

Planning Meeting 27th September 2021

1900hrs Roy Underdown Pavilion

The Parish Council is consulted on all Planning Applications within the Parish. It only comments on applications that are likely to have an impact on the immediate neighbourhood or wider village unless a member of the public or councillor raises a specific concern. All applications are notified to members and are included on the agenda. Where there are no comments to be made HPC will confirm this to the Planning Authority.

Applications we are likely to comment on are (but not exclusively):

Grounds:

- 1. Conservation Area and Listed Buildings**
- 2. Commercial /Business Use**
- 3. Demolition**
- 4. Properties that are proposing substantial change**
- 5. Where the street scene may be fundamentally altered**
- 6. Those which impinge on rights of way**
- 7. Works to trees**
- 8. Those related to the River Hamble and Southampton Water**
- 9. Applications likely to generate pollutants – air, noise or smell**

If you want to make a comment on an application for the Parish Council to consider please contact the Clerk on clerk@hamblepc.org.uk for advice on the options open to you".

Minutes reference 27092021+agenda item number

1. Welcome
 - a. Apologies for absence
 - b. Expressions of interest

- c. Approve the minutes of 28th June 2021 (July meeting was cancelled)

2. Public Session

Community Issues

- 3. Reported complaints about night time industrial noise

Policy issues

- 4. Feedback from EBC on the Conservation Area Tour
- 5. Delegated decisions

List of applications

- 6. Application since January 2021

Applications for Consideration

- 7. [H/21/91232 - 13 SATCHELL LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HF](#)

Two storey front extensions with first floor balconies, two storey and first floor side extension, first floor and single storey rear extension and loft conversion to provide second floor living accommodation with dormer

- 8. [A/21/91429 - CAPSTAN HOUSE, HIGH STREET, HAMBLE-LE-RICE](#)

Retrospective consent to display advertisement consisting of 3no. mounted display signs and 1no. wall mounted sign

- 9. [F/21/91243 - Barncroft, Corner of Farm Close and Meadow Lane, Hamble-Le-Rice, SO31 4RZ](#)

Conversion of boat and boat equipment storage building to form self-contained 1 bedroom dwelling with amenity area; construction of 1.7m brick built boundary wall; retention of 2m boundary hedge; provision of secure cycle parking and refuse storage facilities with vehicle parking and landscaping (Revision of refused planning application F/20/88507).

Applications Decided

- 10a . [NC/21/91186 - Land adjacent to car park Green Lane Hamble-Le-Rice, Southampton, SO31 4JB](#)

Notification of intent. 1 no. Ash (T1) - Crown lift to 5.0m over road, reduce crown spread towards properties by 2m (back to 1m inside of centre of carriageway). Remove deadwood and prune to clear adjacent trees by 1m.

- Decision: raise no objection

10b. [F/21/89862 - BRITISH PETROLEUM COMPANY PLC, HAMBLE LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4NR](#)

Construction of vapour recovery unit, switch room and associated works

- Decision: Permit

10c. [H/21/91204 - 42 HAMBLE LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4JS](#)

Conversion of existing conservatory to habitable accommodation with the addition of new rear conservatory

- Decision Permit

10d. [T/21/91055 - 28 SATCHELL LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HH](#)

1 no. oak (T1) - Cut back NW Side by up to 2 metres and cut back SW and SE side by 2.5 metres in order to maintain the tree into more of a natural shape.

- Decision: Consent

10e. [F/20/89488 - LAND AT SATCHELL LANE, HAMBLE-LE-RICE,](#)

Residential development of 61 no. dwellings, with associated public open space, landscaping and amenity areas with access off Satchell Lane.

- Decision: Refuse

Not Considered

11a. [H/21/91270 - 41 SATCHELL LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HF](#)

Rear conservatory, single garage to rear garden following demolition of existing

11b. [H/21/91160 - ASTONS, 131A SATCHELL LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HP](#)

Two storey rear/side and single storey side and rear extension

- Decision: Permit

12. Member Training – HALC Planning for Members - date set for 29 November 2021

Exempt business

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 in respect of the following item(s) of business on the

grounds that it is/they are likely to involve the disclosure of exempt information as defined in paragraphs 1, 2, 3 of Part 1 of Schedule 12A of the Act. The Schedule 12A categories have been amended and are now subject to the public interest test, in accordance with the Freedom of Information Act 2000. This came into effect on 1st March 2006. It is considered that the following items are exempt from disclosure and that the

public interest in not disclosing the information outweighs the public interest in disclosing the information.

Enforcement Cases Update

Signed:

Date:

Planning Committee

Minutes

Hamble Parish Council, Parish Office, 2 High Street, Hamble, Southampton SO31 4JE

Planning Meeting Minutes – 28th June 2021

Minute reference 28062021 + agenda item

Attendance

Cllrs. Cohen, Nicholson, Ryan, Thompson and Underdown (Chair)

Staff - Clerk

1. Welcome

- a. Apologies for absence: Cllrs Dann and Rolfe
- b. Declarations of interest.
- c. Approve the minutes of the Planning Committee 24th May 2021 –
Proposed: Cllr Thompson Seconded: Cllr Ryan
and minutes were unanimously approved.

2. Public session – no members of the public present

3. Hamble Conservation Area Policy – A number of actions were fed back to the Committee since the last meeting. This included:

- Design and heritage issues would be covered in the EBC member training that Andy Grandfield arranges.
- Tim Dyer - Conservation Officer would visit the Hamble Conservation Area following the request for an early review of the Hamble Conservation Area Supplementary Planning Guidance.
- Arrangements for a tour including the Area Committee Members was in hand.

4. EBC Local Plan Modifications including Trees and Development Strategy Supplementary Planning Document (SPD) Consultation

Council welcomed the revisions set out in MM84 and noted the amendments to the settlement gap policy. The Clerk was asked to draft some words around the route through the Marshes and onto the Marina and to circulate them.

Also welcomed the Trees and Development SuPD.

And agreed to submit a response to that effect

Planning Committee

Minutes

Hamble Parish Council, Parish Office, 2 High Street, Hamble, Southampton SO31 4JE

5. Well Lane Footpath Update

At the time of the meeting the response from EBC was still outstanding. Would be included in the tour to try to secure a response on how to secure the improvements set out in the original Section 106 agreement.

6. Meeting in July – 19th July agreed as a change of date to enable the Clerk to attend.

Applications for consideration

7. H/21/90418 – Swan House and Swan Cottage 1, 2 Oyster Quay, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HG

The Committee opposed the application due to the size, nature and scale of the proposed development in what is considered a sensitive location in the Conservation Area and in a prominent view in terms of the water front. Particular concerns were raised about the removal of the chimney and the impact on the roof line. It would create a block on the apex changing the line of the roof. The use of galls for the balustrade was also considered out of keeping with the original design of the dwellings.

Proposed: Cllr Nicholson

Seconded: Cllr Ryan

And all unanimously opposed the application.

8. NC/21/90632 – Land around Marina Drive, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HA

The committee supported the crown reduction measures as part of a management plan although the application wasn't voted on.

9. NC/21/90632 – 1-18 Lukes Close, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HA

This item had been removed from the agenda due to the deadline passing.

Planning Committee

Minutes

Hamble Parish Council, Parish Office, 2 High Street, Hamble, Southampton SO31 4JE

Applications not for decision

10. H/21/90533 – 51 Hamble Lane, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4RE – Description: Single storey side extension incorporating an outbuilding and alterations to fenestration on rear elevation
11. H/21/90485 - 50 COACH ROAD, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4JW - Description: Proposed single storey side and rear extension.
12. H/21/90599 - 32 SPITFIRE WAY, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4RT - Description: Convert one part of double garage to habitable space and side and rear fenestration alterations

Decisions

13. T/21/89931 Consent under Tree Preservation Orders

Decision Consent To Tree Works 1 no. Oak (T1) - Fell.

10 CROWSPORT, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HG

The Clerk was asked to contact the tree officer to establish why the tree is being removed. Images of the tree taken down at Bartlets Field to be attached showing its regrowth

14. H/21/9030

Decision Refuse

Proposal Remodelling of dwelling with front and side extensions, addition of first floor with terrace, rear decking, carport and alterations to access, following removal of existing garage and conservatories.

6 CROWSPORT, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HG

Planning Committee

Minutes

Hamble Parish Council, Parish Office, 2 High Street, Hamble, Southampton SO31 4JE

15. H/21/90209 -

Decision Permit - Proposal Single storey rear extension incorporating outdoor covered seating area.

