrate to the Inspector how the contributions sought comply with these tests.

6.37 A completed version of the Unilateral Undertaking will be provided to the Inspector in time for the Rebuttal Statement deadline i.e. 7 weeks from the registration of this Appeal by the Planning Inspectorate.

6.38 In this respect the issues of concern raised by the Council in relation to Planning Obligations set out in its second refusal reason will be addressed in full by the completed Unilateral Undertaking.

(iv) Other Matters

6.39 The Case Officer's delegated report provides a helpful commentary on matters relating to residential amenity, highway safety, car parking, trees, code for sustainable homes and planning obligations.

6.40 With regard to each it is concluded that the Appeal proposal meets with all of the Council's requirements and comprises an acceptable proposal in relation to those matters, as follows:

- **Residential Amenity:** The Case Officer's report concludes that the proposal will create an acceptable living environment for the new residents and will not result in any unacceptable harm to neighbouring residents by virtue of loss of light, outlook or overlooking;
- **Highway Safety and Car Parking:** Each of the proposed dwellings is provided with 3 no. car parking spaces and overflow provision for visitors as required by the Council's adopted parking standards set out in its SPD. The Council's Highway Officer's raise no objection to the proposal and it is therefore considered to be acceptable in terms of highway safety and parking;
- **Trees:** The Council's Tree Officer raises no objection to the proposal based on the information submitted;
- **Code for Sustainable Homes:** The code assessment submitted with the application is acceptable to the Council; and,
- **Developers Contributions:** The Applicant has expressed a willingness to pay the developer contributions sought, which the Council acknowledges.

6.41 In this respect it is considered that the Appeal proposal comprises an acceptable form of development that complies with all relevant policies in the Development Plan and National Policy in the form of the NPPF and NPPG.

7.0 Third Party Representations and Statutory Consultation Responses

7.1 The Case Officer's delegated report refers to a total of 8 no. representations received from third parties to the application. Of the total representation received 5 no. raise support for the proposal and only 3 no. raise objection. The objections raised relate to:

- Contrary to policy
- Overdevelopment of the site
- Increase in traffic movement
- Lack of services to support dwellings

7.2 All of the above points have been addressed within the preceding sections of this Statement and the Appellant's comments on them are not therefore repeated here.

7.3 With regard to Statutory consultation responses it is relevant to highlight that whilst the Council's policy team raised a holding objection it confirms that the principle of development in the manner proposed is acceptable.

7.4 The Council's Design Team also raises a holding objection to the proposal but the matters raised within that objection form the basis of the Council's refusal reasons and have therefore be addressed in the preceding sections of this Statement.

7.5 The Parish Council raises objection to the proposal primarily in relation to policy matters, which have been considered in the preceding sections of this Statement.

7.6 All other Statutory consultees raise no objection to the proposal.

8.0 Planning Conditions and Planning Obligations

(i) Planning Conditions

8.1 The Appellant is content to accept any appropriately worded Planning Conditions that the Inspector considers may be necessary to attach to any grant of planning permission in the event that this Appeal is allowed.

8.2 With this in mind the Appellant will liaise with the Council in order to seek to agree a schedule of planning conditions to assist the Inspector's consideration of this Appeal.

(ii) Planning Obligations

8.3 As set out in the Design and Access Statement that accompanied the planning application and in Section 6 above the Appellant is committed to addressing the offsite impacts arising from its developments and with this in mind a Planning Obligation in the form of a Unilateral Undertaking is currently being finalised to secure the delivery of financial contributions in accordance with the Council's requirements.

8.4 At present it is envisaged that the Planning Obligations required for this development will relate to:

- Transportation
- Public Open Space
- Community Facilities
- Public Art

8.5 The Appellant will however agree with the Council the final scope of obligations ahead of completing its Unilateral Undertaking.

8.6 A completed copy of the Unilateral Undertaking will be provided to the Inspector for information in time for the Rebuttal Statement deadline i.e. 7 weeks from the registration of this Appeal.

9.0 Summary and Conclusion

9.1 The evidence contained within this Statement and its appendices demonstrates that the Appeal proposal is acceptable in all respects and complies with the relevant policies and proposals in the Development Plan and National policy in the form of the NPPF and NPPG.

9.2 In particular the Appellant has demonstrated that the Council did not have a basis to resist the proposal when the key National policy test in the form of Paragraph 14 of the NPPF is applied, that is planning permission should be granted unless the adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits of delivering housing.

9.3 In this instance the benefits of the scheme, however modest in terms of the number of dwellings, are not outweighed by significant and demonstrable adverse impacts and the proposal will therefore assist with delivering the Government's fundamental policy objective of significantly boosting the delivery of new housing nationally.

9.4 With regard to the specific detail of the proposal the Appellant has demonstrated in this evidence that the units proposed on the site frontage will not be harmful on the character of the streetscene at this point and the presence of structures to the front of the dwellings would not present a discordant arrangement. Opportunities for appropriate hard and soft landscaping to be secured by Planning Condition are afforded by the low density nature of the proposal and the spacing to the front of the plot.

9.5 With regard to the units to the rear of the site, contrary to the Case Officer's suggestion, only limited glimpses will be possible along Pylands Lane of these properties and they will not therefore be dominant in the streetscene.

9.6 Turning to consider the relationship with the Outline Consent to the rear this proposal, as demonstrated by the illustrative masterplan, is likely to include an area of open space to the rear of the site, which is not considered to be incompatible with the arrangement of the two dwellings now proposed in this Appeal. This is particularly the case given that neither the Council nor the applicant for the scheme to the rear have expressed a desire or need for a connection with Pylands Lane and natural surveillance of any future open space will be afforded primarily from new dwellings within that development.

9.7 The arrangement of the dwellings proposed on the site is entirely consistent with other development along Pylands Lane and is appropriate for the setting and context of the site in accordance with the Development Plan and the Council's key SPD Quality Places.

9.8 In all other respects the Council's acknowledges, as set out in the Case Officer's delegated report, that the Appeal proposal is acceptable and accords with the Development Plan.

9.9 With regard to Planning Obligations the Appellant is in the process of finalising a Unilateral Undertaking and a copy of the completed version will be provided to the Inspector in time for the Rebuttal Statement deadline. This will address all of the matters raised in the Council's second refusal reason in full albeit that the Appellant acknowledges it is for the Council to demonstrate to the Inspector how its requests for contributions meet with the Statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

9.10 In this respect the Appellant considers the Appeal proposal to comprise an entirely acceptable form of development in a sustainable location that accords with the requirements of Paragraph 14 of the NPPF and the Development Plan. The Appellant therefore respectfully requests that this Appeal is allowed and planning permission is granted subject to the imposition of any appropriately worded Planning Conditions and the provisions of the Appellant's Unilateral Undertaking.