

(BHH, Bursledon, Hamble-Le-Rice & Hound Local Area Committee, 30th November 2023)

Application Number: L/23/96341
Case Officer: Rachael Morris
Received Date: 30/10/2023
Site Address: CAPSTAN HOUSE, HIGH STREET, HAMBLE-LE-RICE
Applicant: Hulya Darcy - PIRATE PASTIES
Proposal: Installation of a walk-in- freezer to North-West corner of site (Retrospective) with associated pergola.

Recommendation: CONSENT subject to the following conditions:

CONDITIONS AND REASONS:

1. The development hereby permitted shall be implemented in accordance with the following plans numbered: LOC 01, BLOC 01 Rev A, and EL01 Rev C and EL02.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Within 3 months of the date of this decision, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall thereafter be maintained for the lifetime of the development.

Reason: To protect the character and appearance of the historic environment in accordance with policy DM12 of the Eastleigh Borough Local Plan 2016-2036

3. In the event that the walk-in freezer hereby permitted becomes redundant or not required for the purpose permitted, then the walk-in freezer, condenser and all the associated equipment shall be removed from site within three months.

Reason: In the interests of visual amenity.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (Sept 2023), 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 Cllr Jarvis, Cllr Holes and Cllr Craig.
2. Applications for Listed Building consent are considered in respect of the integrity of the Listed Building only and not in relation to other planning matters such as noise, residential amenity, transport etc.

Site Characteristics and Character of the Locality

3. The Hamble Conservation Area Appraisal states "From the 17th and 18th centuries a number of buildings survive today. Down by the waterfront are Sydney Cottages stepping up Green Lane; on The Quay are three cottages which became the Bugle Inn and in Rope Walk, Coastguard Cottage and Mariners. From this period in the High Street are Castleton House, Portland House, The Victory inn, Capstan House, Margery and Pump Cottages and on entering The Square one of the oldest houses in Hamble, The Old House."
4. This building was listed in 1983 and is typical of the later 1800's houses with large paned sash triple windows and brickwork, generally in Flemish Bond with blue headers, apart from around the front door where there is evidence of repair or rebuilding with the bond not always correct and blue headers missing.
5. The rear of the building was extended in the 1970's and it would appear the building has been in commercial use for some 30 years but not always continuously.
6. The property is about halfway down the High Street from the Square on the northern side amongst other listed buildings in the core of both the village and the Hamble Conservation Area, which was initially designated in 1969.
7. The eastern ground floor window is currently used to serve food to passers-by, with a counter internally to serve tables both inside and in the rear garden.

Description of Application

8. This application is for the installation of a walk-in- freezer to North-West corner of the site which is retrospective. This is being supported by an associated pergola.
9. An associated full application ref F/23/96143 is to be considered alongside this listed building application.
10. The application is accompanied by the following reports and technical assessments, which can be found [here](#):
 - Planning Statement
 - Heritage Statement

Relevant Planning History

- L/21/90274 - Installation of canopy to ground floor front window – Grant listed building consent – Jul 2021
- A/21/91429 - Retrospective consent to display advertisement consisting of 3no. mounted display signs and 1no. wall mounted sign – Consent – Dec 2021
- F/23/96143 - Installation of a walk-in- freezer to North-West corner of site (Retrospective) with associated pergola – Not yet determined

Representations Received

11. 1.no objection concerned with the following:
- The unit will be very close to Pump Cottage which causes high levels of noise and vibration against the cottage. Also, this could cause damp due to reduced airflow.

12. Hamble Parish Council – No comment received.

Consultation Responses

13. Built Heritage Consultant – No objection.
Any building is best maintained by occupancy, more particularly listed structures such as this, so as a commercial unit this heritage asset needs a healthy business or two within it. As it has lain fully and partly empty during some of the last 15 years, it is all the more important that any successful business within is maintained so. Following the submission of further information which includes a timber framework to support a sedum roof and climbing plants to the flank of the freezer cabinet, which will both improve the aesthetics and reduce heat absorption with the benefit of reduced running costs and Co2 emissions together with ecological benefits. No objection, subject to a clause requiring its removal and making good when the existing function of serving food ceases.

14. Historic England - No response required.

Policy Context and Designations Applicable to Site

- Within Designated Conservation Area
- Affects Listed Building
- Listed Building Grade II

Development Plan Policies

Eastleigh Borough Local Plan 2016-2036

15. The Eastleigh Borough Local Plan 2016-2036 has full weight. The most relevant policies are:

Strategic policies:

- S8 (Historic Environment).

Development Management policies:

- DM1 (General Development Criteria);
- DM12 (Heritage Assets);
- DM22 (Changes of use in retail frontages in Eastleigh town centre, district centres, local centres and neighbourhood parades).

Supplementary Planning Documents

- Quality Places (November 2011);
- Hamble-le-Rice conservation area appraisal (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 unless material considerations indicate otherwise. Agent of Change principles protect existing businesses.

17. Paragraph 199 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation".

National Planning Practice Guidance

18. 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 and Listed Building applications.

Assessment of Proposal: Development Plan and / or Legislative Background

19. 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.

20. Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

21. 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".

Design/Layout/Appearance and the impact on the Listed Building:

22. Policy DM12 of the Eastleigh Borough Local Plan (2016-2036) states that development of a heritage asset or within its setting will be permitted provided it does not harm or detract from the significance or special interest of the asset and sustains and enhances its special character and qualities.

