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The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/W1715/W/15/3017887

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr Ian Fairbairn
Address	7 Coldeast Way Sarisbury Green SOUTHAMPTON SO31 7AT
Email	[redacted]
Preferred contact method	Email ☑ Post ☐

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes ☑ No ☐

Name	Mr Ian Knight
Company/Group Name	Knight Architectural Design
Address	7 Coldeast Way Sarisbury Green SOUTHAMPTON SO31 7AT
Phone number	01489660194
Email	ian@k-a-d.co.uk
Preferred contact method	Email ☑ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Eastleigh Borough Council
LPA reference number	C/15/75937
Date of the application	30/01/2015

Did the LPA validate and register your application?	Yes	☑ No	☐
Did the LPA issue a decision?	Yes	☑ No	☐
Date of LPA's decision	26/03/2015		

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes	☐ No	☑
Does the appeal relate to an existing property?	Yes	☑ No	☐

Address

Capstan House
High Street
Southampton
SO31 4HA

Is the appeal site within a Green Belt?	Yes	☐ No	☑
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes	☐ No	☑

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes	☐ No	☑

Please enter details of the proposed development. This should normally be taken from the planning application form.

Change of use from mixed used (A1 ground floor and B1 first floor) to 4 C3 flats (3 one bed and 1 two bed)

Does the proposal include demolition of non-listed buildings within a conservation area?	Yes	☐ No	☐

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission.	☑
2. Refused permission to vary a condition(s).	☐
3. Refused prior approval of permitted development rights.	☐
4. Granted planning permission for the development subject to conditions to which you object.	☐
5. Refused approval of the matters reserved under an outline planning permission.	☐
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.	☐
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).	☐
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.	☐
9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.	☐

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations	☑

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?	Yes	☐ No	☑
(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?	Yes	☐ No	☑

2. Hearing	☐
3. Inquiry	☐

H. FULL STATEMENT OF CASE

The full statement of case is set out in

☑ the box below

The starting point to the appeal is the basic premise, that this only needed to seek formal consent rather than use the current permitted development legislation due to the listed nature spuriously assigned this building. As the conservation officer notes, the mass of the building is actually a poorly designed 1970's rebuilding – carried out by former owners. We felt then the fall-back position should have been employed, and the change of use granted in accordance similar to Section 55 of the T&CPA 1995, class 1A.

We also felt that the area character description the planner was working under... "The property is in the middle of Hamble Village Centre, where there is a mixture of shops, food outlets, offices and some residential dwellings." ...was wrong.

The one-way narrow section of the High Street down to the water-front has 18 other properties. Two are A1, two are pubs, one is A2, two are off-licences and eleven are residential. 61% then of this area is residential. Further-more, the 'Active shopping frontage' shown in the background paper to support policy EC12 (shown) is not the same as 'Primary Retail Frontage', when describing an area so obviously predominated by residential property.

The planner makes reference then to the vitality of Hamble relying on this unit retaining a retail use, to comply with policy 140.TC – but given the very chequered past that has seen many retailers come and go with large void periods – primarily as footfall is low, the frontage (originally domestic) is not retail in nature and with tricky vehicle parking, delivery and customer collection issues along with a very narrow footpath – customers do not demand this type of unit and as John Bird Associates (local commercial agents) with many years' experience attempting to find tenants for this unit attest, there is little demand for a retail use. Recently the gallery had to rely on provision of evening classes and arguably has been operating an unofficial D1 use. Similarly, the Royal Yachting Association use at first floor has been more classroom than office – again showing even B1 use is not suitable – and the larger B1 unit has for some time been vacant.

A large proportion of the residential properties within the centre of Hamble do not have car provision on site. The highways consultee stipulates that eight spaces would be required owing to highway safety – and makes reference to 'minimum' standards. However, the Transport & Accessibility section of the adopted local plan makes no reference to minimum standards. There are however already two retail units of 40 & 60sq.m (conceivably with a handful of employees and multitude of customers, deliveries, pick-ups etc). There are then offices above of similar sizes (feasibly employing ten or more staff). We would suggest then that a residential use may generate less traffic / servicing needs than a commercial site. Also it is possible occupants would be more likely to be away from the area during the working

day – therefore returning when the Foreshore & Square parking is available (6pm to 8am every day) where over 130 spaces are provided. We would challenge then that the stance taken is not covered by policy 59.BE which states...

...development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

We would also point out that the scheme did provide secure cycle provision, and also that with three of the four units being small one bed flats – there is a higher possibility of a non-car owner looking for affordable accommodation. Lastly, we see no reason why the permits granted to the business at present, should not be handed to the new flat occupants? The 'no new permits' rule we would argue, is written to prohibit new build schemes from obtaining permits. We would also argue that the SPD 'Eastleigh Residential Parking Standards 2009' speaks more of maximum parking provision (as does the PPG 13) and PPS3 again moves away from car focused schemes. Our proposal site is within 50m of a quality bus services and the local community provides amply (leisure, health, wealth etc.) meaning residents may not necessarily need to leave the local area. A reliance on car spaces then would appear also, a weak reason for refusal and we welcome the planning inspectorate's judgement on the matter.

With regards the refusal given under the separate Listed Building Application – that does appear a moot point, as the reasoning..."The proposal has the potential to harm the character and appearance of a grade II listed building" hardly needs a rebuttal! There is no physical external alteration proposed and the only minor revision is to the 1970's rear elevation which the heritage officer already has criticised.

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?	Yes	☐ No	☑
(b) Have you made a costs application with this appeal?	Yes	☐ No	☑

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates; ☑

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below: ☐

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below. ☐

I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding. ☑

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant. ☐

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below. ☐

J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA. ☑

02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form). ☑

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. ☑

04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☑

05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. ☑

05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA. ☑

06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). ☐

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application. ☐

07. A copy of the design and access statement sent to the LPA (if required). ☑

08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. ☐

09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion. ☐

09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA. ☐

10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. ☐

11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application; ☐

(b) all plans sent at outline application stage; ☐

(c) the original outline planning permission. ☐

12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached. ☐

13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐

14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application. ☐

K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet Yes ☐ No ☑

been decided?

L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledege.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature	Mr Ian Knight
Date	15/04/2015 09:43:05
Name	Mr Ian Knight
On behalf of	Mr Ian Fairbairn

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:

  http://www.planningportal.gov.uk/planning/appeals/online/tutorialshelp/appeal/sendingacopytothecouncil
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk.** If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 3035, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	ApplicationForm.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name:	Listed Building Report.pdf
File name:	Planning Application Report.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	Capstan House BLOCK.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	Capstan House EX.pdf
File name:	Capstan House PLANNING.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	AttachmentSummary.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
File name:	Planning Document - Copy.pdf

The documents listed below were already attached elsewhere with this form:

Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
File name:	ApplicationForm.pdf
Relates to Section:	SUPPORTING DOCUMENTS

Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	Site Plan (block plan)@a4

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Completed by	MR IAN KNIGHT
Date	15/04/2015 09:43:05