

ADVOCO —PLANNING

72 NEW ROAD
NETLEY ABBEY
SOUTHAMPTON
SO31 5AB

APPELLANTS
STATEMENT OF CASE

JANUARY 2025

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APPELLANTS STATEMENT OF CASE

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1.0 Introduction

- 1.1 This Statement of Case (SoC) has been prepared by Advoco Planning on behalf Mr Ross Mandeville of Greenglen Estates ('the appellant') and is in support of an appeal against the decision of Eastleigh Borough Council to refuse a Class MA Prior Notification (ref. PN/24/98548) for the conversion of existing accommodation in Class E commercial use to two self-contained flats.
- 1.2 This SoC will explain how the Class MA Prior Notification accords with this Permitted Development provision and should therefore have been approved.

2.0 Background

- 2.1 Class MA is a relatively new and amended Permitted Development provision and allows the conversion of buildings currently within Class E use to be converted to residential use, subject to certain criteria being satisfied. Whilst Class MA permits a change of use, it does not allow for any external changes to the building, which unless very minor, will typically require planning permission in their own right. It is to be expected that buildings being converted from one use to another will require such external changes and that these changes will normally be subject to a companion application.
- 2.2 In this case a companion application (ref.F/24/98526) was submitted and was subsequently approved. Ordinarily companion application are one of two types. The first is where changes are proposed which are necessary to secure Class MA compliance, such as additional windows to ensure adequate natural light. The second type are applications that propose changes which are desirable rather than essential and therefore are not required to secure Class MA compliance. This companion application falls into the latter category and details of it are attached as **APPENDIX 1**. The proposed works are principally to remove the shop window as the associated room would be habitable and therefore there is a requirement to reduce the 'goldfish bowl' effect which would otherwise arise.
- 2.3 Class MA forms part of a wider planning deregulation agenda. It also provides a source of new windfall housing and contributes to growth. It is therefore entirely consistent with current Government planning objectives as set out in the latest (December 2024) version of the National Planning Policy Framework (NPPF), other ministerial statements and the general direction of travel of Government economic and planning policy.
- 2.4 In addressing the two reasons for refusal these will be aligned to the relevant sections within Class MA. It will therefore be assumed that compliance with all other sections has been accepted and therefore will not be re-assessed. It is also clear that the LPA has erroneously sought to determine this Class MA Prior Notification as a planning application which is demonstrated by references to Local Plan policies in both reasons for refusal. Consideration of Class MA should be restricted to whether Class MA criteria are met or not.

3.0 Response to LPA Reasons for Refusal

- 3.1 The following section sets out the LPAs individual reasons for refusal followed by the appellant's response.

Reason 1

The proposed change of use of the existing E Class units to a C3 residential use will result in the loss of a retail/commercial use to the detriment of the vitality of the Station Road Local Centre and in turn the character and visual amenity of the Netley

Abbey Conservation Area. As such, the application is considered to be contrary to Policies DM1, DM12 and DM22 of the Eastleigh Borough Local Plan 2016 – 2036 and the Council's 'Quality Places' and 'Netley Abbey Conservation Area Appraisal' Supplementary Planning Documents.'

- 3.2 It is contended that this reason for refusal arises from a misapplication of Class MA criteria. Specifically, the relevant assessment criterion of Class MA is as follows:-

e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

- 3.3 Whilst there is some scope for interpretation, it is understood that this test is designed to prevent changes of use where the commercial (normally retail) use is an essential part of the character of the Conservation Area. Without that provision, any (unlisted) shop within a Conservation Area in a high value heritage location could change to residential as permitted development. It is contended that that is not the situation here and that no adverse heritage impact will arise from the proposed change of use.
- 3.4 This contention is supported by the absence of any heritage based objection from the LPA's internal heritage expert and the fact that the companion application was approved. Indeed, if the retail function and appearance of the appeal property was essential to the character and viability of the Conservation Area as a heritage entity, it would be more logical to have refused the companion application.
- 3.5 The following map extract shows that the appeal site is on the very edge of the Conservation Area at the junction between Station Road (E-W) and New Road (N-S). Land uses within the area are predominantly residential and the appeal site is the only commercial use in the locality and within the Conservation Area. The only other non-residential use in the immediate vicinity and also within the Conservation Area is the library opposite. **APPENDIX 1** shows the whole Conservation Area.

