

# **Gaters Mill, West End Conservation Area Appraisal and Management Proposals SPD**

**EASTLEIGH**  
BOROUGH COUNCIL

# Preface

## **Title of Document**

Gaters Mill, West End Conservation Area Appraisal and Management Proposals SPD.

## **What is it about?**

This document reviews the existing Gaters Mill and Romill Close – West End, Conservation Area and uses this information to put together management proposals to improve and enhance the area.

## **What is it for?**

- To provide guidance supplementary to the Council's Local Plan saved policies and the future local development framework.
- To assist residents and developers when considering development within the conservation area.
- To assist the Borough Council, as local planning authority, with planning decisions and future development.

## **Background information**

The evidence for this SPD was drawn from national conservation guidance and local information.

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# 1. Introduction

## Purpose of conservation area appraisal

- 1.1 This appraisal has been carried out to re-assess the existing Gaters Mill and Romill Close – West End, Conservation Area and to re-evaluate and re-examine its special interest. The review will provide a basis for management proposals that are aimed at preserving or enhancing the character and appearance of the designated area.

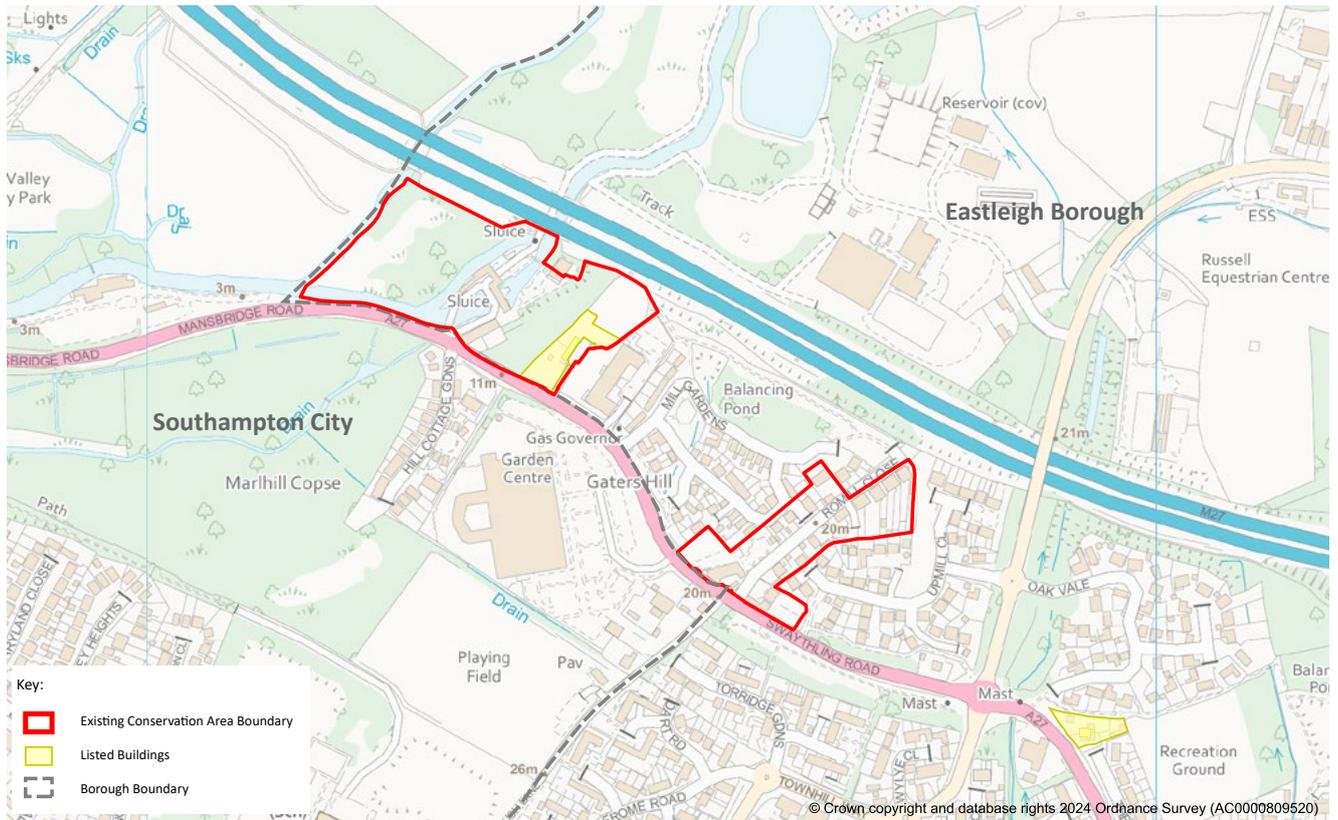
## Role of final document

- 1.2 Following consultation and associated amendments, this appraisal and management strategy will be adopted by the Borough Council as a Supplementary Planning Document (SPD). It will provide additional guidance supplementary to the council's local plan policies, contained within the new Local Plan dated April 2022. This SPD will continue to provide guidance in support of the new Local Plan and and take into account the relevant new policies. <https://www.eastleigh.gov.uk/planning-building/planning-policy-and-implementation/built-heritage.aspx>
- 1.3 It will be a tool to be used by residents and developers when considering development within the conservation area. The Borough Council, as the local planning authority, will use it to inform planning decisions and future development.

