



PLANNING DESIGN, ACCESS & HERITAGE STATEMENT

**Proposed Change of Use from Restaurant to 2 No. Residential
Dwellings (1 No. 5-bedroom and 1 No. 1-bedroom) with Two-Storey
Rear Extension, Removal of Existing Pitched Roof, New Pitched
Roof, External Alterations to Openings and Internal Alteration only
as necessary to facilitate Change of Use**

at
The Slipway, No.1 Rope Walk, Hamble SO31 4HB

AUGUST 2024

PREAMBLE

This application is submitted following the refusal of the same development under reference F/21/91037 on 9 December 2022. Listed Building Consent for the same proposal was Granted on 1 December 2022. Planning Permission was refused for the following reasons. An Appeal was dismissed on 14 February 2024. Each reason below is followed by the Appeal Inspector's conclusion:

- 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.**

Inspector's Conclusion

"I have no evidence before me to demonstrate that any potential, and likely small 'overspill' parking at nearby car parks would have a detrimental impact on broader parking provision for visitors to Hamble-le-Rice. During my site visit, I noted that the two nearby public car parks were around 50% occupied. While this is likely to increase in spring and summer months, the use of the car parks by any future residents, subject to permits, would be of a significantly reduced amount relative to the recent use of the appeal site for hospitality.

Based on the evidence before me, and my observations on site, the proposed development would provide appropriate parking provision for the context, in accordance with the principles of LP Policies DM1 and DM14"

- 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.**

Inspector's Conclusion

"Although precise measurements are not provided, the evidence before me illustrates that both units would have access to outdoor amenity space in the form of courtyards and decked areas. In my view, these spaces would be useable and suitably private, and similar to nearby properties in this historic and urban location. Moreover, the appeal site is located close to public open space.

Overall, I conclude that the proposed development would provide a satisfactory standard of accommodation, with particular regard to outdoor amenity space, in accordance with the relevant provisions of LP Policy DM1 and Quality Places.”

- 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.**

Inspector’s Conclusion

“The appeal property is not overtly commercial in character or appearance in that it does not have a traditional shopfront or ‘active frontage’. I also accept that the appeal site is positioned towards the edge of the Local Centre. Nevertheless, the property is in commercial use, as it has been historically, and is positioned in a prominent waterfront location. I have not been provided with any evidence to demonstrate that the building, or any part of it, has been actively marketed for a Class E or commercial use, as required under LP Policy DM22.....

I saw during my site visit the atypical layout of the building, comprising a series of separate rooms on the ground floor, which have historically been used for dining or bar areas, with further seating areas and a commercial kitchen on the first floor, via a set of stairs. I can understand the management challenges of this layout for a restaurant. However, as above, I have insufficient information before me to draw conclusions as to whether this arrangement, either in part or full, was reason for the previous tenants to cease operations, or that it has put off future tenants, including alternative Class E and commercial uses.....”

Comment: This is the major substantive reason that the appeal was dismissed. During the application and appeal process the site has been vacant and since the appeal the property has been marketed and a report supporting the fact that all reasonable measures have been undertaken is provided as part of the application documentation.

- 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.**

Inspector's Conclusion

“In respect of the Solent and New Forest Special Protection Areas and Ramsar, I note the Council's officer report, which sets out that the appellant has contributed towards the mitigation scheme to the satisfaction of the Council. Habitats Regulation 63(1) states that a competent authority, before deciding to give any consent or permission, must make an appropriate assessment of the implications of the plan or project for that site.”

Comment: This matter was resolved to the satisfaction of the Planning Officers during the determination of the refused appeal and there is no reason to expect that the same cannot be achieved with this application. All contributions will be made.

The following is the Design and Access Statement as submitted for the Refused application with changes reflecting the above and subsequent Policy changes.

