

Delegated Decision:

Application Number: F/23/95439
Case Officer: Gary Osmond
Received Date: 15th June 2023
Site Address: 1 ROPE WALK, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HB
Applicant: Andros Loizou
Proposal: Conversion from restaurant to 2no. residential dwellings (1no. two-bedroom and 1no. four-bedroom) with two-storey rear extension, addition of pitched roof to existing single storey rear projection, elevational alterations and internal changes to facilitate conversion.

Recommendation: REFUSE

CONDITIONS AND REASONS:

- 1) The proposed development does not provide sufficient on-site parking to serve the development and likely to result in overspill parking into surrounding streets, to the detriment of the amenity of neighbouring residents, and into public car parks, thereby limiting spaces available for visitors and customers of the Hamble Local Centre, to the detriment of neighbouring uses and businesses. As such, the application is considered to be contrary to Policies DM1, DM14 and DM22 of the adopted Eastleigh Borough Local Plan 2016-2036 and the Council's 'Residential Parking Standards' Supplementary Planning Document.
- 2) The proposed development fails to provide adequate private external amenity space to serve the dwellings proposed, to the detriment of the amenity of future occupiers. As such, the application is considered to be contrary to Policy DM1 of the adopted Eastleigh Borough Local Plan 2016-2036 and the Council's 'Quality Places' Supplementary Planning Document.
- 3) The proposed development would result in the loss of a commercial use within a designated retail, commercial and leisure area, to the detriment of the vitality, viability and character of the Hamble-le-Rice Local Centre and the wider Hamble Conservation Area. As such, the application is considered to be contrary to Policies DM12 and DM22 of the adopted Eastleigh Borough Local Plan 2016-2036 and the Council's 'Hamble-le-Rice Conservation Area Appraisal' Supplementary Planning Document.
- 4) The application fails to provide for the required mitigation to offset the impacts of the development on the European protected sites (i.e. The Solent and New Forest Special Area of Conservation, Special Protection Area and Ramsar Site) from nutrient loading and recreational disturbance generated by the population increase resulting from the development. The

application is therefore contrary to Policies S1, DM10 and DM11 of the Eastleigh Borough Local Plan 2016-2036, provision within the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017.

Report:

Description of Application

The application seeks consent for the change of use of the premises from restaurant back to its original residential use. This would consist of splitting the building into two properties, providing a two bedroom and a four bedroom dwelling. Physical works to the building would include the construction of a two storey rear extension, alterations to existing raised decking and formation of a communal amenity/parking courtyard to the rear.

The application is identical to a previous application (Ref: F/21/91037) which was refused by the Bursledon, Hamble-le-Rice and Hound Local Area Committee in December 2022, and is again accompanied by the following reports and technical assessments:

- Design and Access Statement
- Arboricultural Impact Assessment
- Ecological Assessment
- Flood Risk Assessment
- Viability Statement

The proposal has been screened out under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 due to the size and nature of the proposed development.

Screening under the Habitats Directive was required due to the development's impact in combination with other development upon the Solent and New Forest SPAs.

Site Characteristics and Character of the Locality

The application site sits on the corner of High Street/The Quay and Rope Walk and fronts onto the public hard overlooking the Hamble River. It consists of 'Quay House' and 'Leonard House', both early 19thC two storey red brick properties, with Leonard House also including some attic accommodation. Both buildings are Grade II Listed Buildings and share a rear walled yard area, which is accessed from High Street through a narrow pair of gates. The buildings were last used as a restaurant and have been extended to the rear, including a covered raised area of decking. The rear yard area is generally cobbled but does include a number of modest trees and soft landscaping around the edges.

The site lies in the heart of the Hamble Conservation Area and forms part of the historic core of the village. It also lies within the area designated as Hamble's Local Centre, where a range of shops, pubs, restaurants, cafes and other facilities are based. The area also includes a considerable number of residential flats and dwellings.

Immediately to the north of the site is a narrow, stepped pedestrian passageway which runs between the site and 'The King and Queen' Public House. To the east is Rope Walk, a narrow but busy lane which provides access to the 'Royal Southern' and 'Royal Air Force' Yacht Clubs, as well as a number of residential dwellings. Also to the east is 'The Quay', a small public square with a public slipway into the river. To the south-east is a public car park on the Foreshore and access to the public quayside. To the south, on the opposite side of High Street is 'The Bugle' Public House and to the west are a number of residential dwellings and B&Bs.