91 SATCHELL LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HL

16. H/21/90332

Decision Permit - Single Storey Side Extension to replace existing conservatory.

29 MERCURY GARDENS, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4NZ

Exempt business

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 in respect of the following item(s) of business on the grounds that it is/they are likely to involve the disclosure of exempt information as defined in paragraphs 1, 2, 3 of Part 1 of Schedule 12A of the Act.

The Schedule 12A categories have been amended and are now subject to the public interest test, in accordance with the Freedom of Information Act 2000. This came into effect on 1st March 2006.

It is considered that the following items are exempt from disclosure and that the public interest in not disclosing the information outweighs the public interest in disclosing the information

Propose: Cllr Underdown Second Cllr Thompson and all agreed to move into Exempt business

17. Enforcement cases. The Clerk highlighted several Enforcement cases.

Meeting ended 8.33pm

List of delegated decisions for Planning Applications during August 2021

Interests declared
None

Application number and address	Decision	Grounds	Authorised
Application No: F/21/91037 Address: 1 ROPE WALK, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HB	Oppose and request decision be referred to the Area Committee	Loss of commercial use Inadequate parking Change to the listed wall to enable parking provision	Chair and Clerk
Application No: F/21/91037 Address: 1 ROPE WALK, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HB	Comments only.	Balustrade should not compromise privacy Terrace should not exceed Conservation Appraisal standard	Chair and Clerk

Signed

Signed

Date

Date

List of applications since 2021

[NC/21/91186 - Land adjacent to car park Green Lane Hamble-Le-Rice, Southampton, SO31 4JB](#)

- Valid date: **12/08/2021**

Notification of intent. 1 no. Ash (T1) - Crown lift to 5.0m over road, reduce crown spread towards properties by 2m (back to 1m inside of centre of carriageway). Remove deadwood and prune to clear adjacent trees by 1m.

- Type of Application: Notification of proposed works to trees in conservation areas
- Status: Decided
- Decision: Raise No Objection To
- Decision Date: 06/09/2021

[CS/21/91294 - BP Hamble Terminal](#)

- Valid date: **11/08/2021**

Marine Management Organisation consultation request: repair of a sheet wall within the BP Hamble terminal

- Type of Application: Consultations
- Status: Decided
- Decision: Raise No Objection To
- Decision Date: 23/08/2021

[H/21/91204 - 42 HAMBLE LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4JS](#)

- Valid date: **06/08/2021**

Conversion of existing conservatory to habitable accommodation with the addition of new rear conservatory

- Type of Application: Householder planning
- Status: Decided
- Decision: Permit
- Decision Date: 17/09/2021

[F/21/91243 - Barncroft, Corner of Farm Close and Meadow Lane, Hamble-Le-Rice, SO31 4RZ](#)

- Valid date: **04/08/2021**

Conversion of boat and boat equipment storage building to form self-contained 1 bedroom dwelling with amenity area; construction of 1.7m brick built boundary wall; retention of 2m boundary hedge; provision of secure cycle parking and refuse storage facilities with vehicle parking and landscaping (Revision of refused planning application F/20/88507).

- Type of Application: Full planning
- Status: Valid
- Decision: Not yet determined

H/21/91095 - 52 HAMBLE LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4JS

- Valid date: **15/07/2021**

Single storey side and rear extension

- Type of Application: Householder planning
- Status: Decided
- Decision: Permit
- Decision Date: 08/09/2021

H/21/89749 - 17 CROWSPORT, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HG

- Valid date: **01/07/2021**

Erection of garage/carport (part-retrospective)

- Type of Application: Householder planning
- Status: Valid
- Decision: Not yet determined

H/21/90727 - ABBEY COURT, SCHOOL LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4JD

- Valid date: **17/06/2021**

Retention of dropped kerb to High Street

- Type of Application: Householder planning
- Status: Valid
- Decision: Not yet determined

NC/21/90641 - 1-18 Luke's Close, Hamble-Le-Rice, Southampton, SO31 4PJ

- Valid date: **27/05/2021**

Notification of Intent. Please see the detailed list of works for the trees identified on the map as: - Group G1, T1, T2, T3, T4, T5, T6, T7, T8.

- Type of Application: Notification of proposed works to trees in conservation areas
- Status: Decided
- Decision: Raise No Objection To
- Decision Date: 23/06/2021

NC/21/90632 - Land around Marina Drive, Hamble Le Rice, Southampton, SO31 4PJ

- Valid date: **27/05/2021**

Notification of intent. Group of Silver Birch (G1) - Crown reduction in height from 10 metres to 8 metres. 1 no. Silver Birch (T1) - Crown lift by upto 5m above ground level.

- Type of Application: Notification of proposed works to trees in conservation areas
- Status: Decided
- Decision: Raise No Objection To
- Decision Date: 23/06/2021

H/21/90418 - Swan House & Swan Cottage, 1, 2 Oyster Quay, Hamble-Le-Rice, SO31 4BQ

- Valid date: **18/05/2021**

New second floor extension to access existing roof terrace after removal of existing second floor terrace access structure.

- Type of Application: Householder planning
- Status: Valid
- Decision: Not yet determined

H/21/90533 - 51 HAMBLE LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4JR

- Valid date: **10/05/2021**

Single storey side extension following demolition of existing side extension and outbuilding. Covered area to the side of new extension. Alterations to fenestration on rear elevation

- Type of Application: Householder planning
- Status: Decided
- Decision: Permit
- Decision Date: 22/06/2021

DC/21/90458 - ABBEY COURT, SCHOOL LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4JD

- Valid date: **29/04/2021**

Discharge of condition 10 (As built SAP, Water, Energy Efficiency data) of planning permission F/18/82520 for demolition of existing detached dwelling and erection of replacement 2 storey dwelling, including replacement garden room and associated landscaping and parking

- Type of Application: Approval of conditions
- Status: Valid
- Decision: Not yet determined

H/21/90140 - GLENFIELD, HAMBLE LANE, BURSLEDON, SOUTHAMPTON, SO31 8BR

- Valid date: **22/03/2021**

Single-storey rear extension within existing dwelling footprint converting conservatory into family room including additional 2no. lantern roof lights

- Type of Application: Householder planning
- Status: Decided
- Decision: Permit
- Decision Date: 17/05/2021

H/21/90115 - 9 HAMBLE HOUSE GARDENS, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4JG

- Valid date: **19/03/2021**

Proposed first floor extension (amendment to approved application H/20/88284)

- Type of Application: Householder planning
- Status: Decided
- Decision: Permit
- Decision Date: 12/05/2021

F/21/89862 - BRITISH PETROLEUM COMPANY PLC, HAMBLE LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4NR

- Valid date: **15/03/2021**

Construction of vapour recovery unit, switch room and associated works

- Type of Application: Full planning
- Status: Decided
- Decision: Permit
- Decision Date: 07/09/2021

F/21/89904 - South Point 2, Ensign Way, Hamble-Le-Rice, SO31 4RF

- Valid date: **24/02/2021**

New windows at first floor level to the north east elevation of the SP2 building.

- Type of Application: Full planning
- Status: Decided
- Decision: Permit
- Decision Date: 21/04/2021

CS/21/89760 - HAMBLE COMMUNITY SPORTS COLLEGE, SATCHELL LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4NE

- Valid date: **08/02/2021**

HCC Application: Installation of two external canopies

- Type of Application: Consultations
- Status: Closed
- Decision: Raise No Objection To
- Decision Date: 11/02/2021

F/21/89700 - South Point, South Point 4, Ensign Way, Hamble-Le-Rice, SO31 4NH

- Valid date: **28/01/2021**

Single-storey extension to north-east elevation of existing South Point 4 building

- Type of Application: Full planning
- Status: Decided
- Decision: Permit
- Decision Date: 09/04/2021

F/20/89488 - LAND AT SATCHELL LANE, HAMBLE-LE-RICE,

- Valid date: **18/01/2021**

Residential development of 61 no. dwellings, with associated public open space, landscaping and amenity areas with access off Satchell Lane.

- Type of Application: Full planning
- Status: Decided
- Decision: Refuse Planning Permission For
- Decision Date: 13/08/2021

H/20/89520 - 46 HAMBLE LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4JS

- Valid date: **28/12/2020**

Single storey rear extension

- Type of Application: Householder planning
- Status: Decided
- Decision: Permit
- Decision Date: 22/02/2021

F/20/89480 - HYS Holdings Ltd Port Hamble Marina Satchell Lane, Hamble, SO31 4NN

- Valid date: **23/12/2020**

Erection of two storey building (to accommodate cafe, restrooms and offices) with associated car park, bin and cycle storage.

