

Application Number: 19/10548 Full Planning Permission

Site: SOUTH STREET CENTRE, 16-20 SOUTH STREET, HYTHE
SO45 6EB

Development: Third-floor extension to form 2 new offices

Applicant: Target Grandoman Ltd

Date: 28/06/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) the principle of office accommodation,
- 2) impact on local character particularly in relation to the impact on the adjoining Conservation Area, and Listed Buildings
- 3) impact on local neighbouring amenities,
- 4) car parking/highway access and safety.

This matter is before Committee as the Parish Council have objected.

2 THE SITE

The site comprises a large flat roofed three storey commercial building located within the settlement boundary of Hythe and adjoining the Hythe Conservation Area to the north and east. The existing building has an internal floor area of 1226 square metres. The building is of modern design clad in hanging tiles and has a range of uses with retail type uses on the ground floor (bicycle store, hairdresser, beauty salon as well as an approved food takeaway), with a range of self-contained offices and service uses such as a dentist and accountants on the upper floors. On the roof of the building there is a large array of telecommunication apparatus.

The existing building is accessed by vehicles from South Street Centre with a pedestrian thoroughfare through the site to the west accessing New Road and the main town centre car park. A large private car park lies adjacent to the building used by tenants of the building and visiting members of the public accessing the building.

The site backs onto the railway line embankment directly to the south and is screened from an estate development on the south side of the railway by a mature bank of trees. In the south western corner of the site lies a single storey outbuilding and currently used as a separate retail premises. This is not affected by the development and is set to continue in use. None of the uses below the

proposed office extension will change as a result of this application.

3 THE PROPOSED DEVELOPMENT

The proposed development involves a flat roofed single storey extension at roof level to provide an additional 305 square metres of office space. The new building will result in the removal of the telecommunication apparatus. Alterations are shown to the car parking layout to provide additional spaces.

Following discussions and advice from the case officer and Conservation Officer the applicants have now amended their proposals to offer improvements to the façade of the building, as well as providing a clearer pedestrian route through the site and further improvements to landscaping and car parking. These amended plans have been the subject of a re-consultation exercise. Any comments received on the amended plans are included below. The next meeting of the Hythe Parish Council will be held on 13 November so no further comments will be received during the consultation period which closes on 2 November.

4 PLANNING HISTORY

A series of planning permissions relating to the ground floor uses together with signage with the following planning history being more relevant to the current application. An earlier approval for an office extension is also included below.

18/11655 - Reinstatement of fire damaged hot food takeaway unit; extraction unit and flue – approved 31/2/19 (flat roofed single storey extension)

96/58414 - Alterations/additions to form 8 new flats (extension to west) - Withdrawn 9/10/96

90/44848 – Office accommodation in new pitched roof and change of use of first floor restaurant area to office and change of use of builders yard to car park and revision to access – approved 21/5/93 (subject to s106 Agreement revoking earlier permission for 1st floor A3 use, and laying out car parking and landscaping works).

Enq 19/ 20151 - Pre application enquiry advice for residential development at roof level March 2019

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

The Core Strategy

CS1 – Sustainable development principle

CS2 – Design quality

CS3 – Protecting and enhancing heritage and nature conservation

CS17 – Employment & economic Devt., Inc. travel plans, live/work, tourism, retention of employment land, marine related jobs

CS18 – New employment land in main settlements

CS24 - Transport considerations

CS25 – Developer contributions (see later CIL and govt. advice on tariffs)

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 NPPF - presumption in favour of sustainable development

DM1 Heritage and conservation

DM2 Nature conservation, biodiversity and geodiversity

Hythe and Dibden Neighbourhood Plan

The Plan was recently accepted in a public referendum on 29 October 2019 and can now be considered as part of the Development Plan carrying significant weight. The following policies are relevant.

Policy D1

All new development in Hythe and Dibden will be required to seek exemplary standards of design and architecture, to demonstrate

- that local character and context has been fully recognised,
- that the proposed design responds to it, and
- that what is valued locally is respected.