## Consultation

- 1.4 Consultation on a draft of this document will take place in 2024.

# Gaters Mill and Romill Close – West End Conservation Area, July 2005



# 2. Background

## Statutory context

- 2.1 Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, as defined by section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and subsequent amendments.
- 2.2 The statutory duty of the local planning authority (LPA) is set out in section 71 of the above Act. It requires LPAs to review the designation of conservation areas, formulate and publish proposals for the preservation and enhancement of conservation areas, and submit them for consideration to a public meeting in the area to which they relate.
- 2.3 Section 72 of the same Act requires LPAs to pay special attention to the character and appearance of the conservation area and to the need to preserve or enhance it when exercising their planning powers.

## Planning policy context

- 2.4 Information and advice regarding heritage assets, such as conservation areas, is provided in Historic England Advice Note 1 (2nd. ed) titled Conservation Area Appraisal, Designation and Management v.3.0 February 2019. This practice guide was written by Historic England (formerly English Heritage) which serves as the Government's statutory adviser on the historic environment.
- 2.5 Their publication, Conservation Principles: Policies and Guidance, offer guidance about a range of issues in the historic environment. It refers to conservation as "the process of managing change to a significant place in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations", (Principle.4, para.4.2<sup>1</sup>). These heritage values can be used to identify what is important for an area that is believed to have high value:
- 2.6 **Evidential value** - the potential of a place to yield evidence about past human activity.
- 2.7 **Historical value** - the ways in which past people, events and aspects of life can be connected through a place to the present, it tends to be illustrative or associative.
- 2.8 **Aesthetic value** - the ways in which people draw sensory and intellectual stimulation from a place.
- 2.9 **Communal value** - the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory", (page 7, para.5 and pages 27-32<sup>2</sup>).
- 2.10 It sets out six principles which English Heritage consider "provide a comprehensive framework for the sustainable management of the historic environment" (page 7, para.3 and pages 19-24<sup>3</sup>):

<sup>1</sup> Conservation Principles: Policies and Guidance, English Heritage April 2008

<sup>2</sup> Conservation Principles: Policies and Guidance, English Heritage April 2008

<sup>3</sup> Conservation Principles: Policies and Guidance, English Heritage April 2008

- Principle 1: The historic environment is a shared resource
- Principle 2: Everyone should be able to participate in sustaining the historic environment
- Principle 3: Understanding the significance of places is vital
- Principle 4: Significant places should be managed to sustain their values
- Principle 5: Decisions about change must be reasonable, transparent and consistent
- Principle 6: Documenting and learning from decisions is essential.

- 2.11 These principles have been used to guide the management proposals developed in this appraisal.
- 2.12 English Heritage (now called Historic England) has also produced specific guidelines for conservation area appraisals and their management: *Guidance on conservation area appraisals* and *Guidance on the management of conservation areas*. This document takes account of the advice set out in the guidance.
- 2.13 The Gaters Mill and Romill Close Conservation Area Appraisal will be adopted as an SPD (Supplementary Planning Document). An SPD cannot create new policy; It does however provide additional guidance supplementary to the policies S8 Historic Environment in Chapter 4 and DM 12 Heritage Assets in Chapter 5 of the Eastleigh Borough Local Plan (2016-2036), adopted in April 2022. Appendix A contains an outline of the most relevant national and local planning policies appertaining to this Conservation Area.

## Status of the conservation area

- 2.15 The Gaters Mill and Romill Close – West End Conservation Area was originally designated in May 1989, extended to the east to include Romill Close in September 1991 and the last appraisal adopted on 25th July 2005. Following designation, any development within the conservation area should have been carried out with regard to its conservation status and the relevant local plan policies.