- Type of Application: Full planning
- Status: Decided

- Decision: Withdrawn By Applicant
- Decision Date: 12/05/2021



Hamble Village Memorial Hall
High Street
Hamble-le-Rice
Southampton
SO31 4JE

Application A/21/91429
Please ask for Tom French
Direct dial 023 8068 8246
Working hours
Email tom.french@eastleigh.gov.uk

Tuesday 7 September 2021

Dear Sir/Madam

Town and Country Planning (Control of Advertisement) Regulations 2007

APPLICATION NUMBER: A/21/91429
APPLICANT: Hulya Darcy
DESCRIPTION: Retrospective consent to display advertisement consisting of 3no. mounted display signs and 1no. wall mounted sign
SITE ADDRESS: CAPSTAN HOUSE, HIGH STREET, HAMBLE-LE-RICE

I would be grateful for your comments on the above planning application and any other observations on the proposed development.

Information relating to the application, including all the plans and documents, is available to view on our website. Please follow this link <https://planning.eastleigh.gov.uk/> and add the planning application reference A/21/91429. Please reply to the planning officer on this email address tom.french@eastleigh.gov.uk, clearly stating your recommendation on any decision.

In order to meet the Government's challenging targets for our speed of determining applications, we require any comments you wish to make by Tuesday 5 October 2021. Failure to meet this time period will usually result in an application being determined without your comments being considered.

If you feel that a planning application should not be approved without further information, please make this clear in your response, by objecting to the proposals or indicating the inadequacy or unacceptability of details provided. This may be used as a reason for refusal, and you should be prepared to support the Council in defending such a decision at any subsequent appeal. If necessary and appropriate, we will request the necessary additional or appropriate information.

If you have any queries, please contact the planning officer, Tom French, tom.french@eastleigh.gov.uk.

Yours faithfully

Application A/21/91429
Case officer Tom French

The Occupier
Parish office
Memorial Hall
2 High Street
Hamble SO31 4JS GB

Tuesday 7 September 2021

Dear Sir/Madam

Town and Country Planning (Control of Advertisement) Regulations 2007

Application No: A/21/91429
Description: Retrospective consent to display advertisement consisting of 3no. mounted display signs and 1no. wall mounted sign
Site: CAPSTAN HOUSE, HIGH STREET, HAMBLE-LE-RICE

I have received a planning application for the above site, which is close to your property.

Viewing the application:

The application form and plan(s) are available to view on the Eastleigh Borough Council website at <https://planning.eastleigh.gov.uk>. In the search box, type in the application number found at the top of this letter.

Commenting on the application:

You can comment on the planning application via the website.

Please be aware that any written comments will be available for public inspection, under the provisions of the Local Government (Access to Information) Act 1985. Written comments will also be provided to the Planning Inspector, should the applicant submit an appeal.

For your comments to be considered they must be received by Tuesday 5 October 2021 and refer to planning matters. These matters include but are not restricted to:

- National and Local Policy
- Highway matters including parking, servicing and highway safety
- External design, layout or appearance
- Impact on conservation areas or listed buildings
- Impact on trees
- Impact on residential amenity including overlooking/ Loss of privacy
- Overdevelopment
- Visually intrusive
- Excessive noise, dust or smells



HAMBLE PARISH COUNCIL
HAMBLE VILLAGE MEMORIAL HALL
2 HIGH STREET
HAMBLE-LE-RICE
SOUTHAMPTON
SO31 4JE

Application L/21/91382
Please ask for Craig Morrison
Direct dial 023 8068 3876
Working hours
Email craig.morrison@eastleigh.gov.uk

Friday 3 September 2021

Dear Sir/Madam

Planning (Listed Building and Conservation Areas) Act 1990

Application No: L/21/91382
Description: Replacement wooden double-glazed casement windows and new front and rear doors.
Site: THE COACH HOUSE, HIGH STREET, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4JF

Would you please let me have your observations on the above application. **You are receiving this request by mail as the following email addresses were coming back as undeliverable (clerk@hamblepc.org.uk and vmag@hamblepc.org.uk).** Could you please check with your Internet provider and confirm the email addresses to be used in the future.

You can access the plans and documents via our portal [L/21/91382](#)

In order to meet the Government's challenging targets for our speed of determining applications, we require any comments you wish to make within 21 days from the date of this memo. Failure to meet this time period will usually result in an application being determined without your comments being considered.

Please reply to the planning officer on the below email address.

Planning Specialist Contact Details

Email: craig.morrison@eastleigh.gov.uk

Kind regards
Nick Claydon

Conversion of Boat Storage Building to form Self-Contained 1 Bedroom Dwelling with Amenity Area;
Construction of 1.7m Brick Built Boundary Wall;
Retention of Boundary Hedge at 2.0m in Height; Provision of Secure Cycle Parking and Refuse Storage Facilities with Vehicle Parking & Landscaping (Revision of F/20/88507)

At

Barncroft Corner, Hamble-Le-Rice, SO31 4RZ

Planning, Design & Access Statement



Figure 1 Existing Building on Corner of Farm Close & Meadow Lane

Applicants:
Mr Magnus Leask & Miss
Cailah Leask

1.0 Introduction & Background

1.1 This application seeks a grant of planning permission for the conversion of the existing single storey building to form a one-bedroom dwelling. Over the past 15 years the building has been the subject of several planning applications seeking its conversion to residential use, as well as an application for a lawful development certificate which sought to demonstrate that the building had a lawful use as a boat and boat equipment store. All applications have been refused by the Local Planning Authority (LPA).

1.2 The most recent planning application (LPA Ref: F/20/88507) was refused by the LPA as it was considered that: the development being located within a parking area would be harmful to the living conditions of future occupiers, by reason of noise and disturbance; the development would result in the loss of bin and cycle storage which would to the character and appearance of the locality, and; the proposal failed to provide mitigation against increased recreational pressure and nitrate pollution of the Solent and Southampton Water Special Protection Area.

1.3 The subsequent Planning Appeal was dismissed by the Planning Inspector (Planning Inspectorate Ref: APP/W1715/W/20/3265825) on 28th April 2021. Whilst the Inspector considered that *"...noise disturbance associated with vehicular movements entering and leaving the courtyard and the opening and closing of the sliding security gate ... would... likely disturb the sleep of future occupiers of the proposed development..."* he was of the view that *"The proposed development would not, however, result in the loss of the use of the appeal building as a bin and cycle store..."* and that *"...considering its modest size and simple design it would not cause harm to the character and appearance of the area..."* Additionally, the Inspector noted that the proposal would *"at least preserve the character and appearance of the CA..."* and as such *"the proposal would adhere to the design and conservation aims of Saved Policy 169.LB of the LP and Policy DM12 of the Emerging EBLP."* The LPA had withdrawn its third reason for refusal on the basis that the appellants had made financial contributions to provide mitigation through the Council's adopted mitigation schemes. However, the Inspector determined not consider the habitat pollution and recreational disturbance issues given that he had already decided to dismiss the appeal on the basis of noise disturbance.

1.4 The submitted scheme proposes a revised internal layout which would ensure that the dwellings bedroom was not located next to a driveway, parking area or garage and was served by a window with an outlook over an enclosed private garden. As such, the bedroom's external wall would face towards both a private garden and an area of open space and would not have a wall immediately adjacent a driveway, road or garage.

1.5 This statement describes our client's proposal and places it in a context with relevant national and development plan policy, guidance and advice. It will be concluded that our client's application should receive support and be granted planning permission.

2.0 Application Site Description

2.1 The application site is located on the corner formed by the east side of Farm Close and the south side of Meadow Lane in Hamble-Le-Rice. The single storey building, which was originally constructed as a refuse storage building, to be used in association with the Admiralty Row residential development. The building has never been used as a refuse store and is considered to have a lawful

use as a boat and boat equipment store. The site falls within the designated 'Urban Edge' and is within the Hamble Conservation Area.

