

BHH – Bursledon, Hamble and Hound Local Area Committee Thursday 26 January 2023.

Application Number: H/22/93952
Case Officer: Dorothy Hei-Tung-Hoh
Received Date: Monday 10 October 2022
Site Address: LAYTON, HIGH STREET, HAMBLE-LE-RICE,
SOUTHAMPTON, SO31 4HA
Applicant: N Paine
Proposal: Installation of an inverter for heating and cooling
Recommendation: PERMIT subject to conditions

CONDITIONS AND REASONS

1. The development hereby permitted shall be implemented in accordance with the following plans: 01, BLOC 01 and LOC 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 sound level emitted from the inverter will be lower than the lowest existing background sound level by at least 10 dBA at all times.

Reason: To prevent any adverse noise impacts

4. No alteration to the northern boundary treatment adjacent to the inverter shall be made without the prior written permission of the Local Planning Authority.

Reason: To ensure that views from the adjacent High Street are not adversely affected to protect the character and appearance of the Conservation Area.

Note to Applicant: It is requested that the building works are carried out considerately to minimise disruption to the occupiers of the neighbouring properties. The council operates a code of best practice, which is available on the council's website www.eastleigh.gov.uk by following the links to Planning and Building, Building Control, then select 'Considerate Builders Advice Note'.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (July 2021), 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.

Report:

1. This application has been referred to Committee by Councillor Tonia Craig, Councillor Malcolm Cross, and Councillor Adam Manning due to the sensitive nature of the site within the conservation area.

Site Characteristics and Character of the Locality

2. Layton is a two-storey semi-detached dwelling dating from the 1930s which is set well back from the High Street frontage in an elevated position. The application property is roofed by a brown/red tiled hipped roof and has a front gable projection which overhangs the front elevation and the ground and first floor bay windows.
3. The site is within the Hamble Conservation Area and forms part of the historic core of the village, all the buildings on the opposite side of the application site are listed Grade II, but the application property is not listed.
4. The application site is also located within an area of high archaeological potential related to the origins and development of the settlement. The surrounding area contains a mixture of commercial and residential properties.

Description of Application

5. This application seeks planning consent for the installation of an inverter. This new condensing unit would be located to the northern corner of the side garden area.
6. The dimensions for the proposed inverter would be 692mm x 940mm x 375mm. It would be manufactured in off white sprayed metal.
7. No excavations will be required for the inverter. The pipes from the inverter will be above current ground level.
8. It has been confirmed by the applicant that the inverter is only for heating and cooling the domestic dwelling. During summer months, it is unable to open bedroom windows due to the noise in High Street.

Relevant Planning History

- Z/25087/000/00 - Single storey rear extensions - Permit - 03/03/1981
- C/15/77427 - Two storey front, two storey side, rear conservatory and provision of first floor rear balcony, raising of roof, provision of front and side

dormers and rear roof lights to create habitable accommodation - Permit - 02/03/2016

- H/22/93950 - To demolish the existing outbuilding and propagator. To replace with more robust building. - Permit - 06/12/2022

Representations Received

9. One representation was received to the application, which raised the following issues and concerns:

- Setting a precedent in the conservation area
- Visual impact upon the conservation area

Consultation Responses

10. **Parish Council** – Objection on the grounds of visual impact upon the conservation area.
11. **Built Heritage Consultant** – No objection. This inverter will be hidden from public view, so no problem from a visual perspective.
12. **Environmental Health (Pollution Control Officer)** – No objection. The outcome of the noise impact assessment is acceptable for the nearest dwelling with noise levels lower than our limit and for the neighbouring restaurant the noise will be much below the ambient sound level currently enjoyed by the premises users. Based upon the report there would be low risk of harm or loss to amenity.
13. **Southern Water** – No objection
14. **HCC Archaeologist** – Given the limited impact that will be created by the installation of the inverter unit, I do not wish to raise any archaeological issues.

Policy Context and Designations Applicable to Site

- Within Built-up Area Boundary
- Within Local Shopping Area
- Within Hamble-le-Rice Conservation Area
- Within Article 4 Direction Area
- Adjacent to Listed Buildings

Development Plan Local Plan Policies

Submitted Eastleigh Borough Local Plan 2016-2036

15. The most relevant policies are:

Strategic policies:

- S1 (Delivering sustainable development);

- S2 (Approach to new development);
- S8 (Historic Environment).

Development Management policies:

- DM1 (General criteria for new development);
- DM2 (Environmentally Sustainable Development);
- DM8 (Pollution)
- DM11 (Nature Conservation);
- DM12 (Heritage Assets)
- DM14 (Car Parking);

Supplementary Planning Documents

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Hamble-le-Rice Conservation Area Appraisal (August 2008)

National Planning Policy Framework

16. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development.

National Planning Practice Guidance

17. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal: Development Plan and / or Legislative Background

18. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. Plan comprises the Policies of the Eastleigh Borough Local Plan Review 2016-2036 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.
19. The site also lies within a Conservation Area and Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states: "In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of

preserving or enhancing the character or appearance of that area”.