# Location of Gaters Mill and Romill Close Conservation Area



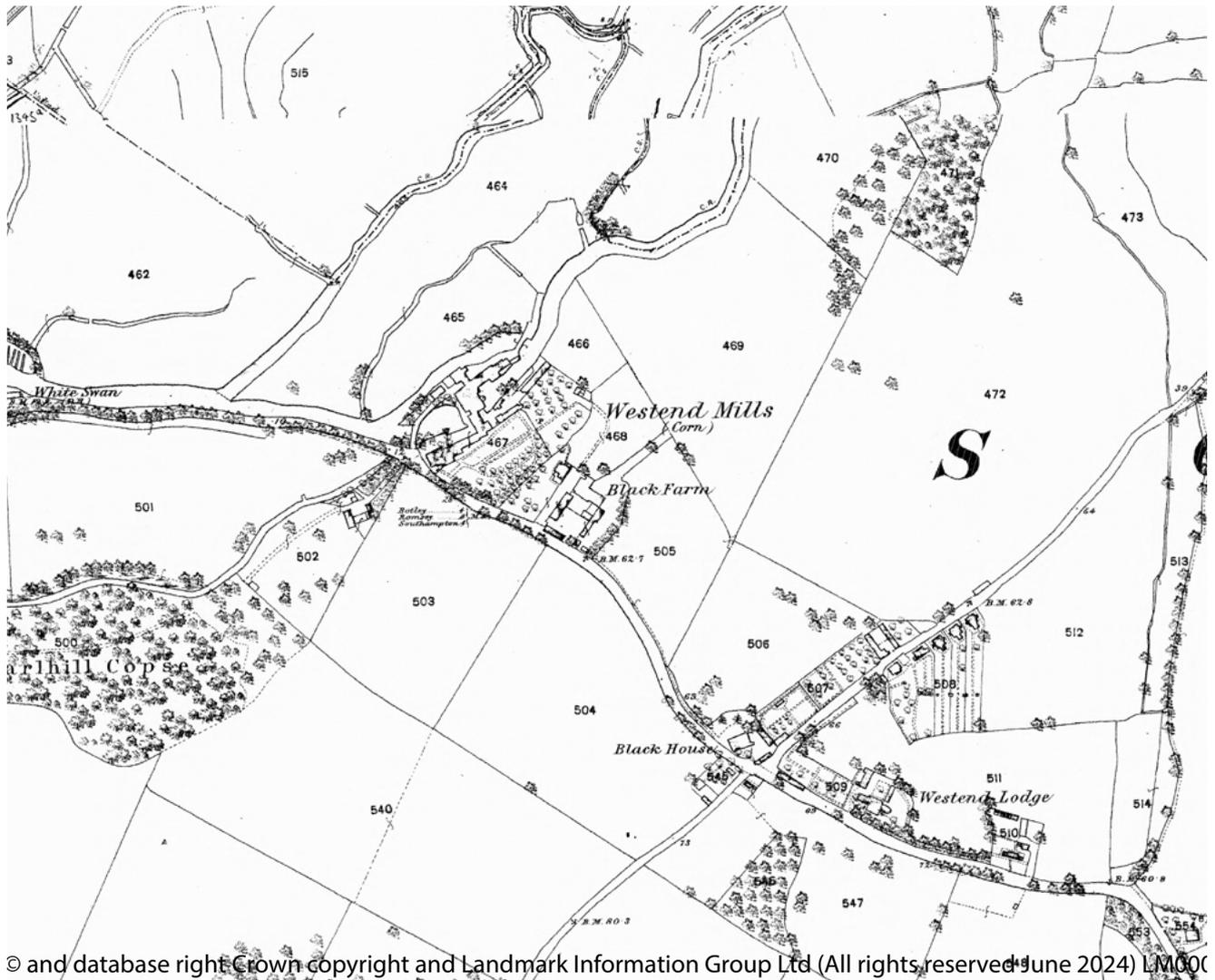
# 3. The Local Context

## The Setting

- 3.1 This conservation area is situated between the River Itchen to the west, Romill Close a little to the east, the A27 Mansbridge Road to the south which is also the Borough boundary and the M27 with the Itchen Country Park to the north. To the south-west the area of the mill adjoins the Itchen Valley Conservation Area in and designated by Southampton City Council but based on the River Itchen with its confluence with the Itchen Navigation at Mansbridge and extending to the west as far as South Stoneham House.
- 3.2 The Mill is a group of buildings sited between a millstream and a mill pond fed from the main river with the south-east boundary being the valley side rising steeply in the form of a wooded river terrace providing a dense backdrop as one approaches from the west. Both these trees and those on the other side of the road form a quite dark tunnel for the A27 to rise eastward up the slope known as Gaters Hill and advance toward Romill Close and Allington Lane.
- 3.3 At the top of the slope on the northern side is the site of Black Farm and its farmhouse dating from the C16. The farmhouse remains and is listed but the footprint of the old farmyard and its buildings has been a commercial site for at least the last half century. The boundary between the two is the eastern boundary of this conservation area.
- 3.4 The structures on the old farmstead site to the east of the farmhouse had grown and become quite overpowering for the farmhouse but those buildings became vacant some years ago and the site has now been redeveloped as a care home, the design gives the farmhouse some space and will maintain the enhanced setting of the listed building while providing an interesting outlook for any residents looking west. The magnificence of the recently restored diamond triple chimney flues is now plain for all to see at last.



# Gaters Mill Area 1870 Map



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## History of Gaters Mill

- 3.5 There have been mills on this site since Domesday in the late 11<sup>th</sup> century, having been known by various names since, apart from Gaters Mill, including South Stoneham Mill, Up Mill and Mansbridge Mill as a group of buildings around the mill pond.
- 3.6 Fulling mills known as 'Up Mill' occupied the site until 1685 when it was bought by Messrs de Grouchy, Dupin and de Cardonnel for paper making. In 1886 James II granted a charter to certain owners to form The Company of White Papermakers which gave them a monopoly of all the white papermaking in the country and Messrs de G, D and de C were amongst this group of ten units. Most papermills at this time produced brown paper made from woollen rag and mainly used for wrapping. White paper was made from cotton and linen rag and of a higher quality suitable for printing, writing, records, accounts and other documents. As paper making required pure clean water, the majority of paper mills were situated in the south-east of the country.
- 3.7 In 1696 there were four mills on the site, one called Salisbury Mill and each with two wheels. An inventory of the site was carried out in November of this year which took three men four days to complete, so quite an extensive operation. In addition to the four mills there were three working houses, two drying lofts, a salle, sizing room, three warehouses, lodging chambers and a brewing house. Seven different types and sizes of paper were being produced totalling some 50,000 reams per year it was claimed.
- 3.8 Nine of the fifteen members of the company were French and Dutch refugees who had been recruited as experienced paper makers, much to the French's disgust. Paper making in these countries was far in advance of our abilities and the French in particular were not at all happy at our poaching their experienced workforce. The Company of White Paper Makers closed in c.1698 which might account for the detailed inventory that year.
- 3.9 In 1702 another Huguenot, Henri Portal joined the company but who in 1718 went to the north of the county to set up a paper making mill at Laverstoke near Whitchurch where in 1724 his company the great Portal Bank Note Company obtained the contract for making bank note paper from the recently formed Bank Of England. That function was still carried out in Laverstoke 'until quite recently' but in new premises, the earlier ones of listed status, are now converted into a gin distillery.
- 3.10 The Gaters Mill site must actually have been owned by Winchester College as in 1707 Messrs de Grouchy, Dupin and de Cardonnel received a licence from the college to grant a lease for Up Mill.
- 3.11 Following the sale of the mills by The Company of White Paper Makers there were a variety of overseers and by 1771 a John Gater was working the mill. He and his family owned it until 1921 and it is this family that gives it's name to the mill as we know it today. Two datestones, one under the archway leading to the wharf, marks the oldest surviving building and reads "W.G. & W.H.G. 1790" and the second on the front of Farlyn House reads "WHG WC 1801".