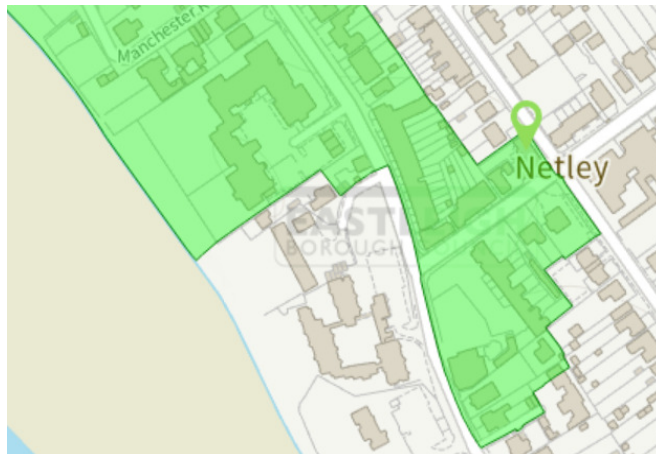


Figure 1 Shows the position of the appeal site on the edge of the Conservation Area

- 3.6 The character of the Conservation Area, and particularly in the vicinity of the appeal site, is almost exclusively residential and therefore the current (vacant) commercial use is less in character with the Conservation Area than the proposed use.
- 3.7 In contrast the following map extract shows part of the designated Local Centre and shows that the appeal site is the only commercial use within both the Conservation Area and the designated local centre. The Local Centre comprises three disparate sections which are shown in **APPENDIX 2**.

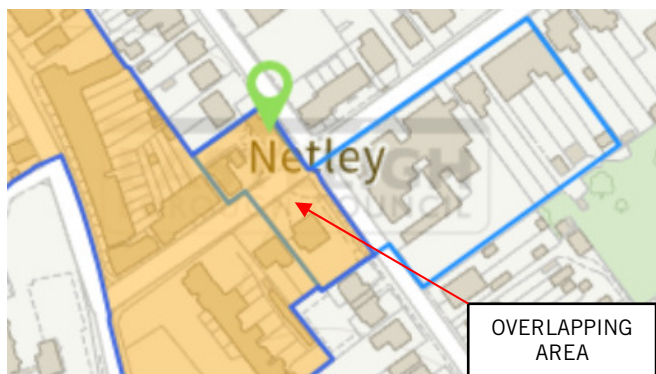


Figure 2 Shows the Conservation Area boundary (dark blue) and the Local Centre Boundary (light blue) which the small overlapping area identified.

- 3.8 The Class MA reference to character and sustainability is potentially wide ranging and therefore open to interpretation. Given that a fundamental principle of Class MA is to allow commercial uses such as this to convert to residential as Permitted Development, the additional sensitivity applied to Conservation Area must have a heritage rather than commercial emphasis.
- 3.9 Given that no heritage objection was raised by the Council's in house expert and that no objection was raised to the visual changes proposed, which now benefit from planning permission, there is seemingly no heritage issue. In addition, the character of this part of the Conservation Area is principally residential. This is reflected in the following extract from the Council's 2010 Conservation Area Appraisal SPD which identifies the appeal site as falling within sub-area 10 which is described as follows:-
- 3.38 The short section between Victoria Road and New Road comprises housing, the former infants' school, now a library, and the Guides' hall erected in 1873.*
- 3.10 It is therefore contended that the LPA has conflated two issues and has misapplied the heritage-based criterion within Class MA to seek to resist the loss of a commercial use despite no adverse heritage impact. The first reason for refusal is therefore considered to be entirely without foundation and is at odds with the underlying principles embodied within Class MA. The references to Local Plan policies (particularly DM22) in the reason for refusal further support this contention.

Reason 2

Insufficient evidence has been provided to demonstrate the proposed change of use of the existing E Class units to a C3 residential use will not result in increased parking pressures in the locality, impacting upon traffic movements, highway safety and to the detriment of the amenity of neighbouring residents and businesses. As such, the application is considered to be contrary to Policies DM1, DM13 and DM14 of the Eastleigh Borough Local Plan 2016 – 2036 and the Council's 'Quality Places' and 'Residential Parking Standards' Supplementary Planning Documents.

