

BHH - Bursledon, Hamble-le-Rice and Hound Local Area Committee –
27th March 2025

Application Number: F/24/98647
Case Officer: Gary Osmond
Received Date: Tuesday 17th December 2024
Site Address: 1 ROPE WALK, HAMBLE-LE-RICE, SOUTHAMPTON,
SO31 4HB
Applicant: Andros Loizou
Proposal: Proposed Change of Use from Restaurant to 2 No.
Residential Dwellings (1 No. 2-bedroom and 1 No. 4-
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

Recommendation: PERMIT subject to securing mitigations towards the
development's impact upon the Solent and New Forest
SPAs.

CONDITIONS AND REASONS:

- 1 The development hereby permitted shall be implemented in accordance with the following plans numbered: 1799-L01A, 1799-01D, 1799-02C & 1799-03A.

Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall not be commenced for a period of at least 21 days from the date of the decision.

Reason: To comply with Section 28I(6) of the Wildlife and Countryside Act 1981 (as amended) as this permission is being granted otherwise than in accordance with the advice of Natural England.
- 4 No works to the rear extension hereby approved shall start until details of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance in the interest of the

amenities of the area.

- 5 No excavation, demolition or development related works shall take place on site until a detailed arboricultural method statement, including details of the proposed 'tree-bridge' system's installation, as per British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations), has been submitted to and approved in writing by the Local Planning Authority (LPA). The approved method statement must be adhered to in full and may only be modified subject to written agreement from the LPA.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.

- 6 No development shall start until details of the size, species, location and proposed time of planting of a replacement tree has been submitted to and approved in writing by the Local Planning Authority and tree planting shall be carried out in accordance with the approved details.

Reason: To conserve the character of the area.

- 7 No development shall start until details of a sustainable drainage system have been submitted to and approved in writing by the local planning authority. The details shall include a timetable for its implementation and a management/ maintenance plan for the lifetime of the development [including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime]. The system shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure satisfactory drainage for the development.

- 8 The approved Construction Environmental Management Plan (CEMP) by 'Ross Consulting', dated '14th April 2022 Rev A 18.07.22' shall be followed in full throughout the construction and fitting out process.

Reason: To limit the impact the development has on the amenity of the locality and to protect designated nature conservation sites.

- 9 No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of the occupiers of nearby dwellings.

- 10 No burning of materials obtained by site clearance, or any other source shall take place during the demolition, construction and fitting out process.

Reason: To protect the amenities of the occupiers of nearby properties.

- 11 No vegetation clearance shall occur on site during the bird nesting season [between 1st March & 31st August] unless supervised by an appropriately qualified ecologist.

Reason: To prevent harm to breeding birds.

- 12 The development shall be carried out in accordance with the submitted Flood Risk Assessment ('FRA - 1 Rope Walk, Hamble, Hants', ref: 21084, Issue 1, dated 15/09/2021, produced by Aqua Callidus Consulting) and the following mitigation measures it details:
- a) Finished floor levels on the ground floor shall be set no lower than 3.50 metres above Ordnance Datum (AOD), as specified in paragraph 12.4.
 - b) There should be no sleeping accommodation on the ground floor of either unit, as specified in paragraph 12.5.
 - c) Each dwelling shall have an independent high level direct access from the first floor to the rear garden area to provide a safe, dry means of access in the event of a flood, as specified in paragraph 12.6.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and ensure a means of safe, dry access in the event of a flood.

- 13 The development hereby permitted shall be implemented in accordance with the recommendations outlined in the Ecological Assessment by Peach Ecology dated July 2023.

Reason: To protect and enhance biodiversity.

- 14 The development hereby permitted shall not be occupied until a mitigation package addressing the additional nutrient inputs arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such a mitigation package shall address all of the additional nutrient loading upon protected European sites from the development and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of those European Sites, having regard to the conservation objectives for they are designated. The mitigation package shall be implemented in full and evidence of this provided to the Local Planning Authority in writing prior to first occupation of the development.