- 3.12 At the height of production there were likely to have been up to thirty men and women employed at the mill, some of whom lived in the cottages at Romill Close, just up the hill.
- 3.13 At one time barges could leave the Itchen Navigation just above Mansbridge and follow the river by the White Swan Inn to reach the mill wharf just behind the large arch. In 1863 there were two barges in use on the Itchen Navigation but by 1866 the Navigation had become so choked with reeds that it was abandoned.
- 3.14 The manufacture of paper stopped at Gaters in 1865 and the mills were largely demolished then rebuilt for use as flour mills. Unfortunately a major fire occurred in 1916/17 causing extensive damage to the main mill building between the arch and the turbine house, necessitating the rebuilding of a number of the buildings.



- 3.15 In spite of the damage there is still evidence of two types of water mill - in the open undercroft in the middle one can see a vertical undershot water wheel axle housing in the west wall and the eastern mill building is referred to as the Turbine House which would refer to another type of water wheel where the driven wheel is horizontal on the bottom of a shaft and the grinding stones (for corn) on the top – direct drive. These are known as Greet or Norse Mills but are not as efficient as the vertical wheels.
- 3.16 During the Second World War the buildings suffered even more damage, hardly surprising as some were used to store munitions! The buildings were owned by the Dumbleton family for a while and took on the repair and cleaning of boat fuel tanks, possibly in 1944. In 1945 the buildings north of the clock building were destroyed by fire as a result of an explosion of one of the fuel tanks under repair. Also during the war two bombs fell just to the south of the site blasting a telephone pole through the house next to the entrance. This had to be demolished and the site is now occupied by flats built to replace it.
- 3.17 Post war the buildings were occupied by numerous small businesses and the Lower Itchen Fishery Limited but in 1990 planning permission was granted to selectively redevelop and refurbish all the buildings for office use which continues to this day.

# 4. Appraisal and Management Proposals

- 4.1 This section of the appraisal re-assesses the conservation area as it is today. It provides a comprehensive description of the components that combine to create the unique special character that makes Gaters Mill and Romill Close worthy of its designation. Harmful elements that undermine that character have been identified.
- 4.2 The management proposals that are recommended build upon the positive features and address the negative features, to provide a series of 'Issues and Proposals' for improvement, enhancement and sympathetic change.

## The boundaries of the conservation area

- 4.3 The boundary of the 1989 conservation area has identified the area of focus for this appraisal. However, in order to assess the influences on the present day conservation area, the land directly surrounding the conservation area has also been assessed. This has led to a recommendation to amend the conservation area boundary as shown in Map 4 page 17 in the following way:

Remove the Romill Close part of the conservation area as it is not felt that the quality of this area achieves the 'special architectural or historic interest' level. Some of the cottages have Article 4(i) designations and these together with some other buildings are proposed for local listing.

- 4.4 Another aspect of the boundary is the Southern one – As the trees here are such an important landscape feature, had the Mansbridge Road been within the Eastleigh Borough Council boundary, it would be suggested that the southern boundary be moved to the south side of the highway and footpath in order to include that row of trees. However as this would complicate cross council matters it might best be left as is and rely on any TPO's to maintain the tree cover here.

## Character of the conservation area

### Buildings and structures

- 4.5 The mill buildings are a cluster of one, two and three storey buildings with pitched roofs arranged around three sides of the mill pond with trees on the east and west edges. These trees frame the view of the mill buildings as one enters the site from the west enhancing the setting which is reinforced by the eastern backdrop of the wooded valley side rising up to the hidden (from this aspect) farmhouse.





4.6 This sylvan view is the result of a long programme of rebuilding and refurbishment that has enhanced the quality of buildings and the spaces both around them and the mill pond.

4.7 The only listed building in this conservation area is the farmhouse which was listed in 1978 some years prior to the majority in 1983. Formerly thatched it is believed and now tiled, the entry reads:-

Nos 1 and 2 Gaters Hill (formerly listed as Nos 1 and 2, the farmhouse), Mansbridge Road.