1. THE APPLICATION SITE





- 1.1 No. 1 Rope Walk was last used as ‘Beer Grylls’ restaurant/bar/coffee shop and before that ‘The Slipway’. For consistency the site will be referred to as ‘The Slipway’ in this statement. The site comprises two Grade II Listed Buildings set at the heart of Hamble-le-Rice. Its front elevation is set on to Rope Walk with its rear and side elevations facing The Quay. Outlook from the front is directly over the famous quay and leisure boating area of the River Hamble:



View from front of Property



- 1.2 The streets of the village are characteristically winding and narrow leading down to the river frontage where there is public car parking. Being at the head of a public ‘quadrangle’ set against the backdrop of the River Hamble, the application site is appreciated as an important feature in the built environment of the Hamble-le-Rice Conservation Area, as shown in context in the above extract.

2. NATIONAL PLANNING POLICY

- 2.1 National planning guidance and policy is provided through the [National Planning Policy Framework \(December 2024\)](#). This provides a presumption in favour of sustainable development and urges Local Planning Authorities to permit development that accords with up to date local planning policy without delay.
- 2.2 Good design is a key element in sustainable development as is the preservation and enhancement of heritage assets.
- 2.3 **It should also be noted that the change in National Government since May 2024 has indicated in a strong push towards ensuring that Local Authorities meet higher targets for housing. Whilst this will not be met through the provision of small sites themselves, the cumulative effect of small developments can help in achieving targets. The aim to achieve higher levels of housing is reflected in the new [National Planning Policy Framework](#) only just published.**

3. LOCAL PLANNING POLICY

- 3.1 Local Planning Policy is provided by the [Eastleigh Borough Local Plan \(2016 - 2036\)](#). The relevant policies in this case are:

- 3.2 Strategic policy S1, Delivering sustainable development
- 3.3 Policy DM1, General criteria for new development
- 3.4 Policy DM5, Managing flood risk.
- 3.5 Policy DM11, Nature conservation.
- 3.6 Policy DM12, Heritage Assets.
- 3.7 Policy DM13, General development criteria – transport.
- 3.8 Policy DM14, Parking.
- 3.9 Policy DM15, Safeguarding existing employment sites.
- 3.10 Policy DM22, Changes of use in retail frontages in Eastleigh town centre, district centres, local centres and neighbourhood parades

Hamble-le-Rice Conservation Area Appraisal

- 3.11 The appraisal references architectural features common to the Conservation Area that have been used as a guide in the proposed development of an extension to the building:

“ buildings in Hamble are of a domestic scale occupying small plots, often in a terraced form of two or three storeys.

Roofs are normally pitched with clay tiles or slates offering gable and hipped forms. Accommodation within the roof is often served by small tile hipped or gable dormer windows, that are subservient to the overall roof.”

“Walls are predominantly red brick of Flemish or English bond with a common feature of burnt header bricks. Scattered around the village are buildings using buff brick, painted brick and render. A few of the older buildings of timber frame construction have exposed frames with brick infill panels.

Windows are either white painted timber sash or casements.”

4. PLANNING HISTORY

- 4.1 L/05/55813 - Formation of counter opening within bar/restaurant wall – Listed Building Consent 9 February 2006 (Property then known as ‘The Key’)
- 4.2 A meeting and discussion was held with the Council Conservation Officer concerning any impacts upon the Listed Building. There were no specific issues arising from this, but the Officer advised that an extension of the type

proposed would provide a solution to establishing appropriate living arrangements in reverting to 2 dwellings as was originally the form of this building.

- 4.3 F/21/91037 - 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 – Refused 1 December 2022 – Appeal dismissed 19 February 2024 (See Preamble above).
- 4.4 L/21/91048 – Listed Building Consent - Listed Building Consent: Conversion from restaurant to 2no. residential dwellings (1no. 4-bedroom and 1no. 2-bedroom) with two-storey rear extension, addition of pitched roof to existing single storey rear projection, elevational alterations and internal changes to facilitate conversion. Submitted with F/21/91037 above – Consent 11/December 2022.