Relevant Planning History

As briefly set out above, an identical application (Ref: F/21/91037) for the proposed change of use from restaurant to residential dwellings was considered and refused by the committee in December last year on the following grounds:

- Insufficient on-site parking;
- Inadequately sized external private amenity space;
- Loss of a commercial use and its impact upon the vitality, viability and character of the village centre and wider conservation area; and
- Failure to secure mitigation to offset the impact of the development upon the Solent and New Forest.

The previously refused application was accompanied by a concurrent listed building application (L/21/91048), which assesses the physical alterations proposed to the building/s rather than the change of use aspect of the planning application. This was approved at the same December committee meeting.

Prior to these applications, various consents have been granted relating to the use of the building/s as a restaurant:

C/31701/005/00 - Retention of decking and repositioning of pergola in rear garden – Permit Sept 2000

C/31701/003/00 - Construction of single storey rear extension, insertion of two windows in ground floor south elevation, addition of balustrade and one window in north elevation and one roof light in east elevation – Permit Jul 1999

C/31701/001/00 - Minor external alterations incorporating new rear entrance and associated landscaping – Permit Dec1993

Z/19720/005/00 - Change of use of part of ground floor from office to restaurant, preparation and storage – Permit May 1982

Z/19720/003/00 - Change of use of part ground floor to restaurant – Refuse Jul 1981

Representations Received

A total of five representations have been received: three in support, highlighting the need to bring the building back into use in order to ensure it is appropriately maintained; one in objection, highlighting the loss of a commercial use in a popular position, together making comment on the current condition of the building; and one further neither supporting or objecting to the application but highlighting the need to ensure that traffic, deliveries and construction works are undertaken in a manner which does not block Rope Walk or inconvenience properties which use it for access.

Consultation Responses

Built Heritage Consultant - No objection: This is a prominent building with unrivalled views of the quay and the river. The proposals provide an opportunity to rectify a number of inappropriate additions and alterations to the rear elevation. The proposed split into two dwellings is logical and appears to be a virtual return to its original form. The proposals will preserve and enhance the character and appearance of the conservation area.

Trees – No objection, subject to the proposed replacement tree being planted and further tree protection details being conditioned, including the raised car parking deck.

Ecology – No objection: Recommendations of submitted ecological assessment are sound and should be implemented in full. No tree removal within bird nesting season. Updated CEMP is acceptable and should be conditioned.

Environment Agency – No objection provided recommendations of the approved Flood Risk Assessment are followed in full and conditioned.

HCC Highways – No objection: The change from restaurant to residential will result in a reduced trip rate, which would be beneficial to the local highway network. Whilst the existing vehicular access does not meet modern standards, vehicle speeds along High Street are very low, so unlikely to cause any highway safety issues. EBC should assess the need to meet local parking standards.

HCC Archaeologist – Although the proposal is located within the historic core of the village and has some archaeological potential, in view of the small scale of the proposal ground works I would not raise any archaeological issues.

Hamble Parish Council – No response has been received from the parish to this current planning application. However, they previously raised an objection, raising concern: at the loss of a further business, particularly in such a prominent position; that the proposals will not meet necessary parking standards, forcing use of public car parks and reducing spaces for visitors; and that the vehicular access to the site is poor and may require significant alterations to provide adequate sightlines, which would be detrimental to the historic character of the village and the listed building.

Southern Water – No objection.

Policy Context and Designations Applicable to Site

- Within Built-up Area Boundary
- Within Designated Local Centre
- Within Designated Conservation Area
- Listed Building Grade II
- Within HRA Screening Area
- On the edge of Tidal Flood Zone 3

Development Plan

Eastleigh Borough Local Plan 2016-2036

The Eastleigh Borough Local Plan 2016-2036 was adopted by Full Council on 25th April 2022. 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);
DM5 (Managing Flood Risk);
DM6 (Sustainable surface water management and watercourse management);
DM11 (Nature conservation);
DM12 (Heritage Assets);
DM13 (General development criteria - Transport);
DM14 (Parking);
DM22 (Changes of use in retail frontages in Eastleigh town centre, district centres, local centres and neighbourhood parades);
DM23 (Residential development in urban areas);
DM29 (Dwellings with higher access standards);
DM30 (Internal space standards for new residential development); and
DM36 (Community, Leisure and Cultural Facilities)

Hampshire Minerals and Waste Plan

Policy 15 – Safeguarding of Mineral Resources.