The design and materials used in the development should complement, but do not necessarily need to imitate, the best examples of design and building in the local area. Innovation in design is encouraged, provided it fully respects local context.

Policy D3

Hythe and Dibden has its own unique qualities and characteristics - all new development must demonstrate that local distinctiveness has been recognised and that the development proposals respond to this appropriately.

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to

modifications, the plan be made sound. Public consultation on modifications is expected to commence in autumn 2019.

It is therefore a material consideration which can be given weight in decision-making. However, the weight to be given to it will need to reflect unresolved objections to the policies. A policy or proposal subject to objections to be considered at the Local Plan Examination can be given less weight than a policy/proposal not subject to objections.

Supplementary Planning Guidance and other Documents

SPD Parking standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Listed Buildings and Conservation Areas Act 1990

S66 duty - special regard to desirability of preserving the building or its setting etc.

S72 duty – special attention to the desirability of preserving or enhancing the character or appearance of the area

- Significance of the heritage asset
- Setting - wider rather than narrower meaning
- Substantial harm (complete loss) – exceptional circumstances
- Less than substantial harm – weighed against the public benefit

Relevant Advice

National Planning Policy Framework 2019

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 6 Building a strong, competitive economy
- Section 7 Ensuring the vitality of town centres
- Section 12 Achieving well designed places
- Section 16 Conserving and enhancing the historic environment

National Design Guide 2019

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend REFUSAL. The proposal is overdevelopment of the site and is out of keeping with the adjoining Conservation Area. The proposal is also contrary to the Parish Council's emerging plan which requires development to be designed and built to high standards of quality based on a clear understanding and appreciation of the unique character of the area.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

NFDC Conservation Officer

The site occupies an important position with an important street scene and close to the Conservation Area and Listed Buildings. The existing buildings has a poor appearance and the addition of an office extension does nothing to improve either the appearance of the building or its setting adjoining the Conservation Area. At the present time considers the proposal does have an adverse impact upon designated heritage assets but there is scope for a redesign of the building and site.

Amended plans response

Note amended plans which are a large improvement on the earlier proposal. The external appearance of the building will now be improved and landscaping and a new pedestrian route through the site improves the site layout. As a whole the proposal would improve the appearance of the site in relation to the Conservation Area.

Recommends approval subject to conditions

Hampshire County Council Highways

Notes amendments to original scheme. Parking matters are for the District Council to consider.

Recommends approval subject to adequate visibility splays for traffic emerging onto South Street

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Four letters of objection received raising the following concerns

- Insufficient car parking to serve the existing and future needs of the building - 6 additional car parking spaces represents a shortfall over what is needed.
- Proposal is of insufficient design quality - refers to Hythe N'hood Plan
- Questions need for a third floor when there are vacant units within the building
- Concerns over invasion of privacy and overlooking from new offices.

11 OFFICER COMMENTS

Relevant Considerations

Principle of office accommodation

- 11.1 The site is located in a reasonably central location within the town centre. Local and national policy supports commercial development in such locations and it is considered on this occasion that the proposed additional office based accommodation will improve the commercial floorspace of the area and will provide further employment opportunities. The site lies in an area where linked trips will also be made both by employees and other visitors/users of the site leading to potential increase in footfall and vitality for the town centre.
- 11.2 The proposal is therefore considered to be acceptable in principle.