5. PLANNING & HERITAGE STATEMENT

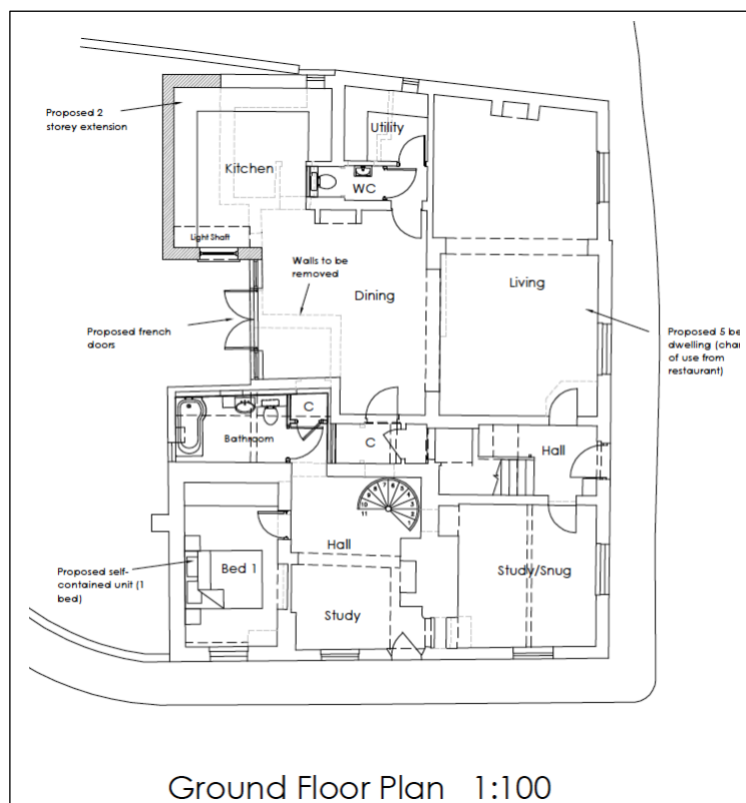
PROPOSALS

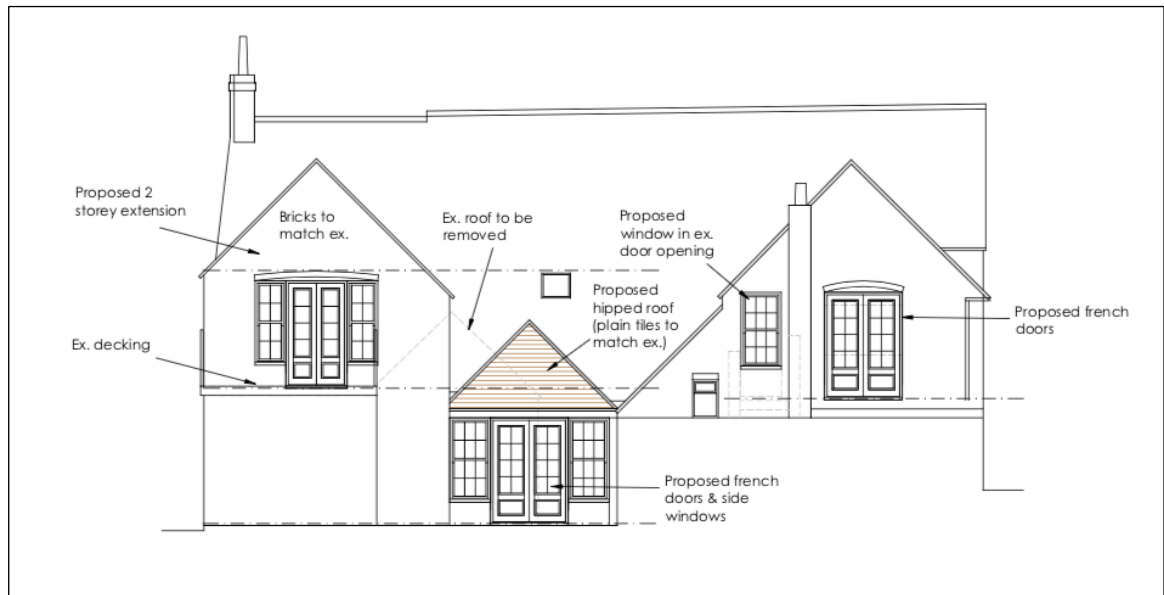
- 5.1 The proposals seek to extend the building/s in such a way that is appropriate to its Grade II Listed status and will be in keeping with the setting of the buildings within the Conservation Area which are in a prominent location when viewed from The Quay and which are also in a corner location so that the side and rear views and elevations are as important as the principal, front elevation.
- 5.2 The existing restaurant use is no longer viable and has been on the market for a significant time. The photographs below show the distinction between the two listed building elements:





- 5.2 The proposals are to re-enstate the building as two dwellings utilising the clear internal separations already in place. This works reasonably well with the small one-bed unit facing south where all existing openings remain. The larger proposed five-bed would contain two small bedrooms at second floor level with the main bedroom accommodation at first floor. To create functional kitchen space appropriate to a dwelling of this significance, the existing rear staggered footprint needs to be rationalised. This has been done as shown below creating, also a more balanced rear elevation and following the guidance contained in the Conservation Area appraisal.