C16 and later. Two-storeyed timber-framed house, with irregular fenestration, now two dwellings. Modern tile roof, half-hipped. Upper walls have exposed half-timber, the filling and lower walls being in red brick of different periods and patterns. Casements; some old leaded lights. Triple diagonal chimneys on massive square stack. Single-storeyed outshots, of recent date, at each end. (3.10.78).



- 4.8 Buildings of significance in this conservation area are the following:-
- The Mill House.
  - The Turbine House.
  - Farlyn House.
  - The Clock House.
  - The Fishing Lodge. (Former mill managers office).
  - Gaters Mill Cottage.

## General management proposals

### Setting of listed buildings:

- 4.9 The setting of a listed building is both historically and visually significant. It may relate to a historic use of the building, e.g. graveyard to a church, or it may provide a visual setting for the building, drawing the eye or framing the structure. This can apply not only to the immediate setting, such as the curtilage of a property but also to more distant views and vistas. The heritage value of the listed building will be reflected in the weight given to the need to protect the setting and the extent of its influence. It is important, therefore, that the extent of the setting of a listed building is established and carefully considered when maintenance and/or development are proposed nearby.
- 4.10 **Proposal – That the local planning authority ensures the extent of the setting of a listed building is fully understood by applicants and the implications of the proposed works carefully considered when submitting a planning application.**
- 4.11 ‘As part of the appraisal process recommended by Historic England, listed buildings and in PPS15, listed buildings and locally important buildings that make a positive contribution to the character of the area have been identified and are marked on the map (page 17). Generally, these are individual or groups of buildings that retain all, or a high proportion, of their original architectural detailing adding interest and vitality to the appearance of the conservation area or have a significant historical link to the area. As with listed buildings, there is a general presumption in favour of retaining all important buildings which make a positive contribution to the character of conservation areas. When considering alterations or extensions, or development that affects the setting of the important building, opportunities for enhancing the character should be fully explored and should guide the design process.
- 4.12 **Proposal – In implementing policies, particular regard will be had to the significant buildings identified on Map 4 (page 17) to ensure that any alterations or extensions to existing buildings of local importance are very carefully designed and detailed to enhance the building and setting.**



A



B



C



D



E



F

### **Trees:**

4.13 Trees make an important contribution to the special character and appearance of the conservation area. Most of them are in private ownership so are not under the direct control of the Council. However, in a conservation area, legislation exists to prevent the loss of or harm to significant trees. Anyone intending lopping or felling a tree greater than 75mm diameter at 1.5 metres above the ground in a conservation area must give the Council 6 weeks written notice before starting the work. This provides the Council with an opportunity to assess the tree to see if it makes a positive contribution to the character or appearance of the conservation area, in which case a Tree Preservation Order (TPO) may be served. This protects the tree from felling or inappropriate lopping; TPOs have been served on a number of trees in the conservation area. Applications for development that may harm the health of a significant tree will need to demonstrate how this risk has been taken into account in the design process. Applications that do not satisfactorily address this issue or result in the loss of significant trees will be refused.

4.14 **Proposal – Eastleigh borough council will seek to protect significant trees.**

### **Landscape management plans:**

4.15 The local planning authority already uses planning conditions to require the submission, approval and implementation of landscape schemes associated with development proposals. However, these tend not to be commonly imposed in relation to private gardens. The immediate setting of buildings, often in private gardens, can enhance or harm the landscape of the conservation area. The frequent use of hedgerows as a boundary treatment makes a noteworthy contribution to the landscape character of this conservation area. As the conservation area designation exists to maintain or enhance the character of the area, planning conditions that require landscape management schemes to enhance and maintain the landscape associated with development sites for a period of years, including private gardens, can have a significantly positive impact. The level of detail for the scheme required will depend on the degree of importance attributed to the heritage value of the property in its setting and its impact on the character of the conservation area.

4.16 **Proposal – Planning conditions will be used where development proposals are likely to have an impact on the character of the conservation area to require the submission, approval and implementation of a landscape management scheme to enhance the landscape features of the conservation area. The level of detail required will reflect the contribution the site makes to the character of the conservation area and the possibilities for its enhancement.**

### **High quality design:**

4.17 A conservation area is designated in part because of its aesthetic value. The Council has produced a 'Quality Places SPD' to provide quality design guidance to enable better design across the borough. Design in a conservation area at the very least should always seek to maintain but preferably enhance, the character of that area. This includes landscape design both hard and soft which should be considered as an integral part of the design process at an early stage.

4.18 **Proposal – The local planning authority will seek to achieve a high standard of design when considering planning applications in the Gaters Mill Conservation Area, with a view to the enhancement of its character. When assessing any proposal to extend a dwelling, account will be taken of any previous extensions and their cumulative effect on the size and character of the property and the appearance of the area. Proposed extensions should be subservient to and in proportion to the existing building in form, scale and design. Development proposals that would be detrimental to the character of the area will not be permitted.**

### **Localism:**

4.19 A number of the issues impacting on the conservation area are not within the control of the council, such as maintenance of open spaces. With the Government's aim to stimulate more local participation and responsibility, local organisations may be able to achieve goals that the council is unable to.

