

BHH - Bursledon, Hamble-le-Rice and Hound Local Area Committee –
1st December 2022

Application Number: L/21/91048
Case Officer: Gary Osmond
Received Date: Wednesday 7 July 2021
Site Address: 1 ROPE WALK, HAMBLE-LE-RICE, SOUTHAMPTON,
SO31 4HB
Applicant: Andros Loizou
Proposal: 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.

Recommendation: GRANT LISTED BUILDING CONSENT

CONDITIONS AND REASONS:

- 1 The development hereby permitted shall be implemented in accordance with the following plans numbered: 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 18 of the Planning [Listed Buildings and Conservation Areas] Act 1990.
- 3 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.

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, Jarvis, Manning and Rich, and relates to a concurrent planning application (F/21/91037)

Description of Application

2. The application seeks listed building consent for alterations to the building as part of 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:
 - Design and Access Statement
 - Arboricultural Impact Assessment
 - Ecological Assessment

Site Characteristics and Character of the Locality

4. 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.
5. 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.

6. 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

7. This planning application is accompanied by a concurrent planning application (F/21/91037), which deals with the proposed change of use and impact of the proposed alterations and extension upon neighbouring properties and the wider Hamble Conservation Area.
8. Prior to the present 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

Representations Received

9. A total of 7 representations have been received highlighting 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
 - Requests that a time limit for completion of the works is applied

Consultation Responses

10. **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.
11. **HCC Archaeologist** – Although the proposal is located within the historic core of the village and has some archaeological potential, in view of the small scale of the proposal ground works I would not raise any archaeological issues.
12. **Hamble Parish Council** – Objection: Concern at the loss of a further business, particularly in such a prominent position. Proposals will not meet necessary parking standards, forcing use of public car parks and reducing spaces for visitors. Vehicular access to the site is poor and may require significant alterations to provide adequate sightlines, which would be detrimental to the historic character of the village and the listed building.

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

13. The Eastleigh Borough Local Plan 2016-2036 was adopted by Full Council on 25th April 2022. The most relevant policies are:

Strategic Policies:

- S1 (Delivering sustainable development);
- S8 (Historic Environment);

Development Management Policies:

- DM1 (General criteria for new development);
- DM12 (Heritage Assets);

Hampshire Minerals and Waste Plan

- Policy 15 – Safeguarding of Mineral Resources.

Supplementary Planning Documents

- Quality Places (November 2011);
- Hamble-le-Rice Conservation Area Appraisal (August 2008)

National Planning Policy Framework

14. 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.
15. 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

16. 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:

17. 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.

Listed Buildings:

18. 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:

19. The relevant policies in this instance are S8, DM1 and DM12 of the adopted local plan, which look specifically at impact upon heritage assets.

20. Policy S8 is a strategic policy which sets out the Council’s approach to conserving and enhancing the Borough’s heritage assets which include nationally and locally listed buildings, and conservation areas. Policy DM12 looks more specifically at the impact of proposals upon individual heritage assets and states: “Development of a heritage asset or within its setting will be permitted provided it does not harm or detract from the significance or special interest of the asset, and sustains and enhances its special character and qualities. The more important the asset, the greater the weight that should be accorded to this criterion.” This policy is aimed at protecting heritage assets by ensuring proposals for them, or new development which may affect them, 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.

21. In principle therefore, the proposed change of and physical alterations and additions to the building are acceptable.

Impact on Listed Building

22. 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.

23. These works are being considered to be appropriate and respectful to the building and to accord with the requirements of Policies DM1 and DM12 of the local plan.
24. 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, bringing the building back into its original domestic use will be a more viable use which will ensure this important historic building is appropriately maintained and looked after.

Sustainability Measures and Climate Change

25. 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.
26. 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.
27. Whilst scope for externally mounted systems such as photovoltaic panels are limited, due to the potential visual harm to the listed building and conservation area, other measures such as energy efficient lighting, appliances, heating systems, etc. could be incorporated.

Equalities Implications:

28. 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.”

29. 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:

30. Whilst the concerns raised in relation to the loss of the restaurant use are noted, this is a matter to be considered as part of the concurrent planning application. This listed building application instead looks at the acceptability of the physical alterations and additions to the building required to allow the proposed change of use, which in themselves are considered acceptable and are supported by the Council's Heritage Consultant.

31. 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 an important heritage asset in a very prominent position within the conservation area. As such, the application is considered to accord with the requirements of Policies S8 and DM12 of the adopted local plan in that it “sustains and enhances its special character and qualities” of the heritage asset and will help to “secure the long-term future maintenance and management of the asset”. As such, it is recommended that listed building consent be granted subject to the conditions set out above.

L/21/91048



Address: 1 ROPE WALK, HAMBLE-LE-RICE,
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Date: 17/11/2022 | Scale: 1:1250