

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

Application Number: F/23/96143
Case Officer: Rachael Morris
Received Date: 05/10/2023
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: PERMIT subject to 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, 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. This will include plant species to be planted for the pergola and shall include flowering climbers for pollinators. The landscaping shall thereafter be maintained for the lifetime of the development.

Reason: To ensure biodiversity enhancement and to protect the historic environment in accordance with policies DM11 and DM12 of the Eastleigh Borough Local Plan 2016-2036

- 3 The approved freezer, condenser and associated equipment shall be fully implemented in accordance with the content of the submitted Sound Impact Assessment (AS13322.231117.L2 Rev A) within 3 months the date of this decision. The approved mitigation measures include:
 - a. The relocation of the condenser to the rear garden adjacent to the kitchen entrance in accordance with approved plan BLOC 01 Rev A;
 - b. The provision of a canopy over the condenser and absorption panels.

Reason: to ensure a suitable environment for the nearby occupiers, in accordance with policy DM8 of the Eastleigh Borough Local Plan 2016-2036

- 4 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: There is some vegetation remaining in the area where the freezer is installed, on a wooden platform, surrounded by gravel over soil or landscape fabric. The area should not be cleared so that it can provide habitat for invertebrates.

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, Cllr O'Sullivan and Cllr Craig.

Site Characteristics and Character of the Locality

2. The building is listed Grade II and is located within the Hamble Conservation Area.
3. The Conservation Area Appraisal states "From the 17th and 18th centuries a number of buildings survive today (including Capstan House). 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. Capstan House 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 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 current use of the building is Class E (b) which is for the sale of food and drink mostly on-premises. Although there is an eastern ground floor window, currently used to serve food to passers-by, there is 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 to be screened by an associated pergola.
9. An associated listed building consent application ref L/23/96341 is to be considered alongside this planning application.
10. The application is accompanied by the following reports and technical assessments, which can be found [here](#):
 - Planning Statement
 - Heritage Statement
 - Sound Impact Assessment

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
- L/23/96341 - Installation of a walk-in-freezer to North-West corner of site (retrospective) with associated pergola – Not yet determined

Representations Received

11. 3.no objections raising the following issues:
 - Can see the freezer through windows in the garden;
 - Not in keeping with village character;
 - Health concern if there was a power failure;
 - Noise and obtrusive;
 - Flooding concern.
12. 15.no support raising the following issues:
 - The freezer at the pub is more disruptive;
 - No loss of light and no noise;
 - Small businesses should be supported;
 - Cannot be seen from the street;
 - Tucked in the corner;
 - Well-built;
 - Noise impact from hairdresser;

- Un-noticeable structure.
13. Hamble Parish Council - Object to this retrospective application due to the unbearable noise being caused to neighbours, loss of light, vibration and concerns of flooding.
14. 1.no comment made by the applicant to address concerns of objectors.

Consultation Responses

15. 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.
16. Environmental Health – No Objection.
The report with the new location (of condenser unit) and comment regarding nighttime has been reviewed. On the basis that the condenser is relocated as described in the report, we have no objection.
17. Ecology – No objection.
Covering the freezer with a pergola with a sedum roof and planted trellis sides will provide both biodiversity enhancement and aesthetic benefits. If well maintained, it can provide a good example to other members of the community in this area where many buildings have very limited garden space. I support this and would encourage the applicants to select a combination of flowering plants to create as long a flowering season as is possible. This area can be enhanced with additional flowering plants to attract pollinators, possibly climbing plants such as honeysuckle.
- There is some vegetation remaining in the area where the freezer is installed on a wooden platform surrounded by gravel over soil or landscape fabric. The area should not be “tidied” but left a bit wild so that it can provide habitat for invertebrates.

Policy Context and Designations Applicable to Site

- Within Built-up Area Boundary
- Within Designated Conservation Area

- Affects Listed Building
- Listed Building Grade II
- Eastleigh Town, District and Local Centres and Neighbourhood Parades

Development Plan Policies

Eastleigh Borough Local Plan 2016-2036

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

Strategic policies:

- S1 (Delivering Sustainable Development);
- S2 (Approach to New Development);
- S8 (Historic Environment).

Development Management policies:

- DM1 (General Development Criteria);
- DM2 (Environmentally Sustainable Development);
- DM6 (Sustainable Surface Water Management and Watercourse Management);
- DM8 (Pollution);
- DM11 (Nature Conservation);
- 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);
- Biodiversity (December 2009);
- Hamble-le-Rice conservation area appraisal (2008);
- Trees and Development (April 2022)

National Planning Policy Framework

19. 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.

