

Our Ref: 1600/21
Your Ref: PINS APP/X1735/W/3272259

4th October 2021

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FAO Stephen Bartle

Dear Sirs,

Re: Planning Appeal ref APP/X1735/W/3272259
Appeal by Cloud Lifestyle Holdings Limited
162 Stakes Hill Road, WATERLOOVILLE, PO7 7BS

Thank you for your letter and enclosures dated 28th September 2021 in connection with the above appeal. We also refer to the Inspector's visit to the appeal site on pm Tuesday 12th October 2021.

As requested, we have endeavoured not to repeat submissions already made in our original appeal statement and appendices but have the following comments/updates to make on the Council's submissions.

With regard to the Council's Statement the paragraphs are helpfully numbered, and we have used their references accordingly.

1. The Council's Statement: -

Paragraphs 5.1 and 5.2 (also see Paragraph 5.27)

The Inspector should be aware that at the Planning Committee Members main concern was on highway grounds, specifically on street parking. This is reflected in the letters received. This is an existing issue which seems to relate to the drop off and pick up of children attending nearby schools. A transport statement was submitted as part of the application, justifying the approach to parking, access, and modified sight lines. Importantly both the Borough's own Traffic Management Team and the County Highway Authority raise no objections to the proposed development. Nevertheless, a subjective "overdevelopment" reason was adopted presumably to improve the chances of justifying a refusal rather than addressing and existing highways matters to which there are technical solutions available.



Paragraphs 5.5 to 5.8

The Appellants welcome the Council's acceptance that they do not have a five-year housing land supply. At some length in our original statement (Sections 5 and 8) we set out why this is important since the Government's "tilted balance" applies, and the Council must show material harm to counter this presumption in favour of the development. Clearly that is difficult when the Planning Officer had negotiated, and was content with, the scheme.

The Council's Statement confirms that the Planning Officer's recommendation was 'a balanced decision' made by professional officers following close working with BBF-Fielding, the applicant's architects, in a positive and pro-active manner as required by the NPPF. BBF-Fielding is a Chartered Architects Practice with significant experience of residential development.

In addition to the application drawings, the Practice produced a Design & Access Statement which thoroughly analysed the surrounding area for its land use and architectural fabric. The resulting design solution was governed by the retention of the existing building. Given that the proposal is essentially an extension to an existing property the design adopted the architectural form and external materials of the host building. This design response was endorsed by Officers. It is therefore surprising that in their Appeal Statement the Council consider the design to be incongruous.

Paragraph 5.9 et seq

The Appellants welcome the Council's agreement that Reason for Refusal No.2 has been disposed of and that the signed Agreements on Recreation and Water Quality address these matters. The Council's Paragraph 5.24 confirms this.

Paragraph 5.29

We submit that the scale of development is modest, appropriate for the site and not at variance with the existing grain of development in the immediate area. The scheme was prepared by Chartered Architects who take exception to the contention that the scheme is not "of a high standard" in this and subsequent paragraphs. BBF Fielding Limited is the product of a merger of Maurice Fielding Associates and BBF Consultancy Group that took place in 2000. The Company can trace its origins back to 1961 when the founder, Maurice L. Fielding, formed his practice in Woking. His son Anthony Fielding took over the firm when Maurice retired. The firm has traded continuously since that date, and it has evolved into its current establishment. The Company Directors are Ray Freeland, Nigel Oliver, and William Park. Former

Director Simon Tedrake now acts as a consultant. Whilst Anthony Fielding has now also retired, he maintains a close association with the firm. A team of qualified architects, technologist and administrative staff support the directors. The Practice specialises in residential development. See www.bbf-fielding.co.uk

Officers considered the proposal to be an efficient use of previously developed land in the urban area which provides a useful addition of small dwellings to the Borough's housing stock in an area where there is not a five-year housing land supply.

The scale of development is not considered to make and adverse impact on the surrounding area in terms of its built form, parking provision, amenity space and space for recycling/refuse storage.

In paragraph 5.29 of the Council's Statement, they imply the development is not of a high standard. They do not however quantify on what basis it fails to meet this criterion. The design parameters for the scheme are set out in the paragraphs above.