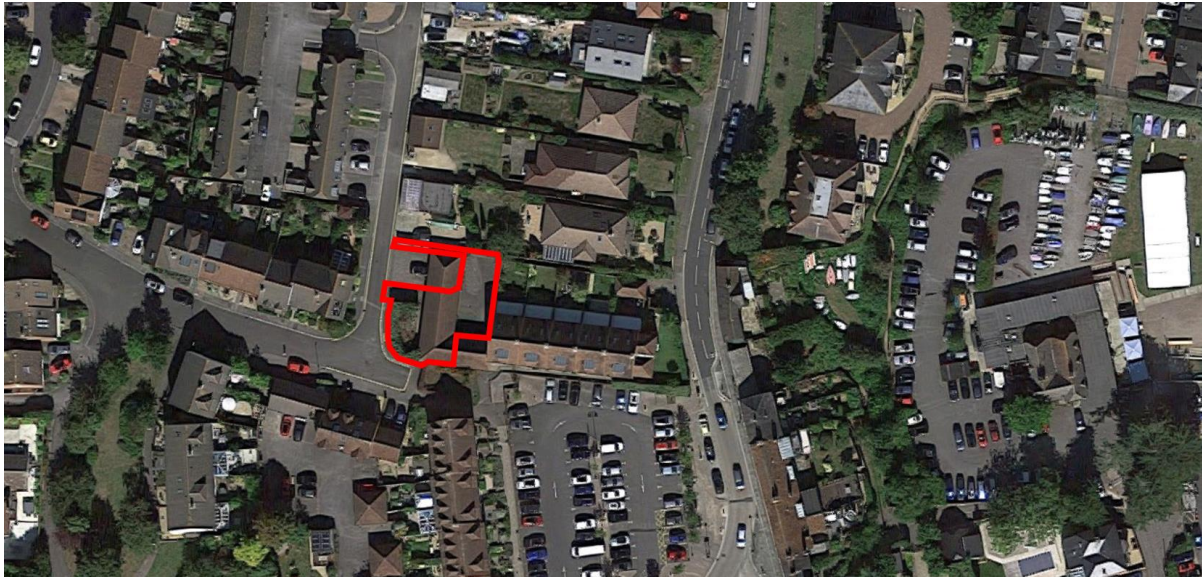


Figure 2 **Application Site and Surrounding Area**

2.2 The application building is constructed with brick elevations beneath a clay tiled, ridged roof. Areas of amenity land are located to the west (within the application site) and south (outside the application site) of the building which are currently enclosed by black painted metal railings behind which are hedges. To the north of the building is a vehicular access which allows entry, via an 'underpass', into a small garage court. Entry to the parking court is controlled by a mechanically operated security gate. Beyond the access to the north are three further garages which are accessed directly from Farm Close. Adjoining the building to the east are two garages which are accessed via the entrance from Farm Close. These garages are owned by a single household who are able to manoeuvre, but not park, vehicles within the parking court.

2.3 The red line of the application site includes the application building and enclosed amenity space to the west, the site access from Farm Close, the turning and manoeuvring area within the garage court, as well as a gated footpath link running adjacent the sites northern boundary.

2.4 It is apparent that housing within the immediate vicinity of the site consists of high-density residential development with many dwellings being located adjacent vehicle parking areas (Admiralty Row, Liberty Row) or over garages or parking/garage court accessways (48 Meadow Lane). Many of these dwelling have little by way of private amenity space. Satchell Lane, which is to the east of Admiralty Row, comprises a mix of both bungalow and two storey housing with frontages facing towards a busy road. The site is also within walking distance of Hambledon High Street with all its associated shops and services.

3.0 Planning History

3.1 The following planning history is considered relevant to the determination of this planning application.

Z/38314/002/00

Construction of Garaging, cycle store, bin store and access from Farm Close, Provision of Garage and Access off Satchell Lane, and Alterations to Cycleway (Amendment to Approved Planning Application 38314/000)

Planning permission granted on 23rd June 2004.

3.2 Condition No.6 imposed on this grant of planning permission stated *“The facilities provided for the storage and removal of refuse from the premises as shown on the approved plans must be provided before the first occupation of the dwellings and retained and used for this purpose thereafter. Reason: In the interest of amenity.”*

F/07/59787

Conversion of storage building to form 1no. two bed dwelling

Refused a grant of planning permission on 8th June 2007

3.3 This application was the subject of Planning Appeal APP/W1715/A/07/2053636 which was dismissed. In summary the Inspector was of the view that: the proposals were not conducive to good living conditions; the provision of an unspecified form of boundary screen to the front garden, together with introduction of garden paraphernalia, would be visually inappropriate in this setting, and; the scheme made inappropriate provision of infrastructure.

F/18/84270

Change of use from storage to two bedroom dwelling with associated parking and amenity space

3.4 This application was refused by the LPA a grant of planning permission on 12th February 2019

- (1) The proposed residential development located within a parking area would be harmful to the living conditions of future occupiers by virtue of its design and layout, and unsecure internal and external environment...;
- (2) The use of the site for residential purposes and in particular the private amenity space and potential for further domestic paraphernalia would be visually out of keeping and harm the character and appearance of the Conservation Area ...;
- (3) The conversion of the existing building will result in the loss of bin and cycle storage for existing properties of Admiralty Row whilst increasing demand for bin and cycle storage through the provision of one additional dwelling to the area. The plans and submitted information make no provision for the storage of cycles or bins for the existing or proposed dwellings ...;
- (4) The application fails to secure mitigation against recreational pressure impact from the development on the Solent and Southampton Water Special Protection Area...

LDC/19/86058

Lawful Development Certificate Existing Use as Private storage of boats and equipment

3.5 This application was refused by the LPA on 13th September 2019

1. There is insufficient evidence showing use of the storage area for the boat and boat equipment storage within the area shown as shaded red on the plan.
2. Insufficient evidence has been provided to support the evidence for uninterrupted use of the area shaded red for boat and equipment storage for longer than 10 years.

F/20/88507

Change of use from storage building to 1no. one bedroom dwelling with associated vehicle parking, bin and cycle storage, amenity area and landscaping

3.6 This application was refused by the LPA for the following, summarised, reasons:

1. The proposed residential development located within a parking area would be harmful to the living conditions of future occupiers, by reason of noise and disturbance.

2. The conversion of the existing building will result in the loss of bin and cycle storage for existing properties of Admiralty Row, detrimental to their residential amenity and to the character and appearance of the locality.
3. The application fails to secure mitigation for the impact of increased recreational pressure and increased nitrates from the development on the Solent and Southampton Water Special Protection Area.

3.7 Application F/20/88507 was appealed by the applicants. Despite being dismissed on the grounds of noise disturbance (caused to future occupiers by cars manoeuvring within the parking area and operation of the security gate) the Inspector did not accept that the proposals would result in the loss of existing refuse and bicycle storage facilities and, would not harm the amenities of residents or the character and appearance of the conservation area. The Inspector determined not consider the habitat pollution and recreational disturbance issues given that he had already decided to dismiss the appeal on the basis of noise disturbance. A copy of the appeal decision (Planning Inspectorate Ref: APP/W1715/W/20/3265825) made on 28th April 2021 is provided at **Appendix I**.

4.0 Proposed Development

4.1 This revised application seeks a grant of planning permission for the conversion of the existing boat and boat equipment store to a 1-bedroom dwelling. The proposed change of use would also require: (i) minor external alterations to the existing building to form additional window openings; (ii) the enclosure of the front (west facing) amenity space with a 1.7m high brick boundary wall to the garden's northern boundary, and; retention of the existing black painted metal railings and existing boundary hedge to the sites west and south-west boundaries. The hedge would be maintained at a height of 2.0m along the site boundaries. Two parking spaces would be made available for future occupiers within the parking court.

4.2 Internally, the building would comprise one double bedroom, a bathroom, a combined kitchen and living space together with a dining room. The location of the proposed bedroom has been moved from its position previously shown in application F/20/88507 (adjacent to the buildings northern wall) to the southern side of the building. It is proposed to provide a separate bathroom immediately to the east of the bedroom which would provide a 'buffer' between the bedroom and the adjacent garage. The bedroom would be served by a window which would be inserted into the buildings west elevation with an outlook directly over the proposed private garden.

4.3 Externally, the building would be altered to provide double glazed, timber sash windows in the building's west elevation (serving the dining room and bedroom) as well as folding doors which would allow future residents access to the private garden. A further timber double glazed sash window would be inserted into the buildings north elevation allowing light from, and a view over, the parking court from the kitchen. The existing doorway in the buildings east elevation would be repurposed as a 'back door' allowing access to the rear parking court via an enclosed and gated step. The front amenity space would be secured by a 1.7m high boundary wall to its north boundary with the existing gated entrance being retained. Cycle and refuse storage facilities would be provided in a 1.5m high purpose-built 'shed' structure which would be sited on the southern side of the 1.7m high north boundary wall. The existing hedging to the buildings west and south-west boundaries would be

retained and maintained at a height of 2.0m. The proposed dwelling would also be provided with two parking spaces within the parking court.