Proposed Rear Elevation



View from street to rear



- 5.3 Structural alterations would be kept to the minimum necessary with the rear being the most affected but to the benefit of the character and appearance of the building with the removal of incongruous railings which are visible widely around the building and along the footpath that runs along the north side of the building to Rope Walk.



PRINCIPLE

- 5.4 The site is located within the settlement of Hamble-le-Rice where there are many eating places to accommodate the needs of the many visitors to both the village and the river. The principle of the development in terms of the manner of the conversion and the impact upon the surroundings has been essentially ‘green lit’ by the Planning Inspector under F/21/91037.
- 5.5 The only matter of principle NOT agreed by the Inspector relates to the demonstration of the demand for the building to be used commercially for which a marketing statement by local Agents is now submitted demonstrating the lack of demand for the building in its commercial form. The Inspector observed that there had previously been a turnover of occupants in the building, concluding that this indicated that at least the building had been in use rather than as the appellant argued, that the short terms indicated that the building was not suitable for those uses. This continues to be a debatable argument. The previous assessment is submitted as part of the application, and the Council is requested to particularly note that the list of occupants terminated in October 2018, with the Bugle Pub rejecting an offer of useage in November 2020. It is understood that the site has been vacant since. It has also been marketed by Stanford’s Estate Agents since the dismissed appeal.
- 5.6 In short, the Agents acting on behalf of the applicant:
- Have had no enquires or calls requesting information on the site
 - Details have been forwarded to over 50 investors /business proprietors known to be seeking new space, concluding that the site would not work for their purposes

They further advise that:

“.....in the current market and countries circumstances with the economy & cost of living that this type of property is going to be on the market for a very long time before it even gains any sort of enquiries. A lot of commercial properties that have been on a very long time are now seeking other means for the units to have a change of class / usage to be able to become occupied. There has been in Eastleigh for example a number of commercial properties that have been vacant a very long time and did start to become unsightly that have been bought and the usage has been changed to become residential properties or units”

- 5.7 Whilst, in planning terms Policy DM22 seeks to maintain commercial uses particularly at ground floor within district centres such as Hamble-le-Rice, ultimately whether this can be achieved is reliant upon market forces. Marketing indicates that the site is not appropriate for commercial use, notwithstanding its history. Added to this is the vital consideration that the building is Grade II listed and in a Conservation Area. These matters are addressed below, but principally it must be recognised that to maintain this

important Local Building, located in a prominent position, it MUST be used. Surely, no better use can be considered than that for which it was originally intended – residential.

- 5.8 The recent change in National Government and its views on housing have also indicated that a significant increase in housing will be required, with an emphasis upon brownfield sites. This change of use will provide 2 dwellings albeit at the upper end of the market.

IMPACT ON SETTING OF THE CONSERVATION AREA

- 5.9 The Planning Inspector observed:

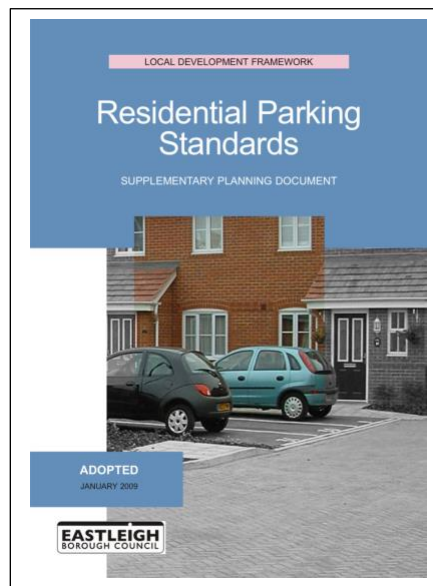
“Although the current commercial use would be lost through the proposed development, the appearance of the building would appear largely the same. The building may be less active as a result of the proposed residential use, particularly insofar as regular comings and goings are concerned. However, this could be the case with a range of potential commercial uses here. In this regard, the commercial character of the CA as a whole would not be harmed.