Furthermore, although the Council have an adopted Design Guide SPD from 2011 the Council's Statement does not demonstrate any conflict with this document.

Paragraph 5.30

In paragraph 5.30 the Council state that the development should identify with the local character within or close to the development. The retention of the existing building clearly controls the appearance and form of the proposal. Given the quality and variation of age and design of the existing buildings in Durham Gardens we fail to see how the proposal does not meet the requirements of paragraph 126 of the NPPF.

Paragraph 5.32

For the reason stated above we believe the proposal meets the requirements of Local Plan Policy E1.

The site is within the urban area and the executive summary of the Planning Officer's Report states that there is a presumption in favour of development, subject the usual development management criteria being satisfied. The iteration between Planning Officers and the Applicant's/Appellant's Architects was lengthy and rigorous and culminated in an officer recommendation for approval. It is therefore reasonable to assume that development management criteria were satisfied.

Paragraph 5.33

In paragraph 5.33 the Council choose to refer to dwellings per hectare as opposed to habitable rooms per acre. We submit this is a more accurate comparison between apartments and existing housing. In any event in paragraph 7.10 of the Planning Officer's Report it states that the proposal is of medium density and no adverse comment is made. This is endorsed in paragraph 7.14 of the Officer's Report which states inter-alia that it is especially important that planning decisions avoid holes being built at low densities and ensures that development makes optimal use of the potential of each site

Paragraph 5.34

At paragraph 5.34 of the Council's Statement, they retrospectively question the amount of amenity space available to future residents. However, in the Officer's/Planning Committee report at paragraph 7.30 Officers acknowledge that although not large the amenity space is, on balance, of sufficient size for the development.

Paragraph 5.35

In paragraph 5.35 of the Statement the Council implies that the development would sit forward of the existing chalet bungalow at 36 Durham Gardens. We submit this is an incorrect statement. The relationship between No.36 and the site would not change as a result of the development. This view is endorsed in paragraphs 7.23 to 7.25 of the Planning Officers/Committee Report.

It is acknowledged that there will be a larger building on this site as a result of development to make best use of it as required by Government Policy. However, due the presence of retained trees on the site and the existing mature hedges on the boundary, the visual impact on the street scene will be negligible. The boundary landscaping is of sufficient height and density to screen the carparking and turning area contrary to the Council's comment in paragraph 5.35 of their Statement.

Conclusion (Paragraph 5.45)

Considering the positive comments in the Planning Officer's Report to the Planning Committee, the extensive negotiations that took place to achieve those comments and recommendation, we submit that the proposal does meet the requirements of Policy CS16 and Submission Policy E1. In the absence of any structured comments articulating why the proposal does not meet these comments we can only assume this is subjective opinion in order to support a refusal which was really being made

for another reason and to placate third parties. See Paragraphs 5.1 and 5.2 (also see Paragraph 5.27) above.

2. With regard to the Council's without prejudice suggested planning conditions: -

We note that the Council rely on the conditions that they put forward in the Planning Officer's Report. They have not commented on those suggested by the Appellant (which, however, were largely based on the conditions in the Officers Report to narrow the areas of any dispute). Having regard to the advice in the NPG Paragraph: 002 Reference ID: 21a-002-20190723 et seq. we do wish to comment on the Council's "without prejudice" suggested conditions as follows: -

1. (Time Limit). No comment. Section 91 of the Town and Country Planning Act requirement. Model Condition 1. As our suggested Condition 1.
2. (Drawing Numbers) No comment in principle as our suggested Condition 2. However, we do again ask the Inspector to note our original submission on this matter in Section 3 of our Statement and our suggested condition Number 2 which pointed out that Plans PL 404A and 407A had been incorrectly notated in the Planning Officer's Report.
3. (Materials). Model Condition 64 but we agree this should be related to above ground construction.
13. (EV points) Plan reference is incorrect and should be 16014-PL401G as we originally suggested

If there is anything further that you require, please do not hesitate to contact us.

Yours faithfully,

Mark Carter

Mark Carter for
Carter Planning Ltd