4.4 The amenity space to the south of the building does not fall within the application site. No window openings would be set into this elevation of the application building.

5.0 **Planning Policy**

5.1 The relevant planning policy documents in respect of this application are the National Planning Policy Framework, revised July, 2021 (NPPF) and the Eastleigh Borough Local Plan Review (2001-2011). Additionally, there are several adopted Supplementary Planning Documents which are relevant to the proposed development.

National Planning Policy Framework

Relevant Parts of the NPPF

5.2 Paragraph 7 of the Framework states that *"...The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs..."*

Environment

5.3 The NPPF states (at para.8) that *"... Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways..."* The economic objective is described as helping to *"...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"*; The social objective requires planning 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..."* The environmental objective relates to the protection and enhancement of *"...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."*

Housing

5.4 At paragraph 60 the Government comments that *"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."* Paragraph 62 goes on to say *"Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)..."*

5.5 With regards to the delivery of housing paragraph 69 states *"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly..."*

Highways

5.6 With particular regard to transportation and highways matters paragraph 111 of the revised NPPF states *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

Design

5.7 Section 12 of the NPPF relates to *"Achieving well-designed places."* Paragraph 126. states *"The creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities..."* Paragraph 130 sets out 6 design criteria. It states that *"Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

5.8 Paragraph 130 goes on to state *"Development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design..."*

Conservation

5.9 When making decisions paragraph 197 advises LPAs *"...should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness..."*

5.10 At paragraph 199 the NPPF advises *"...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance..."* Paragraph 200 continues *"...Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification..."* Paragraph 202 sets out that

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use...”

Local plan Policy

Adopted Eastleigh Borough Local Plan Review (2001-2011)

5.11 This is the Borough Council’s current adopted local plan. Its policies remain valid although some are now out-of-date. It will be replaced in due course by the Eastleigh Borough Local Plan 2016 – 2036. The pre-submission Local Plan was submitted to government on 31st October 2018. Adopted Local Plan policies considered relevant to this development are as follows: -

Design

5.12 Policy 59.BE relates to design issues and more general development management matters. This policy states:-

“Development proposals which are in accordance with the other policies in this plan will be permitted provided they meet all the following criteria:

- (i) they take full and proper account of the context of the site including the character and appearance of the locality or neighbourhood and are appropriate in mass, scale, materials, layout, density, design and siting, both in themselves and in relation to adjoining buildings, spaces and views, natural features and trees worthy of retention;*
- (ii) they make the most efficient use of the land;*
- (iii) they incorporate an appropriate mix of dwelling type and land use where appropriate;*
- (iv) they provide a high standard of landscape design and appropriate planting where required. Development should use native plants in landscape schemes to benefit biodiversity. Development adjacent to or within the urban edge must not have an adverse impact on the setting of the settlement in the surrounding countryside;*
- (v) they have a satisfactory means of access and layout for vehicles, cyclists and pedestrians including appropriate links to surrounding footpaths, cycleways and public transport services;*
- (vi) include, where appropriate, provision for the secure storage of bicycles;*
- (vii) they are an appropriate use for the locality and avoid unduly interfering, disturbing or conflicting with adjoining or nearby uses, especially in terms of noise, fumes, dust, overlooking, loss of daylight, loss of outlook, vibration, or from floodlighting or security lighting;*
- (viii) they make adequate provision for the storage and collection of refuse and where appropriate include facilities for the collection of recyclable materials;*
- (ix) they include, where appropriate, measures which provide shade and protection from the sun, and;*
- (x) new development should reduce the potential for criminal activity and anti-social behaviour by the use of appropriate design.”*

5.13 This policy also requires new development to:-

- fit in with surrounding land uses;

- not represent an over development of the land;
- incorporate an appropriate mix of dwelling types;
- provide a high quality landscape integrating where possible existing trees and planting; provide refuse, recycling and cycle storage facilities;
- provide satisfactory means of access and layout for vehicles, cyclists and pedestrians including appropriate links to surrounding footpaths, cycleways and public transport services.

Conservation Areas

5.14 Saved Policy 169.LB is relevant to applications that would result in new buildings or the alteration and extension of existing buildings, within or affecting the setting of, Conservation Areas. The key consideration is that development “... *preserves or enhances the character or appearance of the Conservation Area or its setting...*” Additionally the policy requires that “...*the materials to be used are appropriate to and in sympathy with the existing buildings and the particular character of the area; and ...proposals do not generate excessive traffic, car parking, noise or cause detriment to the character of the local environment. Existing inappropriate uses will not be allowed to expand or intensify and the Borough Council may encourage their relocation if serious loss of amenity is occurring...*”

Housing

5.15 Policy 72.H relates to housing densities and states that “*In areas which are close to good public transport provision and from where shops, schools and other facilities which meet day to day needs are easily accessible, the Council will expect residential developments to achieve the maximum net residential density compatible with the protection of reasonable residential amenity up to or beyond 50 dwellings per hectare if appropriate. Permission will not be granted for proposals which do not achieve optimum densities. Only in exceptional circumstances will the Council accept densities of less than 30 dwellings per hectare where it is considered to be in the best interests of protecting the amenity of the area, on sites of less than 10 dwellings, where the amenity of the area is particularly dependent on lower density development, the Council will be prepared to consider densities as low as 30 dwellings per hectare.*”

Transport and Accessibility

5.16 The Local Planning Authority sees Transport and Accessibility as key policy areas which are a concern of local residents. Paragraph 6.1 of the Local Plan Review states:

“....The Council, in partnership with Hampshire County Council, will work towards achieving the following objectives:

- *to reduce the need to travel, especially by car*
- *to reduce the number of accidents on our roads, particularly those involving vulnerable road users*
- *to encourage further provision and use of public transport, including the improvement of existing services and facilities*
- *to ensure the location of new development is in places which are or can become widely accessible by means of transport other than the car*
- *to improve provision for cycling and walking*
- *to give priority to provision to the needs of pedestrians, cyclists and public transport users*

- *to meet the targets of the Road Traffic Reduction Act 1997*
- *to encourage where appropriate the transfer of freight from road to rail."*

5.17 Policy 100.T relates to the implementation of the Borough Council's Transport Strategy. This policy states:-

"Development which accords with other relevant policies of this Plan will be permitted provided it meets all the following criteria:

- i. it is, or could be well served by public transport, cycling and walking;*
- ii. it includes measures that minimise its impact on the existing transport network;*
- iii. that where a large number of journeys are likely to be generated, the development is located to minimise travel demand and provide a choice of transport mode; and;*
- iv. that, where appropriate, a Transport Assessment in accordance with the thresholds set out in table B of the Hampshire Parking Strategy and Standards is included with the proposals."*

5.18 Policy 104.T relates to the provision of car parking within development sites.

Emerging Eastleigh Borough Local Plan 2016 – 2036

5.19 Emerging policy DM1 is a general development management policy which seeks to maintain and enhance existing levels of residential amenity and ensure that proposals *"i. ... make efficient use of the site, maximise opportunities to increase density..."* and *"ii ...take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood...and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views..."*

5.20 Emerging policy DM12 relates to heritage assets. This states *"... Development of a heritage asset or within their setting will be permitted provided: i. it does not harm or detract from the significance or special interest of the asset..."* Emerging policy DM13 concerns *"General development criteria – transport"*. This states that *"All new development must have safe and convenient access to the highway network and make provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate..."* Policy DM14 relates to *"Parking"*. This states *"New residential development will be required to provide off-highway parking in accordance with the adopted Eastleigh Borough Council's Parking Standards SPD which sets out minimum requirements for residential and commercial parking provision..."* Policy DM23 relates to *"Residential development in urban areas"* and states *"Within the urban edge as defined on the policies map, residential development through new build, conversion, sub-division or extension will normally be permitted subject to the general development criteria and transport policies of this Local Plan..."* Finally, relevant to this application, is policy DM32, *"Internal space standards for new residential development"*. This states *"The Borough Council requires that all new dwellings meet as a minimum the Nationally Described Space Standards (or future equivalent)..."*

Relevant Supplementary Planning Documents

Residential Parking Standards Supplementary Planning Document, January 2009

5.21 On site car parking for residential development is guided by the above SPD. The provision of on-site parking has been calculated on the basis of the table copied below.