Reason: To mitigate the nitrates impacts arising from the development upon the European protected Solent Complex in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017.

- 15 Bin and cycle storage shall be provided before occupation of each dwelling in accordance with details that have first been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the bin &

cycle storage has been constructed in accordance with the approved details and thereafter retained and kept available.

Reason: To ensure the adequate provision of on-site facilities.

- 16 The development hereby permitted shall not be occupied until the parking area has been provided in accordance with the approved plans and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles incidental to the enjoyment of the dwellinghouses as residences.

Reason: To make provision for off street parking for the purpose of highway safety.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (July 2021), 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.

Note to Applicant: It is requested that the building works are carried out considerately to minimise disruption to the occupiers of the neighbouring properties. The council operates a code of best practice, which is available on the council's website www.eastleigh.gov.uk by following the links to Planning, Guidance on the process, scroll down to Guidance on Aspects of the Planning & Construction Process and select considerate builders' advice note.

Report:

1. This application has been referred to Committee by Councillors Craig and Holes, and because of the site's planning history.

Description of Application

2. 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.
3. The application is accompanied by the following reports and technical assessments which can be viewed on the Council's website via this link - [Planning Application: F/24/98647](#):
 - Design and Access Statement
 - Arboricultural Impact Assessment
 - Ecological Assessment

- Flood Risk Assessment
 - Viability & Marketing Statement
4. The proposal has been screened out under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 due to the size and nature of the proposed development.
 5. 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

6. 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.
7. 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.
8. 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

9. This planning application is the latest in a series of recent identical applications for the proposed change of use from restaurant to residential dwellings. The first of which (F/21/91037) was refused by the Bursledon, Hamble, and Hound committee on 1st December 2022. This decision was subsequently appealed and dismissed by the Planning Inspectorate in February 2024. Details of this decision are discussed in more detail below.

10. This initial refused scheme was accompanied by a listed building application (L/21/91048) for the proposed physical works to the building, which was approved by the same committee.
11. A further change of use application was submitted in June 2023 and refused under delegated powers in September 2023 for the same reasons as the previously refused application. At the time of this application the appeal decision had not been received. As such, the original committee refusal was the main material consideration. However, this has now been superseded by the appeal decision.
12. Prior to the present set of 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

Appeal Decision:

13. The previous change of use applications were refused on the grounds of:
- Insufficient parking provision to serve the proposed development;
 - Inadequate external private amenity for future occupiers;
 - Loss of a commercial use and the effect on the vitality and viability of the Hamble-le-Rice Local Centre and the character of the Hamble Conservation Area; and
 - Failure to secure appropriate mitigation for the development's impact upon European protected sites.
14. Whilst dismissing the planning appeal, the Inspector was of the view that sufficient parking could be provided on site, in combination with potential permits to use the nearby public car park, without having any adverse impact upon public parking provision in the locality. He was also of the view that given the context of the site, that adequate and useable amenity space would be provided for future occupiers of the resulting development.

15. With regards to the development's impact upon the Hamble Conservation Area and listed buildings, he was of the view that given the proposed change of use would not alter the external appearance of the buildings, any impact upon the character of the conservation area would be 'neutral'.
16. His reason for dismissing the appeal related to the impact of the proposal upon the local centre, or more specifically, insufficient evidence that the site had been appropriately marketed. Whilst he expressed sympathy with the difficulties of trying to market the site given the difficult economic conditions during and immediately following the Covid 19 pandemic, as well as the physical constraints of the building's internal layout, he was of the view that insufficient information had been provided to demonstrate that these constraints were enough to put off prospective tenants, or that the site had been marketed for alternative Class E commercial uses. It was for this reason that the appeal was dismissed.
17. In relation to the protected European sites, he provided no comment as he was dismissing the appeal for other reasons.

