

ADVOCO —PLANNING

72 NEW ROAD
NETLEY ABBEY
SOUTHAMPTON
SO31 5AB

APP/W1715/W/25/3360025

APPELLANTS
FINAL
COMMENTS

APRIL 2025

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1.0 Introduction

- 1.1 The following are brief Final Comments following receipt of the LPA Statement of Case (SoC), suggested planning conditions and a single letter of representation received.

2.0 Response to LPA SoC

Reason for Refusal 1

- 2.1 The appellant acknowledges that the character of the Conservation Area as a whole is mixed. However, in the context of the appeal site and given how the Conservation Area boundaries have been drawn, the only other commercial building use is the Co-op which is outside the Conservation Area boundary. The rest of the commercial uses within the Conservation Area are some distance away and do not have a direct physical or functional relationship with the appeal site. The appeal site is not considered to be a gateway building in either appearance or function as is claimed.
- 2.2 The additional assessment criteria within Class MA relating to viability within Conservation Area is considered to apply to situations such as established high streets within Conservation Area where a successful Class MA would create a conspicuous retail gap in what would otherwise be an historic run of retail units. This is clearly not the situation here and therefore the appellant maintains that the loss of this empty retail unit will have no bearing 'on the character or sustainability of the conservation area'. Further, the external works approved will only be undertaken in the context of implementing this Class MA and that can be insisted upon via planning condition. This in itself provides a level of enhancement which must be added to the planning assessment but seemingly was not.

Reason for Refusal 2

- 2.3 The parking survey was carried out in accordance with the Lambeth methodology, which is explicitly advocated as that preferred means of assessing parking demand in the Council's emerging guidance. It was carried out in December as that was the only opportunity to do the work. It is not clear why December is not a representative month or why results from a December survey might be less reliable than any other month. This is not explained and is therefore considered to be arbitrary and unjustified criticism.
- 2.4 The LPA also cite a series of issues which they suggest would arise as a result of the perceived parking shortfall. If this was true an objection from the Highway Authority would be expected and none was raised.

3.0 Third Party Representation

- 3.1 The single third-party representation suggest that the marketing of the commercial unit proves demand. That is not so. Best practice indicates that marketing should be carried out in accordance with the lawful use of a building or land. Occupancy would indicate demand and to date that has not been achieved despite prolonged marketing.

4.0 Suggested Conditions and Conclusions

- 4.1 The appellant has no issue with the LPA suggested planning conditions. Given that the companion application was approved and secured a visual enhancement to the building, a further condition requiring the implementation of that planning permission would appear to be sensible and justified as indicated in para. 2.3 above.

- 4.2 The appellant also fully understands all obligations under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 (as amended), and the link to Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 4.3 In light of the above, the Inspector is respectfully asked to allow this appeal and defers to the conclusions set out in their SoC.