Supplementary Planning Documents

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Environmentally Sustainable Development (March 2009);
- Biodiversity (December 2009);
- Hamble-le-Rice Conservation Area Appraisal (August 2008)

National Planning Policy Framework

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 unless material considerations indicate otherwise. A deliverable 5 year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies. Agent of Change principles protect existing businesses.

Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

National Planning Practice Guidance

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:

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. The Development Plan comprises the policies of the Eastleigh Borough Local Plan 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.

Conservation Area:

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”.

Listed Buildings:

The proposal affects a Listed Building and section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states:

“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”.

Policy & Principle:

The application site lies within the urban edge where the basic principle of development is considered acceptable, with any formal approval being based upon the proposals being in accordance with the relevant local plan policies.

Policy DM22:

The site is within Hamble village's local centre, where Policy DM22 is relevant. This policy relates to changes of use within town, district, and local centres, as well as neighbourhood parades. Whilst this policy allows conversion of upper floors to residential use, it does not encourage conversion of ground floor uses to residential as it would result in the loss of commercial and/or community or leisure/cultural uses. As such full conversion to residential use, or any other non-local centre use is not acceptable and should only be allowed in exceptional circumstances, as set out in Policy DM22. These are:

- a) the new use retains an active ground floor frontage;
- b) it does not adversely affect amenity of an area or the appearance of the frontage; and
- c) it does not have a negative impact on the provision of services or on the sustainability of a key shopping area.

Looking at each part of DM22 in turn, the proposed change of use to residential would not meet the requirements of part a) in that a residential use is not considered to be an 'active use' for planning purposes.

Whilst it is accepted that the original domestic form of the building and its fenestration have not been altered, with no intention to make any changes, thereby partly meeting the requirements of part b), there are concerns that the

loss of a commercial use in such a prominent part of the local centre and conservation area would have an adverse impact upon the amenity of the area, in that the nature of activities taking place within the property would be quite different to an appropriate local centre use. As such the requirements of part b) cannot be met.

In relation to part c), the policy sets out further criteria which must be met to satisfy this element. These are that proof must be provided to demonstrate that there is no demand for the use which would be lost; or that the proposals would provide over-riding community benefits; or that it would enhance the vitality and viability of the centre.

Looking first at the final two parts of these criteria, whilst provision of additional housing in the area will provide some benefits, it could not be argued that this would be an over-riding community benefit. Equally, the provision of two more households would provide other businesses with opportunity for more custom, but again it would be difficult to argue that the loss of the existing restaurant use and change to residential would enhance the vitality and viability of the centre, rather that it would likely have the opposite effect.

With regards to the first part of these criteria, whilst the comments from the Parish Council and some members of the public in relation to Hamble being a popular location which can support restaurant and leisure uses are noted, evidence has been provided in support of the application to demonstrate that whilst the location may be ideal, the internal layout of the building is not suitable to be able to successfully run and manage a modern restaurant business. Given eight different businesses, including a successful local restaurant, have been unable to make the business viable, it would strongly suggest that the building is indeed unsuitable for a viable commercial restaurant use. Notwithstanding the evidence provided, which is not disputed, this does not rule out the potential for other appropriate local centre uses which may be better suited to the physical constraints of the building. No information as to what other commercial uses have been considered has been provided in support of the application, without which it is not possible for the LPA to rule out other potential uses before being able to consider the proposed residential use as being the only viable alternative. As such it has not been demonstrated that the requirements of DM22 c) have been met.

Policy DM12:

In addition to being within Hamble's local centre, the site is also within the Hamble-le-Rice Conservation Area, as well as being a Grade II Listed Building. As such Policy DM12, which relates to heritage assets is 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.

Other Policies:

Other policies of note are: DM2 – Environmentally sustainable development; DM29 – Dwellings with higher access standards; and DM36 – Community, leisure and cultural facilities. Whilst ideally the requirements of DM2 and DM29 should be met, given the age of the building and its listed status, it may not be possible to do so without adverse harm being caused to this important heritage asset. Policy DM36 relates to the protection of community facilities, which can include public houses. However, in this instance the site was a restaurant and has never been used as a public house. As such, Policy DM36 is not relevant, although the concerns expressed as to the loss of the existing business use are noted.