Representations Received

18. A total of ten representations have been received: five objecting to the application; four in support; and a further representation highlighting the need for the building to be respected whatever the outcome of the application.
19. Those objecting to the application highlighted the following issues and concerns:
- Loss of a commercial business to residential
 - Loss of light and outlook caused by the proposed rear extension
 - Removal of trees
 - Disturbance and access issues during construction
 - Potential loss of trade due to construction works
 - Parking
 - Possible damage to boundary walls
 - Building has purposely been left to deteriorate
20. Those in support have highlighted that the current financial climate over recent years has not been conducive to running a restaurant and that reverting the buildings back into residential use will improve the appearance of the buildings and secure their future.

Consultation Responses

21. **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.

22. **Trees** – No objection, subject to the proposed replacement tree being planted and further tree protection details being conditioned, including the raised car parking deck.
23. **Ecology** – No objection: Recommendations of submitted ecological assessment are sound and should be implemented in full. No tree removal within bird nesting season. Submitted CEMP is acceptable and should be conditioned.
24. **Natural England** – Objection: The development will have an adverse impact upon the integrity of New Forest Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar.
25. Mitigation measures proposed in relation to water quality and the Solent SPAs are acceptable, as is the updated CEMP.
26. **Environment Agency** – No objection provided recommendations of the approved Flood Risk Assessment are followed in full and conditioned.
27. **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.
28. **HCC Archaeologist** – Does not raise any archaeological issues.
29. **Hamble Parish Council** – Objection: The vehicle access is very dangerous for pedestrians using the 'only' pavement by the adjacent road. Vehicles exiting the site will be across the pavement before they would see if there are any pedestrians, due to the poor sight lines. The Parish fail to see how this can be improved without the detriment of the Heritage wall which must be retained and unaltered, as this would be unfavourable to the historical character of the village conservation area and the listed building. (The Parish Council would prefer the current situation of no car parking provision, similar to some other older properties in the area, than a dangerous vehicle access or the loss of part of the heritage wall.)
30. The Parish Council also considers this to be over development of the site but would not oppose its return to a residential dwelling; provided it remains on the current building footprint with no extensions to preserve its listed building status; and an important visual and heritage feature in the conservation area.

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

31. 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

32. 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.
33. 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

34. 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:

35. 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:

36. 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:

37. 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 preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Policy & Principle:

38. 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.

39. The site also lies 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. However, DM22 does allow the loss of an existing use provided a number of criteria are met. 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.

40. Whilst a residential use would not usually be considered as an ‘active use’ for a commercial area, in this instance the original domestic form of the building and its fenestration already impede the relationship between the inside and external public realm, being very different to that provided by an open glazed shopfront, as noted by the Appeal Inspector. In relation to a) above therefore, it is not considered there would be any noticeable difference, other than the level of activity, which at present is zero given the restaurant has been shut for a number of years. Equally, it is not proposed to alter the external appearance of the building – other than the addition of the rear extension – so would meet the requirements of part b).

41. In relation to 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.

42. 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.
43. With regards to the first part of these criteria, whilst the comments received on this and previous applications in relation to Hamble being a popular location which can support restaurant and leisure uses are noted, further 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 hospitality use. Equally, evidence has been provided that there has been no interest in taking the buildings on for any other commercial use. That being the case, consideration of allowing a change of use which would result in the loss of a local centre use should be given in order to bring the building back into use.
44. 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 the asset or new development which may affect it 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.
45. 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.
46. In principle therefore, whilst the proposed change of use may not fully accord with the policy requirements set out above, on balance, and in the interests of bringing an important heritage asset back into use, it is

considered that the change to an entirely residential use should not be disregarded.

Sustainable Development:

47. Section 2 of the NPPF (December 2024) 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.
48. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Each of the three objectives of sustainable development are considered below.
49. 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:

50. 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;”
51. 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.” Part of this is to “allow a suitable mix of uses (including housing)” and “recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”
52. The main concern raised as part of this and previous applications, 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 and that no interest in taking the building on has been shown since at least the beginning of 2024. 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.