- 3.11 The relevant criteria within Class MA which this application has allegedly failed to satisfy is as follows:-
- (2) (a) transport impacts of the development, particularly to ensure safe site access;*
- 3.12 This objection is seemingly based on a concern regarding availability of parking spaces during the day. The LPA's highway consultee raised no concerns regarding any highway matters but suggested that the case officer may want to look at parking availability. As a result of this comment, the appellant's agent submitted a parking survey which was prepared in accordance with the Council's preferred methodology, which places an emphasis on the availability of evening spaces, as these are most critical for residential uses. Specifically, the submitted parking survey adopted the

Lambeth methodology which is specifically referred to in the Council's emerging parking SPD. The Council's highway consultee was not afforded the opportunity of reviewing or commenting on this parking survey.

- 3.13 The survey showed a good level of parking availability during the peak time for residential parking demand, namely evenings and weekends and therefore no obvious conflict with Class MA criteria. In terms of adopted parking standards, the Council only has a residential parking SPD (2009) and therefore it is not possible to compare the parking demand of the existing use against the proposed use. The Council do however have an emerging Parking SPD which addresses both residential and non-residential uses. Using these unadopted standards and, as an unfettered Class E use, the proposed use could require up to 21 spaces, and this would principally lead to a daytime demand. This is based on the existing unit being used as Class E Eating and Drinking establishment such a coffee shop. This has an expected¹ parking standard of 1 space per 5 sq. m. of floorspace plus one operational space, which gives a grand total of 21 spaces.
- 3.14 In sharp contrast, the proposed use requires the following:-

	Adopted Standards (2009)	Emerging Standards
1 bed	1	0.5
2 bed	1.5	0.75
TOTAL	2.5 (includes 20% visitor uplift)	1.75 (includes 40% visitor uplift)

- 3.15 Whilst this might be considered a worse case, it is highly realistic as the proliferation of coffee shops is well documented. Notwithstanding this, as a real-world example, the previous use was a barber's shop which operated three chairs. Even allowing for 30-minute slots and no overlaps between those having their haircut and those waiting, that is a throughput of 6 customers an hour, some of which will inevitably add to (daytime) parking demand.
- 3.16 In these terms, and whilst recognising that the non-residential standards cited above are yet to be adopted, it would appear inconceivable that the proposed use generates a greater parking demand than the existing commercial use. Further, the peak demand for parking in association with residential uses are evening and weekends and evidence has been submitted to show good availability.

4.0 Conclusions and Safeguards

- 4.1 The appellant has demonstrated that the proposals fully comply with Class MA requirements, whilst the non-essential external works proposed via the companion application have been approved and therefore accords with both the Policies of the Development Plan and the statutory test imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Specifically, the proposals do not impact on the character or sustainability of the Conservation Area and will demonstrably provide a more favourable parking situation than the existing Class E use allows and evidence to support this has been provided.
- 4.2 Whilst not technically part of the Class MA consideration criteria it should also be noted that the previous retail tenants (the barbers) were a year in arrears before vacating the unit.
- 4.3 In light of the above, the Inspector is respectfully asked to allow this appeal.

¹ 'Expected' is considered to be more akin to a minimum rather than maximum standard and is the terminology used by the LPA

APPENDIX 1

MR RANJEET SHAHI
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DIRECTOR GENERAL'S HOUSE
15 ROCKSTONE PLACE
SOUTHAMPTON
SO15 2EP

Application	F/24/98526
Please ask for	Gary Osmond
Direct dial	023 8068 8490
Working hours	Mon to Fri 8:30am to 5pm
Email	gary.osmond@eastleigh.gov.uk

Monday 13 January 2025

Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure) (England)
Order 2015

Application No. F/24/98526

In pursuance of their powers under the above Act and in accordance with your application received on Thursday 21 November 2024 the Council, as Local Planning Authority hereby **Permit** the following :

Description:	Change of Shop Window and Insertion of Rear Door
Site:	72 NEW ROAD, NETLEY ABBEY, SOUTHAMPTON, SO31 5AB

Subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be implemented in accordance with the following plans numbered: 1642-CA-01.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 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.
- 3 The materials to be used in the construction of the window hereby permitted shall match in type, colour and texture those used on the existing shopfront window which fronts New Road.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

Note to Applicant: In accordance with paragraph 39 of the National Planning Policy Framework (December 2024), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Yours faithfully

A handwritten signature in black ink that reads "N Parker". The signature is written in a cursive style with a horizontal line underneath the name.

Nicholas Parker
Planning Manager

N.B. See Attached Notes

Greenglen Estates Ltd

21 Station Road & 72 New Road
Netley Abbey
Southampton
SO31 5AE

Revision: 0
Date: October 2024

Planning Submission

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Figure 1 – Extent of the Conservation Area

1. Introduction

1.1 Introduction

This Heritage Impact Assessment aims to understand the heritage of the site, the Netley Abbey Conservation Area, and the listed buildings near to the site.