Policy Conclusion:

The proposed change of use does not fully accord with the policy requirements of DM22 as set out above. As such, the proposed change of use to residential is not acceptable in principle. Whilst the policy does allow some exceptions, insufficient evidence has been provided to demonstrate that a residential use is the only viable alternative, or that it would enhance the vitality and viability of the local centre as a whole. Whilst the need to bring the building back into use, in order to assist in its upkeep, is acknowledged, this could equally be achieved through an alternative commercial use.

Sustainable Development:

Section 2 of the NPPF (February 2019) states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Each of the three dimensions of sustainable development is considered below.

National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the Environment. Details elsewhere in this report set out the Climate Change and Environmental implications of this application and their proposed mitigations.

Economic Sustainability:

Section 2 of the NPPF, states that the objective of economic sustainability is “to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;”

Also of relevance is section 7 of the NPPF ‘Ensuring the vitality of town centres’. This states that “Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.”

The main concern raised, principally by the parish and previously by the Local Area Committee, is the resulting loss of the restaurant. This is understandable given the prominent position of the building and its importance for the wider conservation area. However, evidence has been provided demonstrating that use of the building as a restaurant is not a viable proposition. The principal reason being that the building and its internal layout is not well suited to a restaurant use, consisting of a number of small rooms, doorways, stairs and level changes, given it was originally built as a pair of dwellings. These physical constraints simply make it very difficult to practically manage a restaurant and also severely restrict the number of covers which can be accommodated. If the internal space could be opened up, this may assist but is not something that would be deemed acceptable given the listed building status.

Currently the empty building provides no economic benefit to the locality, and whilst the concerns at the loss of the existing restaurant use are noted, the information submitted in support of the application demonstrates that although the location of the site may be ideal, the internal layout and constraints of the building are far from suitable to run a viable modern restaurant business. However, whilst this may be the case, it does not mean that the building is not suitable for an alternative commercial use which could equally add to the vitality and viability of the local centre. No evidence has been provided to demonstrate what if any alternative interest has been shown in taking on the building, or if any marketing to this effect has been undertaken.

Whilst it is acknowledged that the proposed change of use to residential would bring the building back into use, thereby safeguarding its future, it has not been demonstrated that this is the only suitable option available, or that it is the only option which would provide economic benefit to the locality.

Social Sustainability:

In relation to social sustainability, section 2 of the NPPF states that the objective is “to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;”

Although that proposed would provide two dwellings and bring the building back into use, thereby helping to safeguard an important and prominent Listed Building and heritage asset, this would be at the expense of the local centre. Whilst a conversion to residential use may not be completely out of the question, it needs to be demonstrated that no other viable alternative is available, which would provide equal social benefit.

Environmental Sustainability:

Section 2 goes on to state that the objective of environmental sustainability is “to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

There are a number of different components to Environmental Sustainability, including consideration of site-specific planning matters and the impacts of the development on its surroundings, which are considered below under the relevant subheadings.

Form, Layout & Design

The most significant physical alteration to the existing building is the proposed construction of a two storey rear extension to the northern end of the western rear elevation. A significant portion of this extension already exists at ground floor level, resulting in the extension only being 1.5 metres deeper. The first floor of the extension effectively replaces an existing covered decking area, albeit the appearance, height and physical scale of that proposed would be greater than the existing lightweight structure. Notwithstanding, the removal of the existing rather unattractive decking and its replacement with a more sympathetically designed brick and tile extension would be an aesthetic improvement. Other external alterations would be limited to removal of signage and the revision/insertion of windows within the rear elevations. Internally, works are limited to the removal of walls to later additions and blocking up doorways to divide the existing building into two dwellings.

These works were considered as part of the approved listed building application (L/21/91048), as they were considered to be appropriate and respectful to the building and to accord with the requirements of Policies DM1 and DM12 of the local plan in these respects.

Access, Parking & Highways

The site has an existing vehicular access onto High Street through a set of gates within the boundary wall, which itself is listed by virtue of being connected to the main building. Concern was expressed that the access is poor and cannot provide adequate sightlines when exiting, which may require alterations to the wall having to be made, which would be detrimental to the character of the conservation area.

Whilst narrow, the access is wide enough for a car to pass through, although it is accepted that visibility is below the usual standards required. However, in this instance traffic speeds are very low, so raises no significant highway safety concerns, as there would be adequate time for vehicles to stop and pedestrians to alter course. That being the case, there is no need for the existing boundary wall to be altered in any way.