53. In addition to the physical constraints of the building's layout, the economic situation over recent years has been poor, particularly in the hospitality sector. This latest planning application is supported by evidence from a well known local letting agency (Stanford) who have stated in a letter dated 4th August 2024, that despite the 'prime' location of the site, after seven months there had been no enquiries to view the property or even for further information on the site as it currently stands. Details of the site were also forwarded to over 50 investors and businesses known to be seeking new space, with none showing any interest in the site. The only interest shown was from a member of the public enquiring about using the property as a residential dwelling.
54. They go on to state that *"It is our opinion that, in the current market, the national economic circumstances (particularly within the hospitality sector) and the cost-of-living crisis, that this type of property will struggle and is likely to remain on the market for a very long time before it even gains any sort of enquiries let alone actual uptake."*
55. 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 current and projected economic conditions, together with the internal layout and constraints of the building are far from ideal for running a viable modern restaurant business. These same constraints are also likely to limit scope for alternative commercial or retail uses, which raises the strong possibility that the building may remain empty and unused for a considerable period, leading to further deterioration and negative impact on the locality.
56. The proposed change of use back to its original residential use would however bring the buildings back into use, thereby safeguarding their future, as well as bringing in new residents who can make use of neighbouring businesses, thereby supporting the vitality and viability of the wider local centre, together with supporting construction jobs during the physical works to the building. As such, it is considered that there would be an economic benefit to the proposed scheme and therefore would be economically sustainable.

Social Sustainability:

57. 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;"

58. As well as providing two dwellings, the proposed conversion back to residential use would help to safeguard an important and prominent Listed Buildings and heritage assets, thereby helping to preserve a piece of local history for the foreseeable future. As such, it is considered that there would be a social benefit to the proposed scheme and that it would therefore be socially sustainable.

Environmental Sustainability:

59. 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."
60. 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

61. The most significant 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 that the appearance, height and physical scale of that proposed is greater than the existing lightweight structure. Notwithstanding, the removal of the existing rather unattractive decking and its replacement with a far more sympathetically designed brick and tile extension is considered to be an aesthetic improvement. Other external alterations are 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.
62. These works were considered as part of the approved listed building application and are considered to be appropriate and respectful to the building and to accord with the requirements of Policies DM1 and DM12 of the local plan.

Access, Parking & Highways

63. 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 has been 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.

64. 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 it 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.
65. Concerns have also been raised that the scheme does not provide adequate off-road parking to serve the development, and that this would lead to increased pressure upon local public car parks. It is accepted that 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), however, 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.
66. This was noted by the Appeal Inspector, as was the fact that the trip rates associated with the proposed residential use would be substantially less than that of the previous restaurant use. He also stated that there was no evidence to demonstrate that any potential 'overspill' parking at nearby car parks would have a detrimental impact upon broader parking provision for visitors to Hamble. In conclusion, he was of the view that "the proposed development would provide appropriate parking provision for the (site) context, in accordance with local plan Policies DM1 and DM14".
67. Whilst the committee may take a different view to that of the Inspector, the Inspector's conclusions are a significant material consideration which must be taken into account. That being the case, some degree of compromise is required, and a balance must be struck between strictly adhering to standards verses ensuring the development works and the character of the area is protected. In this instance, whilst the provision of just two spaces is not ideal, it is something that future occupiers of the dwellings will be aware of, and there is alternative public parking elsewhere in the village should occupiers choose to use it. Although the proposed parking provision does fall short of standards, on balance it is not considered that this could reasonably be used as a reason to refuse the application, particularly in light of the Appeal Inspector's comments.
68. 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