2. Context

2.1 Conservation Area

First designated in 1981 and enlarged in 1992, the conservation area is mainly linear in form extending from the boundary between Eastleigh Borough Council and Southampton City Council, with the treed area of Abbey Hill in the north overlooking Southampton Water and Netley Abbey including its associated ponds and earthworks in the north-west.

The centre of the Conservation Area is Victoria Road, with most of the buildings within this area demonstrating a relationship with this key axis. The Conservation area is divided into 10 Character Area or Zones

3. History

3.1 General History of the Area

The village of Netley Abbey, grew up around the gates of the Royal Victorian Hospital that was established in 1856 after the Crimean War. The houses in the village are Victorian or post Victorian. In the neighbouring vicinity are the remains of the of the 13th century Cistercian Abbey of St Mary's and 16th century Netley Castle.

3.2 History of Locale

The site is located within Character Area/Zone 10 (Station Road), which is short section of road between Victoria Road and New Road which comprises housing, the former infants' school, now a library, and the Guides' Hall erected in 1873.

Station Road in Netley Abbey holds significant historical value due to its close connection with the Royal Victoria Military Hospital and other key community developments in the village. The road was a central route that served both the local residents and the hospital staff during the late 19th and early 20th centuries. Notably, the Royal Victoria Military Hospital, constructed in the mid-19th century, was one of the largest military hospitals in the world at its time and had a significant impact on the surrounding area, including Station Road. The hospital influenced the



Figure 2 – Historic Photo (1960s) at junction of New Road/Station Road looking North



Figure 3 – Image of 21 Station Rd & 72 New Road dated 2011 (Google Streetview)

development of the village, bringing in both medical staff and patients who often stayed or lived in nearby residences.

Several notable buildings along Station Road reflect its rich history. For instance, Netley Lodge, located just off Station Road, was one of the prominent residences associated with the hospital's senior medical staff. Additionally, Station Road was known for housing community amenities such as the Methodist Chapel and other residential buildings that served the village's expanding population due to the hospital's presence. Today, the road retains its historical charm, with some buildings being repurposed for modern use while still reflecting the architectural and historical significance of the area's past associations with the hospital and the broader Netley community.

The library and the former Coastguards Cottages along Station Road are unlisted but are considered significant, as they make an important contribution to the character because of their siting and/or design. They are subject to an Article 4 Direction restricting Residential Permitted Development rights.

3.3 The Site

21 Station Road and 72 New Road appear to have been designed as a purpose built corner building. Historically, these types of buildings relied on moderate density, moderate height and conjoined structures to create clearly defined, legible streets characteristic of an integrated urban fabric. Historic mapping appears to show that this building was built in the late Victorian period very possibly as a purpose built Lloyds Bank. According to local historians this is certainly the case by 1927.

The architectural style of the building is that of a typical Victorian corner building, with a defined access at the confluence of both street elevations. The material palette utilises a red brick Flemish bond with buff quoins to New Road and stucco to Station Road. Buff banding is utilised to delineate the ground floor from the first floor, window headers and there is a buff brick dentil course at eaves level.

4. Heritage Impact Assessment

4.1 Asset Review

The asset is neither grade listed nor locally listed. It is also not identified specifically within the Conservation appraisal. The architectural detailing would have likely been an influence on the surrounding modern developments which have replicated the red brick massing and buff brick detailing.

4.2 Proposals

The proposals involve a change of use from retail to residential use. Internally, the unit will be subdivided into 2no apartments, which will benefit from reusing existing apertures within the elevations for access and egress to the apartments.

Whilst the work to achieve the proposals is internal, there is an opportunity to enhance the existing façade via the replacement of the UPVC windows on the Station Road elevation. This will be achieved by mimicking the current shop window arrangement to New Road. It is likely that the proposed alteration would have been the original window arrangement, so this should not raise significant concerns from a Conservation standpoint. To ensure privacy of occupants, an obscure film will be applied to the window frontages up to approximately 1700mm from finished floor level. Secondary glazing will also be discretely applied to the interior of the window reveals.

Any enhancements to the façade are to be considered separately to the Class MA application and under the aegis of the 'Companion Application'.

4.3 Impact Review

The proposals maintain the overall external character of the asset as generally most works are limited to internal alterations.