Although the site access may be workable, the main concern in relation to these matters is the inability of the site to be able to accommodate an

appropriate level of on-site car parking to serve the proposed development. The two in-curtilage spaces proposed falls short of the five which would be required by the Council's 'Residential Parking Standards' SPD (2 spaces for the two bedroom dwelling and 3 for the four bedroom dwelling). Whilst it is accepted that it is not always possible to meet the standards set out, particularly in more historic areas which were never designed with car ownership in mind, two spaces are not considered to be sufficient, particularly given these would take up much of the space available to provide external amenity space to serve the dwellings. The provision of only two spaces to serve two dwellings would likely lead to the need for future occupiers making use of nearby public car parks, or parking in neighbouring residential streets, to the detriment of residents and reducing the number of spaces available for visitors and customers of the Hamble Local Centre, to the detriment of those neighbouring uses and businesses, and contrary to Policies DM1, DM14 and DM22 of the adopted Local Plan and the Council's 'Residential Parking Standards' Supplementary Planning Document.

In terms of highway impact, as has been highlighted in Hampshire Highways' response, the trip rates associated with the proposed residential use will be significantly less than those of the former restaurant use.

Residential Amenity & Impact Upon Neighbouring Uses

In terms of the amenity of future occupiers, the two dwellings would meet the necessary internal space standards and are laid out in such a way as to meet flood risk requirements. In terms of privacy, light and outlook, these are all acceptable, with the dwellings also having direct views of the river. Externally, there would be a shared courtyard area, which would predominantly be used for parking. Whilst both dwellings would have access to individual terraces/patio areas, these are not considered sufficient to meet the needs of the proposed dwellings and would fall considerably short of the private external amenity requirements of the Council's 'Quality Places' Supplementary Planning Document, in that private gardens should be at least 60% of the floor area of the dwelling which it serves. As such, that proposed is contrary to 'Quality Places' and Policy DM1 of the adopted Local Plan.

With regards to neighbouring uses, most are commercial in nature. As such, conversion of the building into residential use would not be expected to cause any issues.

An objection to the construction of the two storey rear extension was previously raised by the owner of the neighbouring King and Queen Public House in relation to loss of light to a side window. Whilst there would be a degree of light loss, this window is a secondary window to a bar area which is also lit by large front windows, so would not be sufficient to warrant a reason for refusal, notwithstanding a commercial use does not have the same degree of protection in this respect as a residential property would.

Some concern has been raised in relation to disturbance and access during construction. Whilst these concerns are noted, the physical works proposed

would be relatively minor and suitable amenity protection conditions and advisory notes could be included were the application recommended for approval.

Heritage, Street Scene & Area Character

Given external alterations to the current building would be minimal, other than the rear extension which is positioned to the rear and not prominent from main public vantage points, impact upon the street scene would be negligible.

As stated above, the building is Grade II listed, as well as being within the heart of the Hamble Conservation Area in a very prominent position visible from the river. As such it is important to ensure the building is maintained in an appropriate fashion. The best way to achieve this is to bring the building back into a viable use. Whilst conversion to residential is a potential option, this is not the only possibility available. It is acknowledged that the longer the building remains vacant, the greater the possibility of further degradation of the building's condition. However, this must be weighed against the wider impact of the loss of a commercial premises within the local centre and to the wider conservation area. Based on the information available, it is the Council's view that impact upon the local centre and wider conservation area currently carries more weight and as such, that proposed is considered to be contrary to Policies DM12 and DM22 of the Local Plan.

Trees & Nature Conservation

The proposals require the removal of a Bay tree to provide on-site parking. Whilst preferable to retain trees wherever possible, particularly within a conservation area where they provide an important part of the area's character, in this instance no objection has been raised by the Borough's Tree Officer. The tree is not a significant specimen and provides only a modest contribution to the street scene. Notwithstanding, a replacement tree in a more suitable location is proposed and could be conditioned, as could protection measures to ensure remaining trees are not damaged both during and after construction works.

In terms of nature conservation, the Council's Ecologist is happy with the recommendations of the supporting ecological assessment, which includes a number of biodiversity enhancement features. They are also happy with the updated Construction Environmental Management Plan (CEMP), which would ensure that nesting bird, bats and the nearby river would not be harmed during works. These documents could be conditioned were the application recommended for approval.