69. In terms of the amenity of future occupiers, the two dwellings will meet the necessary internal space standards and are laid out in such a way as to meet flood risk requirements. Externally, there would be a shared courtyard area, which would also be used for parking. Both dwellings would have access to individual terraces/patio areas which would provide outdoor amenity space. However, it was the size of these private spaces which was a concern of the committee, this forming one of the reasons for refusal.
70. In his assessment, the Appeal Inspector stated 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.”
71. The Council’s ‘Quality Places’ SPD allows smaller than standard amenity spaces where the site is in close proximity to public open space, which in this instance would be Hamble Foreshore. In terms of privacy, light and outlook, these again are all acceptable, with the dwellings also having direct views of the river. In relation to the amenity of future occupiers of the proposed development, it is concluded that the scheme meets the relevant requirements of Policy DM1 and the ‘Quality Places’ SPD, with the Inspector’s views again being a significant material consideration.
72. With regards to neighbouring uses, most are commercial in nature. As such, conversion of the building into residential use is not expected to cause any issues. Equally, any future occupiers will be aware of the proximity of neighbouring uses, such as ‘The Bugle’ and ‘The King and Queen’ Public Houses and should expect a degree of disturbance given the nature of the immediate surrounding area.
73. An objection to the construction of the two storey rear extension has been 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.
74. Some concern has been raised in relation to disturbance and access during construction. Whilst these concerns are noted, the physical works proposed are relatively minor and suitable amenity protection conditions and advisory notes are recommended, together with compliance with the submitted Construction Environment Management Plan (CEMP).

Heritage, Street Scene & Area Character

75. 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. Equally, given the restaurant has not been open for a number of years, conversion to a purely residential use will have no adverse impact upon the general character of the surrounding area.

76. 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 loss of the restaurant is unfortunate, it does not appear that this or any alternative commercial use is likely to be viable given the present economic climate. Therefore, bringing the building back into its original domestic use is considered to be the most viable option and will ensure this important historic building is appropriately maintained and looked after for the future.

Trees & Nature Conservation

77. The proposals do 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 it is considered acceptable. 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 is conditioned, as will protection measures to ensure remaining trees are not damaged both during and after construction works.
78. 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 submitted Construction Environmental Management Plan (CEMP), which will ensure that nesting bird, bats and the nearby river are not harmed during works. These documents are conditioned.

Biodiversity Net Gain:

79. In England, Biodiversity Net Gain (BNG) is mandatory under [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development. However, certain development, such as householder applications, is exempt from needing to provide this improvement. Other exemptions include where development will impact less than 25 square meters of on-site habitat, or less than 5 metres of on-site linear habitat such as hedgerows. This is the case for the application site, where what limited on-site habitat there is will not be impacted by that proposed.

Impact on Special Policy Areas

Nitrates:

80. 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).
81. The application site will use 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 intends 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. The developer will need to provide evidence of this mitigation via a pre-occupation condition.

Recreational Disturbance:

82. 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 has agreed 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).

Habitats Regulations:

83. A Habitat Regulations Assessment has been undertaken by the Local Planning Authority for the proposed development, which outlines the likely impacts on the special protection areas and proposed mitigation. This has been reviewed by Natural England, who whilst satisfied with the mitigation measures proposed in relation to water quality and the Solent SPAs, together with the submitted Construction Environmental Management plan (CEMP), an objection has been raised in relation to recreational impact upon The New Forest designated sites.
84. Whilst this concern is noted, Eastleigh Borough Council as the competent authority for the purposes of Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended), are content that adequate mitigation in this respect can be provided through the Council's New Forest Mitigation Scheme.

Flooding & Drainage

85. 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 do 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.
86. It is unclear how existing surface water drainage is dealt with and if the proposed scheme will utilise the same system. However, this is something that can be confirmed via a suitably worded condition. Construction drainage is dealt with as part of the submitted CEMP which has been approved by the Council's Ecologist and is conditioned.

Sustainability Measures and Climate Change

87. 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.
88. 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.
89. 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.
90. 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

91. 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:

92. Also of note is the latest position on the Government required 5 year housing land supply. The published figure for August 2022 confirms that the Council currently has a 5.1 year supply. However, a recent appeal decision indicated the Council have dropped marginally below this target. The addition of urban windfall sites, such as the proposal, makes a small but important contribution to the council's housing land supply.

Equalities Implications:

93. 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:

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

94. 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:

95. Whilst the loss of the restaurant use is regrettable, this needs to be balanced against the benefits of the proposal. 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 a viable option in this

respect, and would 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. As such, the application is recommended for approval subject to the conditions set out above.

F/24/98647



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Date: 18/03/2025 | Scale: 1:1250