4.20 **Proposal – The council will encourage local organisations to achieve local aims and those of this SPD.**

# 5. Alterations to the Conservation Area Boundary

## Boundary Change

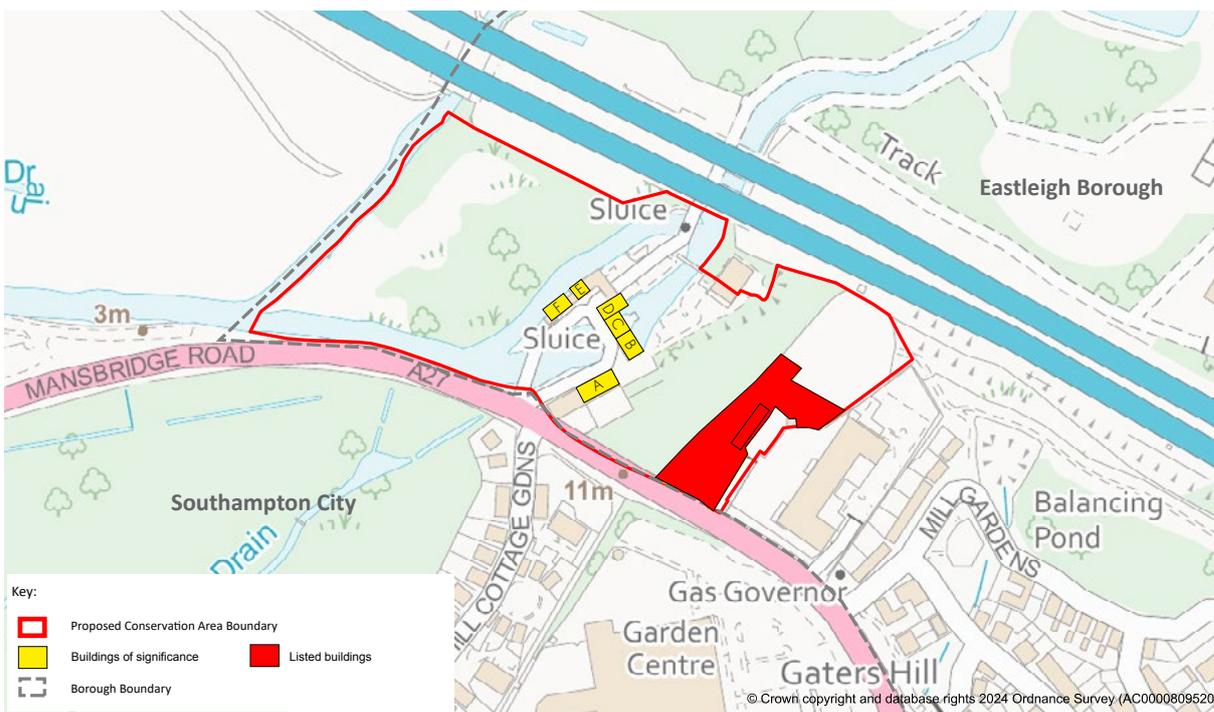
5.1 The purpose of this appraisal is to re-assess the existing Gaters Mill and Romill Close Conservation Area and to re-evaluate and re-examine its special interest. Having carefully considered the areas it is felt that Romill Close could be excluded from the conservation area as the important architectural elements of a few of the cottages in the row are covered by Article 4 directions and the remainder do not achieve the special interest threshold.

## Conservation area

5.2 This SPD cannot create or amend planning policy, this will be done through the local plan process. The current Local Plan is that of 2016 – 2036 adopted in April 2022 where the two most relevant policies are S8 Historic Environment and DM12 Heritage Assets. Others may apply too.

The conservation area designation is a statutory designation with greater weight than local policies as a material consideration in planning. In Guidance on Conservation Area Appraisals, English Heritage (now Historic England) states:

*“A clear comprehensive appraisal of the character of a conservation area provides a sound basis for development control and for developing initiatives to improve the area. The Planning and Compulsory Purchase Act 2004 requires determination of planning applications to be made in accordance with the provisions of the development plan, unless material considerations indicate otherwise. A clear definition of those elements which contribute to the special architectural or historic interest of a place will enable the development of a robust policy framework for the future management of that area, against which applications can be considered.”*



Proposed conservation area boundary

# 6. References

## Publications

- Guidance on Conservation Area Appraisals. English Heritage (2006).
- Guidance on the Management of Conservation Areas. English Heritage (2006).
- Conservation Principles : Policies and Guidance for the Sustainable Management of the Historic Environment. English Heritage (2008).
- Up Mill: A Hampshire paper Mill in 1696 – The Alembic Press. Claire Bolton 1984.
- The Company of White Paper makers in Hampshire. S H Thomas. Hampshire Field Club 1969.
- Post medieval Archaeology Vol. II pp.22-35.
- Paper Mills in Hampshire. A H Shorter pp. 3 & 4 Hants F C vol. 18 - Lower Itchen Fisheries archive.
- Paper Mills and Paper Making in England 1495-1800. A H Shorter 1957.
- Eastleigh Local Plan (2016 – 2036) 2022
- Conservation Area Appraisal, Designation and Management (2nd.Ed.) 2019 (HEAN) - Historic England.