20. The relevant policies and guidance combine to form the criteria against which this application will be assessed with particular regard to principle, amount of development, character and appearance, its impact upon the Old Bursledon Special Policy Area; impact upon residential amenity and other material considerations.

Policy and Principle

21. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible in terms of mass, scale, layout density, design, and siting.
22. According to the Policy DM8 of the Eastleigh Borough Local Plan (2016-2036), the adverse effects of exposure to excessive noise and vibration on health and quality of life are well documented and recognised as a material planning consideration. Where necessary, the Council will require a noise assessment.
23. As the application site falls within The Hamble Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is triggered. This Section requires special regard to be given to the desirability of preserving or enhancing the character or appearance of the area.
24. Given that the application site is within The Hamble Conservation Area and in close proximity to the Grade II Listed Buildings. As such, the policy requirements, and criteria in Policy DM12 are relevant. This policy is aimed at protecting heritage assets by ensuring proposals for them or new development which may affect them is appropriate and will not result in any unacceptable harm. It also requires that proposals achieve a high standard of design which respects and complements the character and qualities of the asset, as well as helping to secure its long-term future maintenance and management where necessary.
25. To conclude, the proposal is considered to be in accordance with the abovementioned policies and would therefore be acceptable in principle in this location.

Layout, design, and impact upon the character of the area

26. In relation to the visual impact of the proposal, the application property is elevated above the road, and the proposed inverter would be shielded by the front retaining wall, side gate and the existing boundary treatments, and therefore it would not be visible from High Street. From the officer's site inspection, it would also be screened by the outbuilding constructed along the boundary with nearby restaurant (River Rat Hamble). It would have no impact on the character of the conservation area.

27. The neighbour's objections relating to the siting and design of the proposed development are noted. Although the proposed inverter would not be situated to the rear of the host dwelling, it would be relatively minor in scale and the visual impact would be further reduced by the established high screening around the property. Furthermore, whilst accepting the appearance of the equipment is not visually attractive, it is of a modest scale and will be well screened from public view. As such there would be no adverse visual impact upon the public realm or the wider conservation area.
28. The neighbour also raised that the development would set a precedent in the conservation area. However, the proposal must be based only on the individual planning merits of the case. The circumstances of other sites would be likely to be different and if proposals came forward elsewhere within the locality, they would be assessed in the light of the factors relevant to those cases. The LPA is entitled to consider the cumulative effect of similar decisions that would cause harm, but the possibility of precedent should not lead to a refusal where there are other good reasons for allowing a development.

Impact on the Listed Building:

29. Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states:

a. "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority ... shall have regard to the desirability of reserving the building or its setting or any features of special architectural or historic interest which it possesses".

30. There are listed buildings in the vicinity, the setting of which must be protected. However, given the well screen position and small scale of that proposed, there would be no impact upon any listed buildings, as confirmed by the Built Heritage Consultant.

Residential Amenity

31. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulate that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.
32. The addition of inverter is considered to be compatible with the surrounding uses within High Street, which is a mix of residential and commercial premises such as pubs, restaurants, and shops, the immediate neighbouring unit being a restaurant/bar (River Rat Hamble).
33. Given the nature of the proposed use, it is unlikely that the proposed inverter will be running at full capacity during night-time hours. There would be low risk of harm or loss to amenity.

34. Whilst the apartments to the rear of Layton (off River Garden) do not benefit from the boundary wall/fence screening, they benefit from a greater amount of distance propagation loss, thus there would be no impact at this location.

35. In conclusion, the application is supported by an environmental noise survey, and it has been confirmed as being acceptable by the Council's Pollution Control Officer. The assessment shows the predicted levels to be significantly below the prevailing typical lowest background levels given the screening afforded by the property's boundary fencing and distance to the surrounding sensitive receptors. Compliance with the Local Authority noise emission design criterion has been demonstrated. No further mitigation measures are, therefore, required for external noise emissions.

Access, Parking and Transport Matters

36. Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety/traffic management.

37. The proposal does not impact upon the current parking provisions, and therefore does not have an adverse impact in this regard.

Trees and landscaping

38. No trees would be impacted by the proposals, and there are no likely significant impacts on the SPA.

Sustainability Measures and Climate Change:

39. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

40. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

41. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change.

Equalities Implications:

42. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
- a. A public authority must, in the exercise of its functions, have due regard to the need to:
 - i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
43. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Conclusion:

44. In conclusion, the proposed development is considered to be compatible with the surrounding uses within High Street. Neither does it harm the setting of the adjacent listed buildings and is not otherwise detrimental to the character of the conservation area. It is also not considered to have a significantly harmful impact upon the amenity of neighbouring residents. For these reasons, the proposal can be recommended for approval.
45. The proposal is considered to accord with the relevant policies of the Eastleigh Borough Local Plan (2016-2036), and to guidance contained in the Council's adopted SPD and to the National Planning Policy Framework 2021 (the Framework).