20. 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

21. 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

22. 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.

23. 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."

24. 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".

Principle:

25. Within the urban edge, the principle of development is acceptable. Development is expected to meet the policies within the local plan, most notably policy DM1 which sets out the general criteria for new development.

Design, Layout and Appearance:

26. 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 neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.
27. The options for siting the freezer within the existing building and curtilage were considered limited by the applicant. This is due to the ground floor space already being in occupation and the first floor leased for residential purposes. In addition, the listed building is most likely unfit to support a machine of such weight and therefore an external location for the freezer was sought by the applicant.
28. The north-west corner of the plot was considered by the applicant a logical solution where it is tucked around the corner from the customer seating area. In addition, this location is mainly out of sight from public vantage points. Private views of the building exist through the adjacent hairdressing salon windows and from a couple of adjacent residential gardens at no.1 and no.2 The Square, High Street.
29. The freezer is not attached to the neighbouring building, Pump Cottage, and is temporary in nature. A condition requesting the freezer to be removed at the cessation of food storage/use will be imposed to ensure it is only used in association with the commercial use.
30. The freezer will be mostly screened by a pergola which is planned to include climbing planters and a sedum roof. This will assist to soften the visual impact of the structure from the limited private viewpoints and preserve the setting of the listed buildings and conservation area. The associated planting will also be conditioned to be planted and maintained for the lifetime of the development.
31. It is noted that there is a walk-in freezer to the north-east of the site, serving the adjacent Public House 'The Victory'.
32. Given the commercial nature of the site in the high street and similar structures in the immediate area it is considered an appropriate location for the development and through additional screening would not harm the character and appearance of the surrounding area.

Impact on Listed Building and Conservation Area

33. 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.
34. 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.
35. 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.
36. 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.
37. 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.

Neighbouring Amenity:

38. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

39. Policy DM8 of the Eastleigh Borough Local Plan (2016-2036) states that development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through... noise or vibration.
40. The noise associated with the freezer will be below the background noise for the area in daytime hours. It is noted the Sound Impact Assessment was taken on a day when other usual activities were not taking place, such as the adjacent hairdressers and public house, as well as the pasty shop itself and therefore it is likely that background noise levels were lower than normal and comparable to those experienced at nighttime.
41. Therefore, while the desired 5dB lower than background noise has not been achieved, it is recognised that the test day was abnormally quiet, and the freezer can achieve a noise level below background noise with mitigation in place. Nonetheless, the freezer and condenser are located within a commercial area where there are already other commercial noise sources experienced, such as the Public House's walk-in freezer and noise from customers in all surrounding units.
42. Following amendments, the condenser is proposed to be located away from the freezer to limit potential noise output to habitable receptors at Pump Cottage and the above tenanted unit at Capstan House. The condenser is proposed with a canopy and absorptive panels to further mitigate noise. The Sound Impact Assessment concludes that this movement will result in an acceptable living environment for Pump Cottage at both day and night. The Council's Environmental Health Officer has no objection to the proposed amendments.

Ecology:

43. Policy DM11 requires planning applications, to protect, conserve and enhance all international, national and local nature conservation designations; and networks of natural habitats and features, including the Local Ecological Network, Priority Biodiversity Areas and Priority Biodiversity Links, watercourses, wetland complexes, woodland trees, and trees and hedgerows important to biodiversity and local character; and facilitate their adaptation to climate change wherever possible; and seek a net gain of biodiversity on all development sites.
44. The pergola addition to the application to include planting and a sedum roof will provide both biodiversity enhancement and aesthetic benefits.

Climbing flowering plants to the side trellis, such as honeysuckle, would also attract pollinators.

45. There is some vegetation remaining in the area where the freezer is installed, on a wooden platform, surrounded by gravel over soil or landscape fabric. The area should not be cleared so that it can provide habitat for invertebrates. This will be advised through a note to applicant.

Other material considerations

Sustainability Measures and Climate Change:

46. 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.
47. 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.
48. 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 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:

49. 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.

50. 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

51. To conclude, the proposed walk-in freezer with pergola does not cause harm to the listed building or conservation area and therefore accords with policies DM1 and DM12 of the Local Plan.