## Websites

Archaeology Data Service - <http://ads.ahds.ac.uk>

Historic England (formerly English Heritage) - [www.HistoricEngland.org.uk](http://www.HistoricEngland.org.uk)

Hampshire County Council - [www.hants.gov.uk](http://www.hants.gov.uk)

Mills - [millarchive.com](http://millarchive.com)

[www.eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/built-heritage](http://www.eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/built-heritage)

# Appendix A – Planning Policies

In considering a development proposal, the Local Planning Authority (LPA) will consider the policy framework set by government guidance. This includes the **National Planning Policy Framework (NPPF)** primarily paragraphs 189 – 208; **Planning (Listed Buildings and Conservation Areas) Act 1990; Ancient Monuments and Archaeological Areas Act 1979; Protection of Wrecks Act 1973** and the Historic Building and Ancient Monuments Act 1953 now repealed but included in the **National Heritage Act 1983**.

At a more local level the LPA will consider the **Adopted Eastleigh Borough Local Plan 2022** including the Strategic policies **S8** – Historic Environment and **DM12** – Heritage Assets together with policy **S5** – New Development in the countryside and any other more particular localised ones as relevant. In addition, the relevant **Conservation Area Document** will be taken into account. An outline of the most relevant elements of all the above legislation follows but those documents themselves should be consulted for the full detail and explanation.

## The National Planning Policy Framework

In the NPPF government policy in relation to the historic environment is outlined in Section 16 entitled *Conserving and Enhancing the Historic Environment*. Paragraphs 189-208 provide guidance for authorities, property owners, developers and others regarding the treatment of heritage assets in the planning process and the most pertinent paragraphs relevant to this are summarised below.

**Paragraph 189** states: *“heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.*

**Paragraph 191** states: *“when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest”.*

### **Paragraphs 194-198 relate to proposals affecting heritage assets:**

**Paragraph 194** concerns planning applications stating: *“in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

**Paragraph 195** states that: *“local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking into account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”*

**Paragraph 196** states: *“where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”*

**Paragraph 197** states: “in determining applications, local planning authorities 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.”

### **Paragraphs 199 – 208 consider the potential impacts**

**Paragraph 199** states: “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** states: “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. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings grade I and II\* registered parks and gardens, World heritage Sites, should be wholly exceptional”.

**Paragraph 201** states: “where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply :

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

**Paragraph 202** states: “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”.

**Paragraph 203** states: “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

**Paragraph 204** states: “local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred”.

**Paragraph 207** states: “not all elements of a Conservation Area or World Heritage Site will necessarily contribute

to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”.

## **Ancient Monuments and Archaeological Areas Act, 1979**

The Ancient Monuments and Archaeological Areas Act of 1979 provides for the investigation, preservation and recording of matters of archaeological or historic interest. This relates not only to Scheduled Ancient Monuments but also to other monuments, which in the opinion of the Secretary of State is of public interest by reason of its historic, architectural, traditional, artistic or archaeological interest. Section 61 (12) defines sites that warrant protection due to their national importance.

## **Planning (Listed Buildings and Conservation Areas) Act 1990**

The Planning (Listed Buildings and Conservation Areas) Act sets out the criteria for listing buildings deemed by the Secretary of State to be of special architectural and historic interest and the designation by Local Authorities of Conservation Areas, and how these assets should be treated in the planning process.

**Section 66 (1)** of the Act states “in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or Secretary of State should pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

**Section 69** of the Act requires local authorities to define as conservation areas any “areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance”.

**Section 72** gives local authorities a general duty to pay special attention “to the desirability of preserving or enhancing the character or appearance of that area”.

## **Protection of Wrecks Act 1973**

This act enables the secretary of state to designate any site within United Kingdom waters that ‘is or may prove to be, the site of a vessel lying wrecked on or in the sea bed and on account of the historical, archaeological or artistic importance of the vessel, or any objects contained or formerly contained in it which may be lying on the sea bed in or near the wreck’. For the purposes of this act ‘United Kingdom waters means any part of the sea within the seaward limits of United Kingdom territorial waters and includes any part of a river within the ebb and flow of ordinary spring tides. . . . references to the sea bed include any area submerged at high water of ordinary spring tides.’ A person commits an offence if they tamper, damage or remove anything within the restricted area or allow others to do so without a licence.

Within Eastleigh Borough Council this act is relevant to the Hamble, Bursledon and Botley areas.

## **National Heritage Act 1983**

Amongst other things this act formed the Historic Buildings and Monuments Commission for England which had the duty **(a)** ‘to secure the preservation of Ancient Monuments and Historic Buildings situated in England’; **(b)** ‘to promote the preservation and enhancement of the character and appearance of Conservation Areas situated in England and’ **(c)** ‘to promote the public’s enjoyment of, and advance their knowledge of, Ancient Monuments and Historic Buildings situated in England and their preservation.’

## **Eastleigh Borough Local Plan (2016 – 2036)**

The new local plan extends to some 258 pages, so highlighted here are just the six most relevant policies that appertain to the EBC Conservation Areas, not all to every area. They cover Countryside and Settlement gaps; Historic Environment; New Development; Heritage Assets and the Old Bursledon Special Policy Area. There is also one concerning the coast

and another specific to boatyards and marinas on the River Hamble.