Property Size	Car Ownership		Car Parking Standard			Long Term Cycle Storage	
	2001 (Census)	2026 (TEMPRO growth)	with 50% or more unallocated spaces	with <50% unallocated spaces	Individual/ 'on- plot' allocation	Individual storage	Communal storage
	cars per household		parking spaces per dwelling				
GENERAL RESIDENTIAL							
1 bed	0.96	1.00	1.00	1.25	2	1	1
2/3 bed	1.37	1.44	1.50	1.75	2	2	1
4+ bed	1.69	1.77	2.00	2.25	3	2	1
OLDER PEOPLE'S HOUSING							
Active elderly with Warden Control	0.39	0.41	0.50	0.60	1	1	1
Nursing and rest homes	1 space per 6 bedrooms plus 1 space per staff member					1 per 6 staff	

Notes

1. A minimum of 20% unallocated parking is required to provide for casual and overspill parking.
2. All proportions to be rounded up to the next whole number.
3. Garages less than 6m x 3m internally will not count towards parking provision.
4. A minimum of 5% of residential spaces should be designated for use by disabled people.

Quality Places Supplementary Planning Document, November 2011

5.22 This SPD provides guidance in relation to the delivery of high quality development by following several key design principles. These include:- Analysis of Context; Residential Density; Legibility; External Space; Public Open Space; Residential Amenity; Access within the Site; Parking; Waste, Recycling and Cycle Storage, and; Design of Buildings and Materials.

Eastleigh Borough Council, Five Year Housing Land Supply Position Statement, May 2021 (Strategic Planning, Hampshire County Council)

5.23 In May 2021 Eastleigh Borough Council published their latest position with regards to the Five Year Housing Land Supply. The statement confirms, at point ii of the 'Executive Summary' that *"On the basis of the information as presented in this document it is concluded that Eastleigh Borough Council can comfortably demonstrate a five-year supply of housing, with 5.9 years' worth of housing using the Local Housing Need figure and a 5% buffer"*

Housing Needs Study, Final Report – June 2015 (JG Consulting)

5.24 The LPA published a Housing Needs study in 2015. Paragraph 6.17 states *"...The data suggests that housing requirements reinforce around the existing profile of stock, but with a slight shift towards a requirement for smaller dwellings relative to the distribution of existing housing. This is understandable given the fact that household sizes are expected to fall slightly in the future (which itself is partly due to the ageing of the population)..."* With regards to housing mix the statement comments *"It is considered that it is appropriate through the planning system to seek to influence the balance of types and sizes of market housing through the mix of sites allocated for development, rather than specific policies relating to the proportion of homes of different sizes which are then applied to specific sites..."* (para. 6.21).

6.0 Planning Considerations

6.1 This revised application seeks a grant of planning permission for the conversion of the existing boat and boat equipment store to a 1-bedroom dwelling. The proposed works would require external alterations to the building to provide new window and door openings. Additionally, a 1.7m high brick boundary wall would be constructed along the garden's northern boundary together with the retention of the existing metal railings and hedge to the sites west and south-west boundaries. The would, thereafter, be maintained at a height of 2.0m. A cycle and refuse storage building would be

provided within the garden with two vehicle parking spaces being made available for future occupiers within the secure parking court.

Background to Early Planning History

6.2 A review of the sites early planning history will reveal that planning permission was granted under application Z/38314/002/00 for the “Construction of Garaging, cycle store, bin store and access from Farm Close, Provision of Garage and Access off Satchell Lane, and Alterations to Cycleway (Amendment to Approved Planning Application 38314/000)” on 23rd June 2004. This application was the subject of a planning condition (no.6) requiring the provision and retention of refuse storage facilities within the application building. However, since its construction, the building has never been used for refuse storage.

6.3 In addition to application Z/38314/002/00 there are 4 other applications relevant to this case (LPA References F/07/59787, F/18/84270, LDC/19/86058 & F/20/88507). Applications F/07/59787 & F/18/84270 sought permission for the conversion of this building to form a two-bedroom dwelling; both applications were refused. Planning application F/07/59787 was refused on the basis that the proposals would result in a ‘visually incongruous’ development due to the proposed elevational changes, layout and domestic activity; poor levels of security, and; failure to provide financial contributions towards “open space works, social and recreational facilities or off-site transportation works...” This decision was the subject of a planning appeal which was dismissed by the Planning Inspector. In summary the Inspector was of the view that the proposals: were not conducive to good living conditions; did not specify the form of boundary screen to the front garden; would result in the introduction of garden paraphernalia which would be visually inappropriate in this setting, and; the scheme failed to provide contributions towards infrastructure.

6.4 Revised application F/18/84270 was also refused for reasons relating to poor “living conditions” due to the building’s location close to a vehicle parking area; “unsecure internal and external environment”, visual harm, caused by domestic paraphernalia, to the Conservation Area and, “loss of bin and cycle storage for existing properties of Admiralty Row...” Furthermore, the LPA refused permission for a 4th reason relating to the failure of the applicant to provide a financial contribution towards mitigation against increased recreational disturbance in the Solent and Southampton Water Special Protection Area.

6.5 Subsequent to the refusal of F/18/84270 the applicants submitted an application for a lawful development certificate for the existing use of the application building for private storage, not in compliance with Condition 6 attached to Z/38314/002/00. This application was refused on 13th September 2019 as the LPA considered; (1) that there was not sufficient evidence to demonstrate that the building had been used for storage over the 10 years immediately preceding the submission of the application and; (2) “Insufficient evidence has been provided to support the evidence for uninterrupted use of the area shaded red for boat and equipment storage for longer than 10 years”. However, it is relevant that, in an email to the applicant’s agent dated 26th September 2019, the Council’s solicitor (attached as **Appendix II**) stated “...Should you wish to take this further, please follow the appeal route. The alternative to this is to simply wait until the period of 6 months is over from when should then have enough evidence to show us the boat storage providing no enforcement action is taken in the interim.” The applicants purchased the application building on 15th March 2010 and have used it continuously, ever since this date, for the storage of their boats together with boat equipment.

As such, the use of building, which has now been in continuous use as a boat and boat equipment store for a period exceeding 10 years, is both immune from enforcement action and is its lawful use.

Application F/20/88507 & the Subsequent Planning Appeal

6.6 Prior to submitting application F/20/88507 the applicants reviewed, very carefully, the past decisions relating to the proposed residential use of the building. Firstly, it was considered that the buildings use for the storage of boats and boat equipment was the buildings lawful use (and not as a refuse store) given that it had been used as such for in excess of 10 years and had never been used for the storage of refuse. Secondly, it was considered that the provision of an external amenity space, screened along its boundaries by either a 1.7m high wall or hedge maintained at 2.0m in height would preserve the privacy of the future occupiers of the building. Additionally, to ensure the privacy of future occupiers was maintained it was also considered important that all of the buildings proposed windows should have an outlook only over 'private' land. Thirdly, the applicants had noted the concerns of the Planning Inspector who determined the appeal in 2007. He was of the view that a bedroom located next to a garage (i.e. where the building shares a party wall at its eastern side with a garage in separate ownership) would not provide future residents with acceptable living condition due to noise nuisance. This matter was considered to have been adequately addressed in application F/20/88507 by locating the dwellings one bedroom within the northern part of the building. Finally, the applicants recognised that the LPA had adopted strategies to provide mitigation against both habitat disturbance and nitrate pollution of the Solent Special Protection Areas, and were willing to make the requisite contributions in respect of both matters.

6.7 Unfortunately, the LPA refused the application F/20/88507 on 13th November 2020 for three reasons.

1. The proposed residential development located within a parking area would be harmful to the living conditions of future occupiers, by reason of noise and disturbance.
2. The conversion of the existing building will result in the loss of bin and cycle storage for existing properties of Admiralty Row, detrimental to their residential amenity and to the character and appearance of the locality.
3. The application fails to secure mitigation for the impact of increased recreational pressure and increased nitrates from the development on the Solent and Southampton Water Special Protection Area.

