

DELEGATED OFFICER REPORT

Application Ref:	F/26/100729
Site Address:	3 RIVERSIDE, BISHOPSTOKE, EASTLEIGH, SO50 6LP
Case Officer:	Katie Lasham
Description:	Installation of 2 no. fridge condensing units to be located under external staircase - Retrospective.

Particular Site Constraints?	Yes ☒	No ☐
Within urban edge Within Bishopstoke conservation area Great Crested Newts – Red Within bat monitoring area Within EA surface water flood area (1000-year extent) Site of archaeology importance (yellow buffer)		

Planning History?	Yes ☒	No ☐
Z/11072/001/00: External staircase. Approved January 1984.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	Four representations have been received. Two objections and two letters of support. The objections received raise the following issues: • Harmful visual impact of plant equipment • Noise and vibration are disruptive and continuous, which causes an amenity disturbance for neighbouring homes and adjacent businesses. • Noise particularly noticeable in evenings when background levels are quieter • Insufficient acoustic or noise mitigation measures proposed • Concern that units installed on public land / communal land and other owners not consulted • Unsafe location of plant equipment above walkway The letters of support raise the following comments: • New plant equipment replacing the old plant equipment is an improvement as neighbours can no longer hear a continuous low-level hum or vibration.		
Parish Council:	No Comment		
Environmental Health officer:	No objection: The Noise Assessment recommends relocating the plant from above the walkway to beneath the staircase and proposes the installation of a removable timber partition to enclose the condensers to achieve the insertion loss. The assessment concludes that, even with the proposed relocation and enclosure, the plant is unable to fully achieve the target rating level of 5 dB below the representative background sound level. However, the report demonstrates that alternative mitigation options have been considered and that, with all reasonably practicable mitigation measures implemented, the predicted rating level is 1 dB below the representative background sound level including the 3dB intermittency penalty. Given the constraints of the site and the mitigation proposed, I consider this to be acceptable.		

Heritage officer:	No objection: Amended plans for the proposed new siting and enclosure of the plant equipment underneath the stairs overcomes initial objection and the concerns raised.
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Site Visit:	Yes ☒	No ☐
Details: 30 th April 2026 and 6 th August 2026		

Pre-commencement Conditions:	Yes ☐	No ☒
Details: N/A		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i> The site also lies within a Conservation Area and Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states: <i>"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".)</i>

Policy:
National Planning Policy Framework - August 2026 (NPPF) The NPPF sets out the National Decision Making Policies (NDMP). The most relevant for the proposal are: - S3 (sustainable development); S4 (development within settlements); CC2 & CC3 (climate change); DP3 (well-designed places); TR3 (sustainable locations); TR4 (parking); P3 (residential amenity); N2 (improving the natural environment); HE6 (proposal affecting designated heritage assets) and HE9 (conservation areas). Planning Practice Guidance (PPG) This provides detailed guidance on the planning system and implementation of policies within the National Planning Policy Framework. Development Plan: <u>The Eastleigh Borough Local Plan 2016-2036</u>, of which the most relevant policies are: - Strategic policies: S1 (delivering sustainable development); S2 (approach to new development) and S8 (heritage assets); and - Development Management policies DM1(general criteria); DM11 (nature conservation); DM12 (heritage assets) and DM14 (parking). Supplementary Planning Documents: These documents provide detailed guidance on specific issues within Eastleigh Borough. - Quality Places (June 2026); Character Area Appraisals and Bishopstoke Conservation Area Appraisal and Management Proposals (April 2011).

Assessment:
Summary of site and planning application The application site is a butcher's shop located on a small parade of shops within Bishopstoke set immediately opposite the River Itchen and is in the designated Bishopstoke conservation area. Nos.3 and 4 Riverside are also identified as being a positive contributor to the conservation area as set out within the Bishopstoke Conservation Area Appraisal and

Management Proposals SPD. The rear of the application site faces onto some residential dwellings on Montague Road and the immediate area to this side of the building is utilitarian in character, utilised as a functional space for the commercial buildings, with external staircases and plant equipment visible from the street scene.

This planning application originally sought retrospective consent for two fridge condensing units to be installed on top of a small section of single-story flat roof at the back of the main building, positioned directly on a walkway used to access the rear entrance. A Noise Impact Assessment was requested during the application process to better understand impacts of noise and vibration on surrounding receptors and further to noise survey undertaken, the agent explained that to provide appropriate decibels of noise within proximity of neighbours, a revised location was required. Amended plans were provided that showed the plant equipment to be relocated underneath an external staircase further back into the site. Public reconsultation took place to allow neighbours and consultees to comment on the amended location of the plant equipment.

Principle

The site is located within the urban edge, where development proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects (as set out in NDMP S4). Furthermore, the application site is within the designated Bishopstoke conservation area and is identified as a positive contributor, therefore the principle of development in a conservation area is acceptable, subject to its impacts on the designated heritage asset. The material considerations for the proposal are considered below.