### **Strategic Policy S5. New development in the countryside**

1. **Planning permission will be granted for new development in the countryside provided it is related to:**
  - a. the provision of employment through agricultural development (policy DM17), the extension and replacement of existing employment uses (policy DM18) and the re-use of existing buildings (policy DM19);
  - b. residential extensions and replacement buildings (DM18 and 26), limited residential conversions (policy DM19), rural workers' dwellings (policy DM27) and accommodation for Gypsies, Travellers and Travelling Showpeople (policy DM31);
  - c. community, tourist, or visitor uses through the re-use of buildings including facilities for the interpretation of heritage assets (policy DM12);
  - d. outdoor recreation and open space (policies DM32 and DM33);
  - e. allotments and community farms (policy DM32);
  - f. cemeteries (policy DM37); and
  - g. essential public utilities (policy DM9).
  
2. **In permitting new development in the countryside the Borough will seek to:**
  - a. avoid adverse impacts on the rural, woodland, riparian or coastal character, the intrinsic character of the landscape including the avoidance of adverse landscape impacts on areas adjoining national parks and their settings, the significance of heritage assets and on the biodiversity of the area;
  - b. secure long-term beneficial management practices that will enhance the landscape and biodiversity of the countryside and coast;
  - c. avoid sterilisation of mineral resources, in accordance with the Hampshire Minerals and Waste Plan;
  - d. safeguard the best and most versatile agricultural land unless the benefit of the development clearly outweighs the loss; and
  - e. protects soils during construction wherever possible in line with the 'Defra code of practice for the sustainable use of soils on construction sites'.

### **Strategic policy S6, Protection of settlement gaps**

1. **Development within a Settlement Gap as set out in the policies map will be permitted provided that:**
  - a. it would not undermine the physical extent and/or visual separation of settlements; and
  - b. it would not have an urbanising effect detrimental to : i. The character of the countryside; or ii. The separate identity of the adjoining settlements.

**Settlement Gaps are defined between:**

- a. Eastleigh and Southampton;
- b. Eastleigh and Bishopstoke;

- c. Fair Oak and Horton Heath;
- d. Hedge End, Botley and Boorley Green;
- e. Hedge End, West End and Southampton;
- f. Hedge End, Horton Heath and Boorley Green;
- g. Hedge End and Bursledon;
- h. Bursledon, Netley and Southampton;
- i. Hamble, Netley and Bursledon.

### **Strategic policy S8, Historic Environment**

1. **The Borough Council will continue to conserve and/or enhance the Boroughs heritage assets in a manner appropriate to their significance. This includes all heritage assets including listed buildings and structures, Conservation Areas as designated on the policies map, landscapes and archaeology. This will be through preparation of Conservation Area Appraisals and Management Plans and other strategies and in the determination of planning applications for new development (see policy DM 12). This will involve:**
  - a. identifying the assets by means of an on-going programme of survey and review;
  - b. identifying their key features and measures to manage and enhance these, e.g. through Conservation Area Appraisals;
  - c. restricting development likely to harm them or their settings through management of development proposals; and
  - d. encouraging development that enhances them, ensures their long-term management and maintenance and where possible, enables public enjoyment and the interpretation of the asset.

### **Policy DM12, Heritage Assets**

1. **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 enhance its special character and qualities. The more important the asset, the greater the weight that should be accorded to this criterion. Permission for development which results in substantial harm to, or loss of, designated assets of the highest significance will be wholly exceptional. Development which involves the demolition or destruction of any part of other heritage assets will not be permitted unless removal or replacement would enhance or better reveal the significance of the asset. In these circumstances, the developer will be required to record and advance understanding of the significance of any heritage assets to be lost, in a manner appropriate to their importance and the impact, and to make this evidence publicly accessible.**
  - a. Development that affects an archaeological site either above or below ground that is already identified or discovered through development proposals will only be permitted provided:
    - i. If the remains cannot be preserved in situ, the clear and convincing overriding public benefits of the development that cannot be achieved by any other means is sufficient to outweigh the value of the remains; and
    - ii. Prior to the commencement of the development, provision has been made for a programme of archaeological investigation and recording and for this evidence to be made publicly accessible;
  - b. It achieves a high standard of design which respects and complements the character and qualities of the heritage asset(s);
  - c. Where necessary, it secures the long-term future maintenance and management of the asset;

- d. Where possible, it enables public enjoyment and interpretation of the asset; and
  - e. A heritage statement is submitted with the application explaining the significance of the assets affected including the contribution made by their setting, at a level of detail proportionate to the asset's significance; the impact of the proposal on the significance of the asset; and how proposals have been developed to avoid harm or, if this is not possible, minimise the harm; with mitigation measures proposed.
2. **In permitting development involving a heritage asset the Borough Council may seek a legal agreement to secure the long-term management and enhancement of the asset.**
  3. **The Council will monitor buildings or other heritage assets at risk through neglect, decay or other threats, proactively seeking solutions for assets at risk through discussions with owners and willingness to consider positively development schemes that would ensure the repair and maintenance of the asset, and, as a last resort, using its statutory powers.**

# Appendix B – General Information

## **Local Generic Guidance**

Eastleigh Borough Council has produced a Quality Places Supplementary Planning Document which offers advice and guidance on general design issues. For advice on specific issues pertaining to a conservation area, please contact the planning department.

## **Useful Information and Contact Details**

### **General Information**

Eastleigh Borough Council's website [www.eastleigh.gov.uk](http://www.eastleigh.gov.uk)

### **Built Conservation Information and Advice**

Historic England [www.historicengland.org.uk](http://www.historicengland.org.uk)