6.8 The applicants lodged an appeal against this decision to the Planning Inspectorate on 22nd December 2020. Whilst the Planning Inspector dismissed the appeal on 28th April 2021 (PINS Appeal Decision attached as **Appendix I**) it will be noted that he had only one objection to the proposed scheme. The Inspector found that he was unable to support the proposal on one ground - noise disturbance. At paragraph 9 of his decision letter the Inspector comments *"...It is noted that Farm Close adjacent to the site is marked with double yellow lines which prohibit vehicles from parking on the road. However, notwithstanding this and the mainly residential surroundings, noise disturbance associated with vehicular movements entering and leaving the courtyard and the opening and closing of the sliding security gate during the aforementioned times would, especially during the summer months when windows tend to be left open for ventilation, likely disturb the sleep of future occupiers of the proposed development."*

6.9 It is clear, therefore, that the Planning Inspector concluded that the noise from vehicles entering the private drive, stopping for the sliding security gate to open, vehicles moving through the gated entrance and the gate closing would cause harm to future occupiers of the proposed bedroom – particularly if these movements took place during the night reflecting modern shift working practices.

6.10 This revised application relocates the proposed bedroom to a position located within the southern part of the building. The bedroom's external south and south-west facing walls would be surrounded by garden land and open space; the walls of the bedroom would not, therefore, be immediately adjacent a vehicular access serving a gated parking court. The proposed bedroom would be served by a west facing window which would have an outlook over a private garden which would be securely enclosed by metal railings and hedges which would be maintained at a height of 2.0m. To ensure total privacy the hedge screen would be maintained to prevent views into the proposed bedroom window from beyond the site's southern boundary. These revisions are considered to satisfactorily address the Planning Inspectors stated concerns that future occupiers of the proposed dwelling, and the bedroom in particular, would be disturbed by noise and disturbance caused by vehicles accessing the parking court.

6.11 The Inspector, when making his decision, also considered the LPAs objection to the proposed development in relation to the loss of the use of the building as a bin and cycle store and the character and appearance of the area.

6.12 With regards to the possible use of the existing building as a bin and cycle store the Inspector stated, at paragraph 15 of his decision, *"The proposed development would not, however, result in the loss of the use of the appeal building as a bin and cycle store because it is not currently in use for the storage of bins or cycles. Moreover, there is no evidence before me to indicate that the building would ever be used again for the storage of bins or cycles. Indeed, interested parties state that whilst the building was originally intended to be an amenity serving all properties in Admiralty Row, it was allowed to be sold and so currently bins are left outside in the courtyard and on the footpath which runs along the northern edge of the appeal site."* He continues at paragraph 16 *"...given that the proposal would not displace a bin and cycle store it would not be detrimental to the residential amenity of the existing properties of Admiralty Row. It also follows that, in this regard, the proposed conversion of the appeal building would not cause harm to the character and appearance of the area because there would be no material change to the existing situation where bins are kept outside in the courtyard and on the footpath..."* I conclude the Inspector stated the proposal would *"at least preserve the character and appearance of the CA..."* and as such *"the proposal would adhere to the design and conservation aims of Saved Policy 169.LB of the LP and Policy DM12 of the Emerging EBLP."* The LPA had withdrawn its third reason for refusal on the basis that the applicants had made financial contributions to provide mitigation through the Council's adopted mitigation schemes.

6.13 Having very carefully assessed the recent Planning Appeal decision it is apparent that the Council's objections to the proposal on the basis of: (i) loss of the bin store and; (ii) adverse impact upon the character and appearance of the conservation, are no longer sustainable. Assuming that the applicants are able to mitigate the potential harm to the Solent SPA through making financial contributions towards via LPAs adopted strategies in relation to nitrate pollution and habitat disturbance it is considered that there would remain a single issue to be dealt with - whether the living conditions of the future occupiers of the building would be acceptable.

6.14 It will be seen from the submitted drawings that this revised scheme shows the proposed bedroom being located on the south side of the building. The external wall of the bedroom would comprise the curved wall, to the south-west of the existing building, and part of the southern elevation. Beyond the bedrooms external wall to the south-west and south would be a private garden and an area of public open space respectively. To the south and west of the site's boundaries are the footways on Meadow Lane and Farm Close respectively. As such, unlike the bedroom shown in the

layout for application F/20/88507, the proposed external bedroom wall would not be immediately next to or run alongside a vehicular access serving a mechanically gated garage court.

6.15 This amended layout would also result in the provision of a bathroom between the adjacent garage to the east and the eastern wall of the bedroom. This bathroom (which would be accessible from the kitchen and not en-suite) would act as a 'buffer' between the bedroom and the garage helping to mitigate noise transference. The applicants consider that the revised layout would adequately address the Inspector's remaining objection to the use of this building as a dwelling.

Other Residential Developments in the Borough

6.16 Previously the LPA has been of the view that the future occupiers of the application building would be the subject of unacceptable levels of noise and disturbance from vehicles both accessing and using the parking court or entering a garage within the parking court. The proposed layout has been revised, therefore, to ensure the proposed bedrooms external wall is neither immediately alongside a vehicular access or a garage that is not controlled by the applicants.

6.17 Notwithstanding the revisions that applicants would like to bring to the attention of the LPA that there are many existing developments in the Borough where the layout of apartment blocks has resulted in bedroom windows, serving ground floor flats, face a vehicle parking court or a road. The applicants suggest that the impacts on the occupiers of these flats would be little different to the future occupiers of the application building. As such, it is respectfully requested that Officers take this additional information into account when considering this application.



Figure 3 Flat Development at Avro Court – 650m to the West of the Application Site

6.18 Fig.3 (above) shows a block of flats within Avro Court in Hamble-Le-Rice, which is just 650m to the west of the application site. The layout of these flats places bedroom windows immediately next to parking spaces at ground floor level.

6.19 Furthermore, planning permission was granted recently by Eastleigh Borough Council for a large residential development at Beedon Way in the North Highwood Park, Eastleigh (LPA Refs: O/15/76023 & RM/17/81168). The ground floor layout of the building annotated 'A' in Fig.4 has a single ground floor bedroom window within its north-east elevation, immediately adjacent a vehicular access serving a 25-space parking court. Four ground floor bedroom windows within the north-east elevation of the same building are positioned immediately next to parking spaces within this parking court. Building 'B', in the same development has a further ground floor bedroom window facing a vehicle access (north-east elevation) serving a parking court with 20 spaces. The north-east elevation

of this building accommodates a further two-bedroom windows facing spaces within the parking court.

6.20 These are just two examples of many recent residential schemes within the Borough where the layout of apartment block developments has resulted in ground floor bedroom windows being placed next to, with outlooks over, parking courts and access roads. With regards to both of the examples at Figs. 3 & 4 it is of note that there is little by way of landscaping or boundary treatments separating the bedroom windows from the adjacent parking spaces.

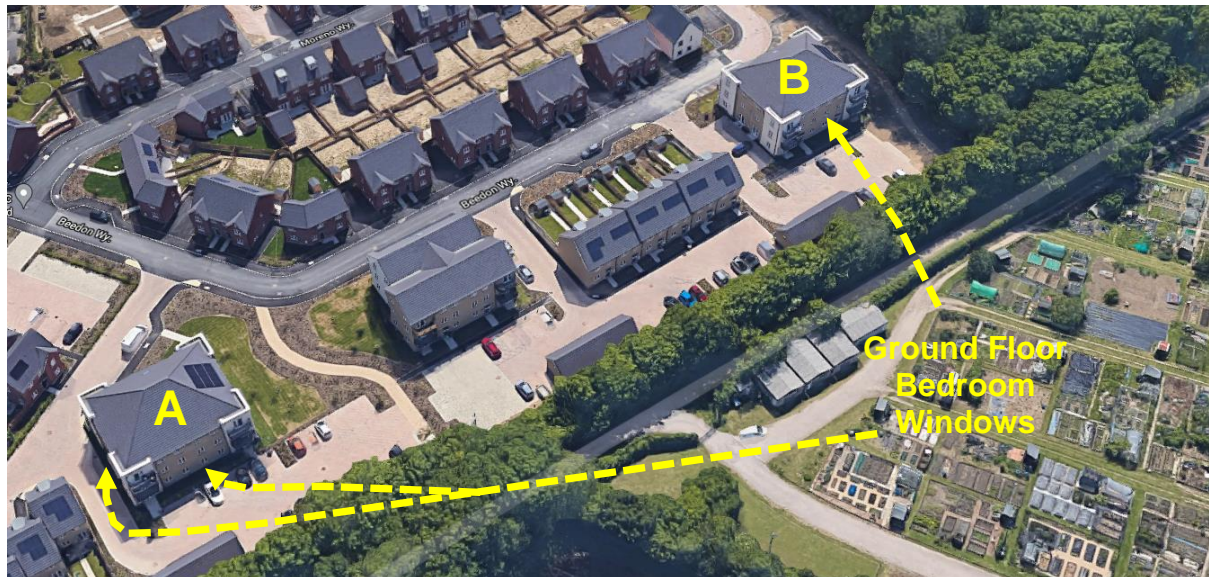


Figure 4 Flats at Beedon Way in the North Highwood Park, Eastleigh

6.21 Whilst it is accepted that every case has to be treated on its own individual planning merits it is considered, nevertheless, that the application proposal compares favourably with the two examples given. In fact, the application proposal is a considered to be significantly better in terms of the residential amenities that would be afforded to future occupiers of the proposed dwelling than those afforded to the occupiers of many other residential development within the Borough.