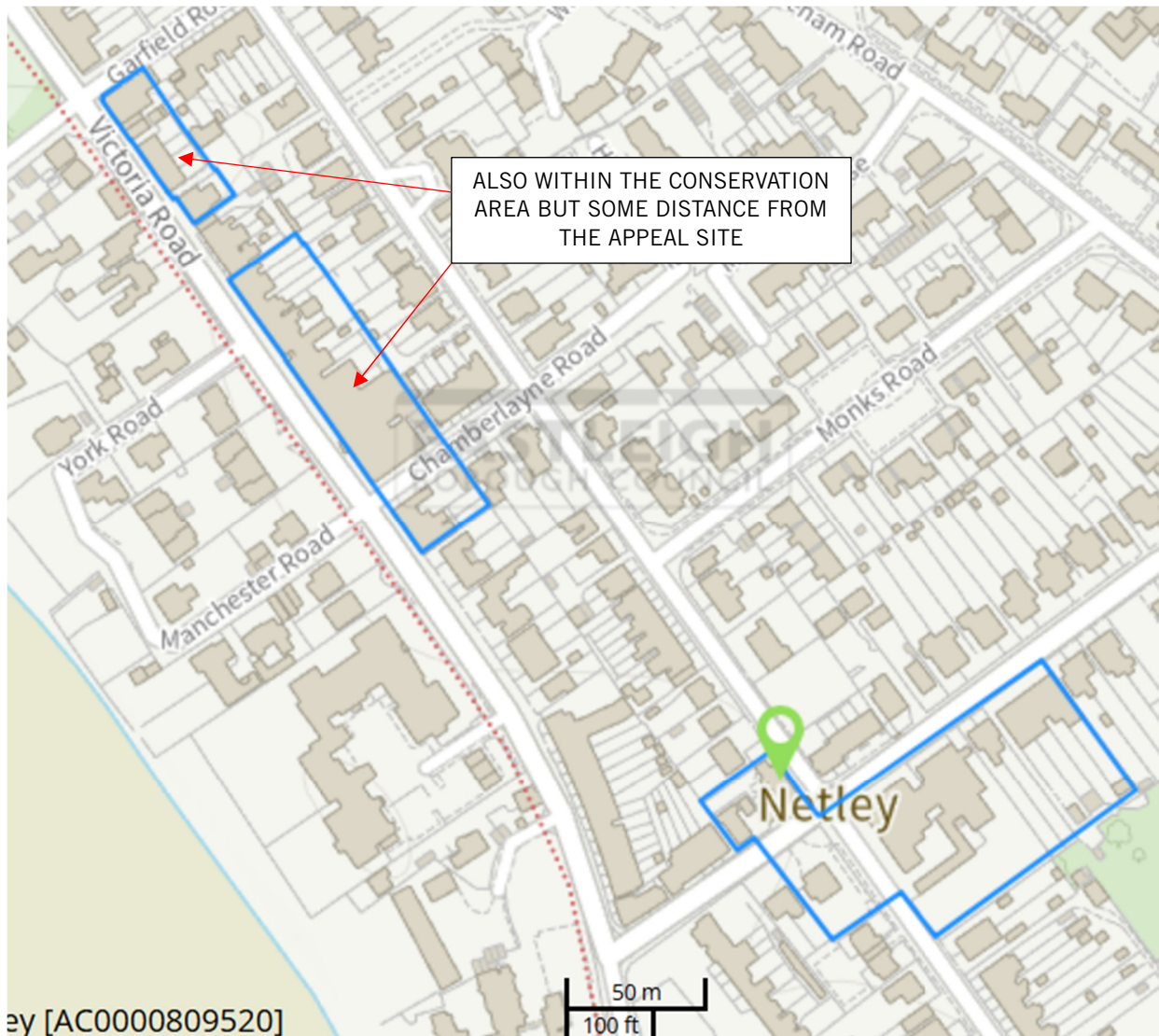
The existing windows and doors are to be retained in appearance and character, with no subdivision affecting these. Any piping or ductwork will be directed towards the rear elevation, so as to not disfigure the historic setting of the front elevation.

The replacement of the UPVC window arrangement represents an overall enhancement of the front elevation, and preservation of the historic character of the building.

As such it is not considered that the alterations and subdivision of the asset will materially affect the character or setting of the property, and are considered relatively minor in terms of any impact to the Conservation Area.



Map 1 - Netley Abbey Conservation Area



Proposals map extract showing the full extent of the Local Centre with appeal site identified by green pin symbol