23. The applicant states in their Planning Statement that without the freezer the business will struggle to continue where they are. It is accepted the best method for listed building maintenance is for occupancy rather than for it to be left unattended and un-inhabited. Through providing this freezer, the listed building will have more chance of retaining its current occupancy and as such there is more chance of the continued survival of the building itself. In turn, the continued occupancy will continue an active frontage, as supported by policy DM22.

24. The proposed freezer would not negatively impact the integrity of the listed building, which is most prominent from the front elevation. The rear 1970's extension does not add to the listed building's character or significance in which the freezer is most closely located.

25. The relocated condenser is a small structure which would not negatively impact the listed building. Other than the absorptive panels, the structures are not proposed to physically touch the listed building and as such it is considered that the listed building integrity is maintained. A condition requiring the removal of the freezer and

condenser is applied, for when the use is no longer required; therefore, there is no lasting impact to the listed building.

26. The freezer cannot be seen from the street scene, unless viewing through windows which is not an obvious way to admire the building or its setting. On glimpses the structure can be seen from the rear but with the proposed pergola and trellis sides, this would be seen even less. The additional landscaping will assist in softening its impact and can be conditioned. It is therefore considered the structure does not cause detriment to the listed building, in accordance with policy DM12.
27. Similarly, in the context of the wider context of the Conservation Area, the structure is not overtly visible, will be softened with appropriate planting and as such preserves its character and appearance in accordance with policy DM12.

Other material considerations

Sustainability Measures and Climate Change:

28. 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 17 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.
29. 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.
30. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Equalities Implications:

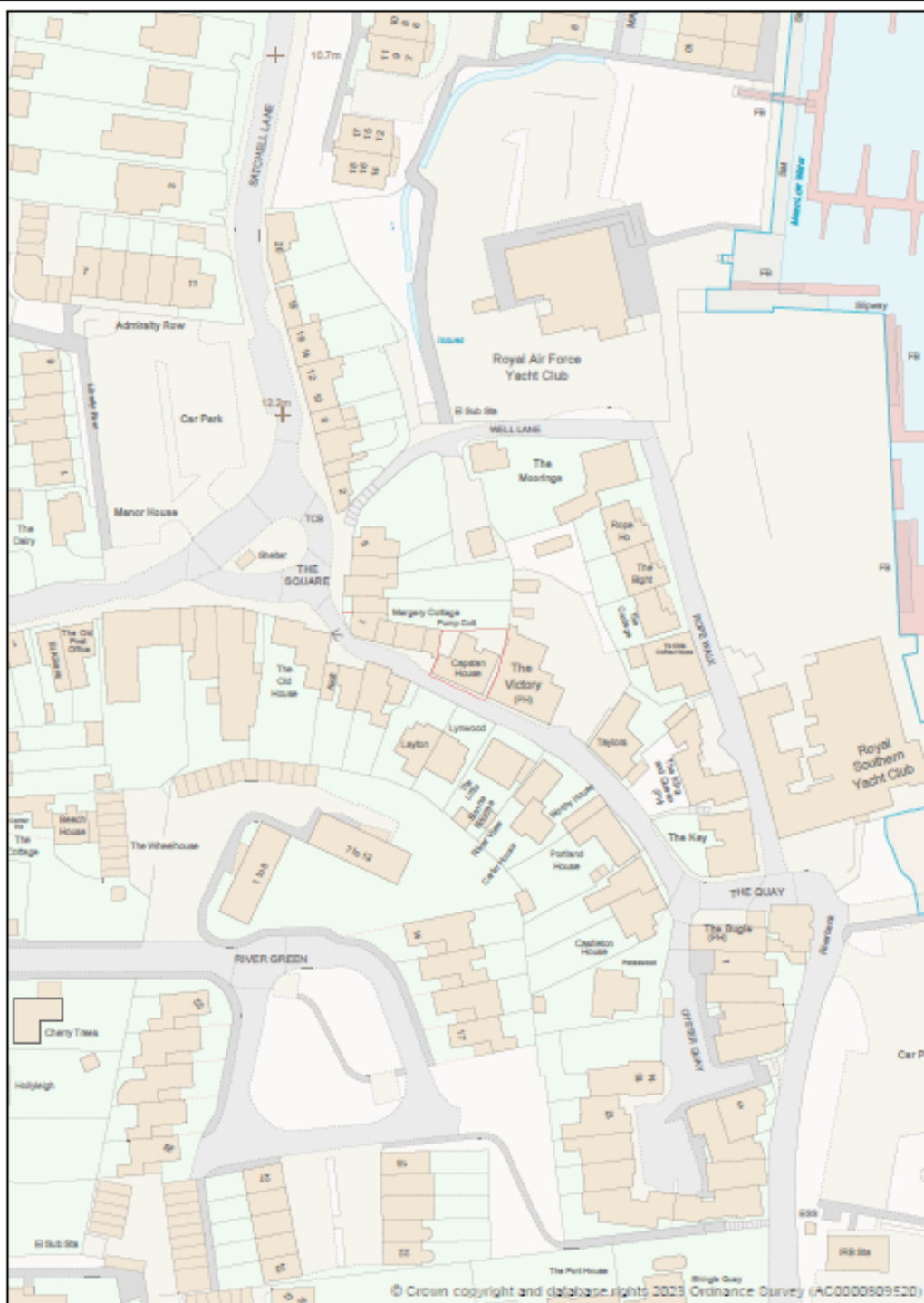
31. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

32. 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

33. To conclude, the proposed walk-in freezer with pergola does not cause harm to the listed building and the business's continued occupancy will have a positive impact to the historic building's maintenance.



Address: Capstan House, High Street
Hamble-le-Rice

Date: 14/11/2023

Scale: 1:1250