7.0 Conclusions

7.1 The proposals which form this revised planning application have been carefully considered by the applicants following the receipt of the Planning Inspectors recent appeal decision. It is considered that:

- The proposed relocation of the bedroom to the south side of the building, with a window overlooking a private garden and with no external wall running immediately adjacent a vehicular access, have sufficiently addressed the LPAs previous concerns regarding future occupiers being the subject of unacceptable levels of noise and disturbance;
- The use of the building would not result in the loss of an existing refuse and bicycle store;
- The proposed development would maintain the existing character and appearance of the surrounding conservation area;
- If the applicants are permitted to make contributions towards LPAs adopted mitigation schemes concerning both habitat disturbance and nitrate pollution of the Solent and Southampton Water Special Protection Area, the development would sufficiently mitigate any harm to these important ecological interests.

7.2 It is concluded, in terms of current planning policy, that the proposed development would be of a high-quality design, representing a 'sustainable development' that would be compliant with both the NPPF, 2021, and the Development Plan which comprises the adopted Eastleigh Borough Local Plan Review (2001-2011) and the associated adopted Supplementary Planning Documents. Additionally, the proposed development has been assessed in relation to the emerging policies of the Eastleigh Borough Local Plan 2016 – 2036 which is considered to provide the up to date 'direction of travel' of current National planning guidance. It is respectfully requested, therefore, that both Officers and Members of the Borough Council look favourably on this scheme and grant planning permission.

APPENDIX I

Planning Appeal decision Letter APP/W1715/W/20/3265825

APPENDIX II

Email from EBC Solicitor to Agent 26/09/2019

PLANNING APPLICATION

F/20/89488 - Full planning

Back to Results

- Status
 - Decided Refuse Planning Permission For Applicant
 - Foreman Homes
LAND AT SATCHELL LANE, HAMBLE-LE-RICE,
 - Planning Portal Ref
-

DECISION OVERVIEW

Decision Level/Committee BHH – Bursledon, Hamble and Hound Local Area Committee

Decision Date

13/08/2021

Decision Type Refuse Planning Permission For

CONDITIONS

1. The proposals represent an inappropriate and unjustified form of development which would have an unacceptably urbanising and visually intrusive impact upon the designated countryside, to the detriment of the character, visual amenity, and the quality of the landscape of the locality. The application is therefore contrary to Saved Policies [1.CO](#), [18.CO](#), [20.CO](#) and [59.BE](#) of the Eastleigh Borough Local Plan Review (2001-2011), Draft Policies S7 & DM1 of the Submitted Eastleigh Borough Local Plan (2016-2036) and the provisions of the National Planning Policy Framework.
2. The site is considered to be in an unsustainable and poorly accessible location such that the development will not be adequately served by sustainable modes of travel including public transport, cycling and walking. The application is therefore contrary to the requirements of Saved Policy 100.T of the Eastleigh Borough Local Plan Review (2001-2011), Draft Policies S13 & DM13 of the Submitted Eastleigh Borough Local Plan (2016-2036) and the provisions of the National Planning Policy Framework.
3. The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that the significant traffic movements generated by the proposed residential development could not be accommodated adequately on Hamble Lane and its junctions with adjoining roads. This would result in a severe impact on the free flow and operation of the local transport network contrary to the provisions of the National Planning Policy Framework, Saved Policies 100.T, 101.T and 102.T of the Eastleigh Borough Local Plan (2001-2011) and Draft Policy DM13 of the submitted Eastleigh Borough Local Plan (2016 – 2036).
4. The proposal, by means of its scale, form, layout, design and appearance would result in a poor quality and car dominated development, which fails to take the opportunity to provide safe and appealing footpath routes, fails to provide well integrated and attractive recreational spaces and landscaping, and fails to provide a defined sense of place which takes account of its surroundings. The proposal is therefore contrary to Saved Policies [59.BE](#), 73.H & 100.T of the adopted Eastleigh Local Plan (2001-2011), Draft Policies S10, S13, DM1, DM13 & DM35 of the submitted Eastleigh Borough Local Plan 2016-2036; and provisions within the National Planning Policy Framework and the Council's Quality Places Supplementary Planning Document.

5. Insufficient information has been provided to the Local Planning Authority, as the competent authority, to enable it to determine that a suitable scheme for sustainable urban drainage for the proposed development would be provided which ensures that the hydrological and ecological interests of the Solent Complex are protected, as set out in the Conservation of Habitats and Species Regulations 2017. The application is therefore contrary to the requirements of Saved Policies [25.NC](#) and [45.ES](#) of the Eastleigh Borough Local Plan (2001-2011), Draft Policies DM6, DM8 , DM10 & DM26 of the submitted Eastleigh Borough Local Plan (2016 – 2036) and the provisions of the National Planning Policy Framework.
6. The proposal fails to secure provision for developer contributions for on and off-site provision of facilities and infrastructure (including affordable housing, air quality monitoring, primary and secondary education, sustainable transport measures, a Traffic Regulation Order, improvements and enhancements to the local footpath network, community infrastructure, on-site public open space and play area provision, off-site public open space, and public art) made necessary by the development or to mitigate against any increased need or pressure on existing facilities. As such the application is contrary to policies 74.H, 101.T, 147.OS, 165.TA, [191.IN](#) of Eastleigh Borough Local Plan Review (2001-2011), Draft Policies S11, S12, S13, DM1, DM13, DM30, DM35 & DM40 of the submitted Eastleigh Borough Local Plan (2016 – 2036), Eastleigh Borough Council's Planning Obligations Supplementary Planning Document, Affordable Housing Supplementary Planning Document and provisions within the National Planning Policy Framework.
7. The application fails to provide for the required mitigation to offset the impacts of the development on the European protected site (SPA, SAC and Ramsar) from nitrogen loading and recreational disturbance generated by the population increase resulting from the development. The application is therefore contrary to the requirements of Saved Policies [25.NC](#) and [45.ES](#) of the adopted Eastleigh Borough Local Plan Review 2001-2011, Draft Policies DM10 and DM11 of the Submitted Eastleigh Borough Local Plan 2016-2036, provision within the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017.
8. Note to Applicant: The application was refused following the assessment of the following plans: PN/1270/2, ITB16143-002b, ITB16143 003b, FHL001, ENC/080915/6T8 Sheets 1 to 6, D1891 BPC FRA 1.1, 9415-KC-XX-YTREE-TPP01 Rev0 Tree Constraints Plan, 9415-KC-XX-YTREE-TCP01 Rev0 Tree Protection Plan, 9415-KC-XX-YTREE-ImpactAssessment rev A, 26148-04-NAQ-01, 20.075.43 rev B, 20.075.40 Rev A, 20.075.20 Rev A, 20.075.33, 20.075.30, 20.075.29, 20.075.28, 20.075.27, 20.075.26 Rev A, 20.075.25 Rev A, 20.075.24 Rev A, 20.075.23 Rev A, 20.075.22 Rev A, 20.075.21 Rev A, 20.075.20 Rev A, 20.075.18 Rev A, 20.075.17 Rev A, 20.075.16 Rev A, 20.075.15 Rev A, 20.075.14 Rev A, 20.075.13 Rev A, 20.075.12 Rev A, 20.075.11 Rev A, 20.075.10 Rev A, 20.075.09 Rev A, 20.075.08 Rev A, 20.075.07, 20.075.06 Rev A, 20.075.05 Rev A, 20.075.04 Rev A, 20.075.03 Rev A, 20.075.02 Rev H, 20.075.01, 20.075 rev 02, 1921659 R01 00

In accordance with paragraph 38 of the National Planning Policy Framework (February 2019), 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.