Eastleigh Borough Council

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Written Representations - Statement of Local Planning Authority

Planning Inspectorate Reference No: APP/W1715/W/17/3176347

Local Planning Authority Reference No: F/17/79817

Appeal Site: 38-40 Leigh Road, Eastleigh, SO50 9DT

The Council's response to the Submitted Appeal

With reference to the above planning appeal and the Appellant's submitted appeal statement, the Local Planning Authority (LPA) are of the opinion that the majority of the issues raised are covered in the reasons for refusal as set out within the Council's decision notice and the Case Officer's delegated report, and would therefore ask that the appointed Inspector takes these documents as the LPA's statement of case, together with the following comments.

Planning History

Since the determination of the planning application that is the subject of this appeal, two further planning applications have been submitted on the site that are considered to be of material relevance. .

Application referenced PN/17/81079 was an application made through the prior notification procedure. It proposed the change of use from (B1a) offices to residential (C3) to provide 10no. flats. In the form of 9no. 1 bedroom flats and a single 2 bedroom flat.

This is a different housing mix and quantity to those secured under the prior notification application that secured 8 flats (LPA Ref J/15/77087) which were made up of. 7no. single bedroom flats and 1no. flat with 2 bedrooms.

The application C/17/80065 was assessed on the provision that only 8 flats would be located on the ground and first floor.

Planning Application F/17/80879 is currently under consideration by the council and seeks consent for:

'Alterations and extensions to existing roof to create 3no. flats (including 2nd floor balconies) within the roof space following conversion of the existing office space (B1a) on the ground and first floors to residential dwellings (C3) with rear extension, and associated parking, cycle and bin storage. This application is following on from

a previous granted application J/15/77087 for the change of use of the property from B1a (commercial office) to C3 residential.'

Comments in response to the Appellant's Statement of Appeal

Paragraph 4.4 of the Appellant's statement advises that the many of the policies used by the council are out of date. The statement does not advise which of these polices are out of date. Furthermore the statement does not develop this point or explain why it considers policies to be out date, neither does it provide evidence to support this statement. The Saved Policies of the adopted Local Plan which are referenced in the Council's reasons for refusal are considered to be consistent with the requirements of the NPPF and as such, and in accordance with Paragraph 215 of the Framework, weight is attributed to them accordingly.

Paragraph 5.2 of the appellant's statement advises that the Council has placed reliance on policies DM1 and DM29 of the Submitted Eastleigh Borough Local Plan (2011-2029). As evidenced by the officer report the Council, whilst these policies remain as material considerations, in light of the status of the Plan, it is accepted that limited weight is afforded to them.

Paragraph 5.7 of the Appellant's statement sets out that the Council are unable to demonstrate a five year land supply. The Council's latest published position (September 2017) sets out that the Council is in fact currently able to demonstrate 5.26 years supply of housing. A copy of the published position statement is enclosed within Appendix 1 for the Inspector's reference.

Paragraph 5.15 advises that the proposal 'will contribute to the shortfall in affordable market housing'. The proposed units are not considered to constitute affordable housing and there are deemed to be no evidence has been presented to demonstrate that the proposed units will be offered at a discounted rate to make them any more affordable than other market housing in the area.

Paragraphs 5.19 to 5.21 of the Appellant's statement refers to saved policy 53.BE of the adopted Local Plan. The requirements of this policy were considered as part of the assessment of the application proposal as set out in the Officer's delegated report. Whilst the sections highlighted by the Appellant concerning three-storey and people intensive development are noted, this policy does not encourage this at all costs nor does it expressly support such development that would result in the overdevelopment of a site or a detrimental impact upon the character of an existing building or that of the surrounding area, as is the case with the particular proposal forming the subject of this appeal. Any modest benefits that may result from a more 'people-intensive' development on this site, do not significantly and demonstrably outweigh the harm that would result from the proposal to the character of the area.

Furthermore the density of 120 dwellings per hectare advised in the appellant's statement is potentially incorrect. In light of the latest prior notification application referenced above, it can be expected that the appellant would seek to convert the present building to 10 residential units on the ground and first floor rather than the 8 that were considered as part of this proposal. In such an instance, the density would

be closer to 130 dwellings per hectare, significantly in excess of the 50 dwellings per hectare referenced within policy 53.BE

Reason for Refusal 1

Paragraphs 7.1 to 7.19 of the Appellant's statement seek to address the Council's first reason for refusal. The justification for this reason for refusal can be found to be set out clearly and comprehensively in the Case Officer's delegated report which has been provided to the Planning Inspectorate as part of the Council's appeal questionnaire. There are a number of points within these paragraphs, however, that the Council wishes to briefly respond to.

Firstly, the Appellant's statement sets out that the proposal will not increase the height or bulk of the building. This is on the basis that the ridge height of the resulting building will be no higher than the highest part of the existing roof and the proposal therefore results purely in a change of roof form.

The Council maintain that the proposed change of the roof form from a hipped roof to boxed flat roof will in itself create a significantly greater level of bulk at first floor. And, indeed, the height of the side elevations will increase by approximately 2.5m. Furthermore the roof will extend approximately 7 metres forward of the existing ridge of the hipped roof. Both of these effects will be fully appreciable from the public realm and will add significantly to the height and bulk of the development when viewed in the streetscene.

Reason for Refusal 2

Paragraphs 7.20 to 7.32 relate to the Council's second reason for refusal. This reason for refusal is also justified within the case officer's report. However the Council would like to make the following comments on the Appellant's case.

Paragraph 7.16 of the Appellant's statement concedes that each of the proposed flats will be 5 square metres **below the minimum** space standards advised by the Department of Communities and Local Government. Whilst it is acknowledged that this is not adopted development plan policy, the Council maintain that this is considered to represent a indicator of the cramped nature of the units and the inadequate level of amenity for the future occupiers of the development.

Paragraph 7.29 of the Appellant's statement advises that the external amenity provision for the (now 10) units on the ground and first floor has been deemed to be acceptable. When considering the prior notification applications, as per the Permitted Development Regulations, the Council's considerations of the proposal are restricted to transport and highway impacts, contamination risks, and flood risk. A later amendment also requires the potential impacts of noise from commercial premises on the intended occupiers of the development. Had the proposal been brought forward as part of a planning application the Council would have applied the same assessment of the suitability of residential amenity as is required by Saved Policy 59.BE of the adopted Local Plan, the Council's Quality Places SPD, and Paragraph 17 of the NPPF, as was the case with the development the subject of this appeal.

Conclusion

The decision to refuse planning permission was made in accordance with the relevant local plan policies and national planning guidance with the reasons for refusal clearly set out in the decision notice and expanded upon within the Case Officer's delegated report.

It is therefore respectfully requested that the Inspector dismisses this appeal. However, if the Inspector is minded to grant planning permission for the development, it is asked that the suggested conditions contained in Appendix 2 be included as part of the approval.