For the reasons given above, I conclude that the proposed development would have a neutral effect on, and thereby preserve, the character and appearance of the CA.”

IMPACT UPON THE LISTED BUILDINGS

- 5.10 Listed Building Consent has been GRANTED under L/21/91048.

HIGHWAYS



- 5.11 The Planning Inspector concluded that the proposed development would result in fewer traffic movements and that the car parking identified on the application proposal whilst below the required standard, is the result of a constrained site

due to historic layout. The Inspector concluded that *‘the proposed development would provide appropriate parking provision for the context’*

TREES

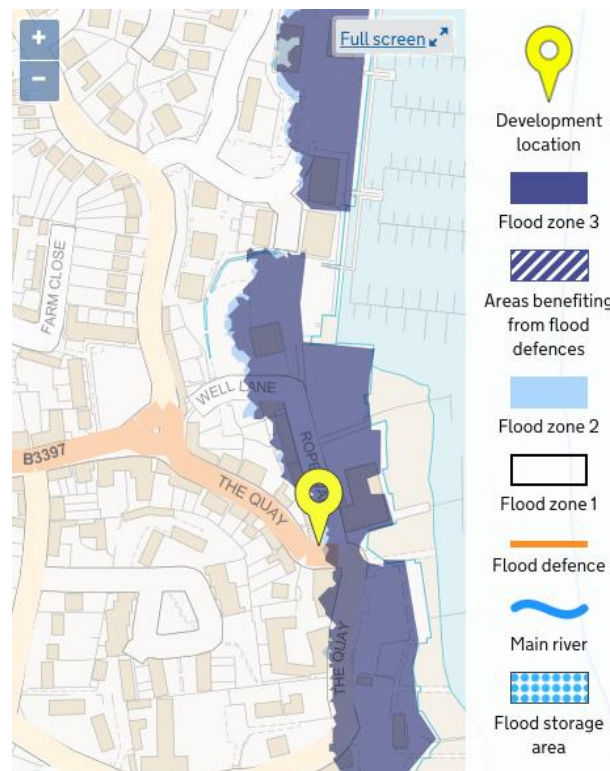
5.12 An arboricultural report is included with the application.

ECOLOGY

5.13 A Phase 1 survey has been carried out and is attached to the application documentation. It is understood that The Council has adopted a ‘Nitrates’ mitigation strategy involving commuted payments with which the applicants are happy to comply.

FLOODING

5.14 A Flood Risk Assessment is included as part of the application. As no reason for refusal was set against the appealed application, referencing Flood Risk, it is proposed that this report is considered acceptable.



COMMUNITY INFRASTRUCTURE LEVY

5.15 Eastleigh Borough Council has not yet introduced the Community Infrastructure Levy.

SOLENT DISTURBANCE MITIGATION & NITRATE NEUTRALITY

- 5.16 Should the Local Planning Authority be minded now to grant planning permission; the applicants will arrange payment of the necessary contribution through the channels normally followed by the Council, including with respect to achieving nutrient neutrality.

6. CONCLUSION

- 6.1 The site is a prominent building within the Hamble-le-Rice Conservation Area. It comprises two Grade II listed buildings that were originally residential in design and use. The proposal to revert the use back to that of two individual houses will not in itself be harmful to the character and appearance of the Conservation Area.
- 6.2 A previous application for the same proposal has been appealed. Notwithstanding that this was dismissed, the Inspector found in favour of all the appellant's arguments, with the exception that more evidence was required regarding the marketing of the site with the matters of the impact upon sites of ecological importance and nutrient neutrality being set aside in that case and for determination at another time.
- 6.3 There are no significant reasons why this building should not be altered to bring it back to its original use and the Local Planning Authority is requested to grant both planning permission and listed building consent in this case, subject to fulfilling all off-site ecological requirements.