Character and appearance of Conservation Area

NDMP DP3 of the NPPF and Policy DM1 of the Local Plan requires development to take full and proper account of the context of the site (including the character and appearance of the locality) and be compatible with adjoining uses and be well integrated with these (in terms of mass, scale, materials, layout, density, design and siting) both in itself and in relation to adjoining buildings, spaces and views.

With regards to the heritage designations of the site, NDMP HE5 of the NPPF and Policies S8 and DM12 of the Local Plan require an assessment of the potential effects of development proposals on the significance of a designated heritage asset, as to whether positive alterations are proposed, and if harm occurs, the level of harm created. NDMP HE6 requires substantial weight to be given to an asset's conservation. NDMP HE9 also makes clear that development proposals which affect the significance of conservation area should retain and conserve buildings which make a positive contribution to the character and appearance of the conservation area and consider the area's special architectural and historical interest in the design of the development. It also makes clear that not all elements of a conservation area will necessarily contribute to its significance.

The application proposes the installation of new plant equipment to serve an existing butcher shop at 3 Riverside. This unit forms the southern half of a building identified as making a positive contribution to the conservation area, giving it greater heritage importance than the structures flanking Nos. 3 and 4 Riverside. The proposed plant equipment is sited at the rear of the building and faces onto properties along Montague Road. This rear section is a more utilitarian part of the conservation area, currently functioning as a service yard for the commercial units fronting Riverside. While the rear of the building is not of particular heritage significance, the Heritage Officer objected to the proposal as originally submitted, as introducing 24/7 noise and vibration from plant equipment atop the rear outhouses would neither enhance nor positively contribute to the ambience of nearby residential properties.

Following negotiations during the application process, amended plans were submitted to address heritage and amenity concerns whereby the plant equipment has been relocated from its previously prominent, unscreened position at first-floor level to an alternative location beneath an existing ground-floor external stairway. To further mitigate visual impact, the equipment will be enclosed behind a removable timber partition fitted with a steel louvre. This discrete and screened positioning successfully obscures the plant from

public vantage points within the street scene, thereby safeguarding the character and appearance of the conservation area. Furthermore, the external stairway itself is physically screened from wider views by the built form of the buildings on either side, ensuring that any visual impact is negligible. Based on the amended plans submitted with the relocated plant equipment, the heritage officer withdrew their original objection.

For the reasons discussed, the plant equipment is considered suitably located to ensure the character and appearance of the conservation area is preserved and is a more considered overall design, in accordance with NDMPs HE9 and DP3 of the NPPF, Policies S8, DM1 and DM12 of the Local Plan and the aims of section 6.3.4 of the Bishopstoke Conservation Area Appraisal and Management Proposals SPD.

Residential Amenity

NDMP P3 of the NPPF and Policy DM1 of the Local Plan requires all development to preserve the amenity of neighbouring residents and where possible enhance it to provide a high standard of amenity for existing and future occupiers. Policy DM8 of the Local Plan requires all development to ensure there is no unacceptable noise or vibration pollution created.

The submitted Noise Impact Assessment (NIA) was prepared based on the revised location of the plant equipment being located underneath the stairs; it was assessed by the Environmental Health Officer (EHO) who accepted the findings. A condition has been requested by the EHO for the works to be built exactly as proposed within the NIA, and within 7 days of the plant equipment being installed, for a noise validation assessment prepared by a suitably qualified acoustic consultant to be submitted to the LPA.

With conditions that suitably control and mitigate for the noise levels of the plant equipment, that the EHO is satisfied with, the scheme is considered to preserve the amenity of neighbouring residential and commercial occupiers, in accordance with Policies DM1 and DM8 of the Local Plan and NDMP P3 of the NPPF.

Ecology

NDMP N2(1) & N6 and Policy DM11 of the Local Plan requires development to support conservation of important habitats and species (including sites of international, national and local importance). These policies also require developments to minimise any adverse impacts on biodiversity; include features which support priority or threatened species (such as swifts, bats and hedgehogs); and take the opportunity to provide ecological enhancements (such as strengthening green infrastructure and ecological networks).

The application is not considered to have any ecological impacts despite being within an area designated as being prevalent with great crested newts, as the hardstanding the plant equipment is proposed on does not provide a suitable habitat for these protected species. For these reasons, the scheme does not create any undue harm to protected species, in accordance with NDMP N2(1) and N6 of the NPPF and Policy DM11 of the Local Plan.

Other Matters

An objection has been raised raising speculation that the applicant has not served notice on all landowners on the proposed application, however no evidence has been provided to substantiate this claim that there are other landowners within the site that have a freehold interest or a leasehold interest with at least 7 years left to run. It is for the applicant to appropriately notify any impacted landowners of the scheme, and without evidence provided otherwise and with Certificate A ticked on the application form, the Council are unable to conclude otherwise.

Other Material Considerations

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 2030; (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 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:

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.

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:

For the reasons set out above, the benefits of the proposal are acceptable, and any harm is appropriately mitigated, therefore the development complies with planning policy.

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...