Impact on Special Policy Areas

Nitrates:

Natural England have advised that the increase in wastewater from new housing developments within the borough is having a detrimental effect on the

quality of water entering the Itchen and Solent catchment areas through nitrification. As such all developments for additional housing are required to reach nutrient neutrality (ensuring that development does not add to existing nutrient burdens), in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

The application site uses the Peel Common wastewater treatment works, which discharges into The Solent. As such the proposed development is required to achieve nutrient neutrality for nitrogen. To mitigate for the increase in nutrients the developer has expressed the intention to purchase credits from the Eastleigh Borough Council scheme, which takes land out of agricultural uses and creates recreational spaces, thus reducing the nutrient output of the land. Notwithstanding, the necessary mitigation has not yet been secured and will therefore form a reason for refusal.

Recreational Disturbance:

The site falls inside the 5.6km buffer zone for the Solent SPA and also within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within these catchment areas are likely to result in additional visitors to these protected sites. In order to mitigate for this impact the developer would need to provide contributions towards the Solent Recreational Disturbance Strategy and the Council's New Forest Mitigation Strategy (which provides Suitable Alternative Natural Green Spaces within the borough), either as an upfront payment or legal agreement. However, these necessary contributions have not been secured and will form part of the reason for refusal discussed above.

Habitats Regulations:

Were the application being recommended for approval, a Habitat Regulations Assessment would need to be undertaken by the Local Planning Authority, to outline the likely impacts on the special protection areas and any proposed mitigation. This would then be reviewed by Natural England.

Flooding & Drainage

The site sits on the edge of Tidal Flood Zone 3, meaning that the potential impact from flooding needs to be considered. Whilst the development itself will not lead to increased flood risk, measures would need to be taken to ensure the safety of future occupiers. As such a Flood Risk Assessment has been provided to support the application which has been reviewed and approved by the Environment Agency who have recommended conditions be included as part of any planning approval.

It is unclear how existing surface water drainage is dealt with and if the proposed scheme will utilise the same system. However, no objection has been raised by Southern Water and the final details could be confirmed via a suitably worded condition. Construction drainage could be dealt with as part of an approved CEMP and conditioned.

Sustainability Measures and Climate Change

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.

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.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. 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 new development would be expected to be resilient to the potential effects of climate change and expected to reduce/limit impacts on climate emissions as a result of the development or its use. No specific information has been provided as to what measures or systems are proposed in this instance, however, scope to include features such as photovoltaic panels to the roofs, green roofs, electric charging points, etc. are limited as these features could adversely impact the structure, character and appearance of the heritage asset. This is not to say that other measures could not be incorporated provided they are sympathetic to the building. These could include, for example, enhanced insulation, and energy efficient fittings and appliances.

Planning Obligations / Considerations

Given the development proposes a total of two units, it falls under the threshold for when planning obligations can be secured.

Other Material Considerations:

The Council's Five-Year Housing Land Supply:

The Council has an ongoing responsibility to ensure that there is a continuous 5 year supply of housing. The government has consulted on changing the requirements for having to demonstrate land supply and as such, it is not proposed to update the position until the NPPF is revised. The last published figure was 5.1 years for in July 2022 and the current local plan is very recent, having only been adopted in April 2022.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

“A public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

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:

Presently the building is empty and in need of refurbishment and maintenance. The best way to achieve this is to bring the building back into use and have it occupied. Conversion back to its original domestic use is one potential option which would help to safeguard the future of the building, which is a listed building and an important heritage asset in a very prominent position within the conservation area. However, no evidence has been provided to demonstrate what other possible non-residential uses have been considered which could be more appropriate for the site's location within the Hamble Local Centre. Once a commercial premises is converted into residential use, it very rarely is converted back, resulting in the loss of commercial premises and negatively impacting the vitality, viability and character of the centre, and in this case, the wider Hamble Conservation Area.

Additionally, the constraints of the site are such that it cannot provide adequate levels of on-site parking and private external amenity space, resulting in a negative impact upon the amenity of the locality, through overspill parking, and upon occupiers of the proposed development.

Finally, whilst the applicant has indicated that they are willing to use the various schemes to mitigate impact upon The Solent and New Forest SPAs, no payments have been received or secured via a suitable legal agreement.

For the reasons set out above, the application is therefore recommended for refusal.