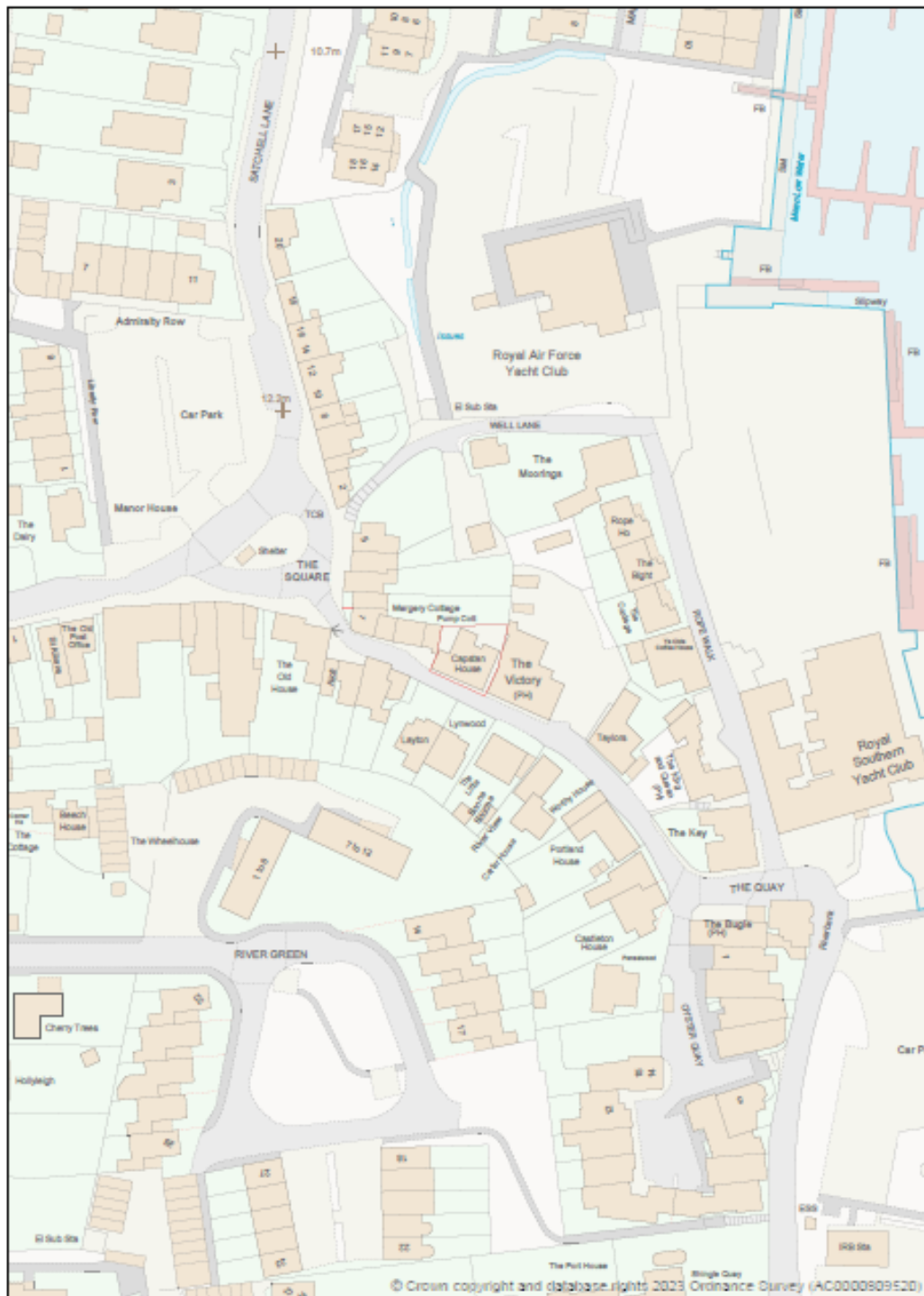
52. The walk-in freezer is similar to other types of necessary equipment within the vicinity to enable business, such as the adjacent Public House's walk-in freezer. In support of DM22, the business will continue to maintain an active frontage within the village high street and ensure the business' sustainability.

53. The relocated condenser would result in no adverse harm to the nearby occupiers of the condenser and associated freezer. Mitigation measures are proposed and conditioned to be in place within 3 months of the date of the decision. When considering the High Street location, the noise produced from this proposed development would not adversely affect residential amenity.

54. Moreover, a biodiversity net gain will be achieved through the pergola which will accommodate planting to attract pollinators.

55. The recommendation is to permit subject to conditions.

F/23/96143



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

Date: 14/11/2023

Scale: 1:1250