Impact on local character including impact on the Heritage Assets

- 11.3 The original proposal has now been amended and now includes significant improvements to the appearance of the building and a better site layout with a coherent pedestrian route through the site and improvements to landscaping and creating a sense of enclosure to South Street by using built elements of planting beds to contain new landscaping. The existing site is poor in terms of its relationship with the Hythe Conservation Area particularly when viewed from the east and north.
- 11.4 The building itself is dated and of poor appearance. Both the building and the telecommunication apparatus on the top appear prominently in views from within the Conservation Area. The re-cladding of the exterior of the building on its most prominent front and side elevation view will radically improve the appearance of the building which combined with changes to improve the windows on these elevations will lift the building architecturally. The removal of the telecommunication apparatus will also be a major benefit of this scheme.
- 11.5 The building as it currently exists is also seen from an important group of Listed Buildings on the corner of South Street and St. John's Street. From here the appearance of the building as now proposed will markedly improve the setting of these important Heritage Assets.
- 11.6 Overall the proposed development will now have a beneficial impact on

the Conservation Area in particular and is now considered to be in line with relevant local and national policies and advice. It will be important to ensure the re-cladding works and works to the site layout take place prior to the new floorspace being let.

Impact on local neighbouring amenities

- 11.7 One letter of objection has been received from a property owner to the south of the building on the southern side of the railway line. The proposal however does not overlook the neighbour concerned as the rear elevation of the proposed extension would be blank.
- 11.8 The new extension will however overlook other dwellings to the north of the site but it is considered that the level of overlooking coupled with the distance involved will not result in such an adverse impact as would warrant a refusal of permission.
- 11.9 The proposal is therefore considered to be acceptable in terms of neighbouring amenities.

Car parking/highway access and safety

- 11.10 A number of objections have been received which point to the existing car parking being over subscribed and there being insufficient new parking to cater for existing and proposed users of the site. The Council has an adopted SPD setting out suggested parking standards. In this case the proposal now presented increases the number of parking spaces from 41 to 52. The SPD suggests a parking ratio of one space per 30 square metres of new floorspace. The suggested increase is in line with that provision.
- 11.11 Whilst it is noted that the local representations point to the site being over subscribed it should be further noted the site does lie within a town centre location and there are other options for transport to the site through a bus service and cycling. The site also lies close to other town centre car parks. In this case it would therefore be unreasonable to object on grounds relating to a lack of car parking. The proposal includes provision for cycle racks to encourage more sustainable means of transport.
- 11.12 Other highway safety matters relating to visibility at the site entrance can be dealt with via appropriate planning conditions.
- 11.13 Overall there are no adverse highway safety impacts arising from the proposed development. The Parish Council objections relating to overdevelopment are noted but are not sustainable on this occasion.

12 CONCLUSION ON THE PLANNING BALANCE

The site lies in a sustainable location where new commercial development and potential employment opportunities are welcomed. The proposal as now amended significantly improves both the appearance of the building and its general setting close to important Heritage Assets. The proposal is acceptable

in relation to relevant policies on design and impact on such Assets and is considered worthy of support.

Whilst issues relating to overdevelopment and car parking are noted there are no overriding highway safety concerns or concerns over the quantum and impact of new development on this occasion. Neither are there any significant adverse impacts on local residential amenities. The balance therefore on this occasion is one of approval subject to conditions.

13 OTHER CONSIDERATIONS

Crime and Disorder

Not relevant on this occasion

Local Finance

Local financial considerations are not material to the decision on this application.

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

14. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

Dwg 20	As existing elevations
Dwg 50 rev H	Proposed site layout and floor plans
Dwg 51 rev F	Proposed elevations
Dwg 52 rev C	Proposed 3D views of office extension

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials (including the means of fixing the new cladding) along with specific details relating to all new windows and external doors to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details. The re-cladding and re-fenestration of the building as shown shall be fully completed prior to the new office floorspace being taken up.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. Prior to the use of the new floorspace being taken up all car parking and cycle storage together with the new pedestrian access way as shown on the approved plan shall be completed and made available for use. The car parking and cycle storage as approved shall be maintained in perpetuity to serve the site.

Reason: To ensure that sufficient provision is made for car and cycle parking and there is a safe and adequate route for pedestrians through the site in accordance with Policy CS2 of the Core Strategy.

5. Before development commences a scheme of hard and soft landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained and new trees and shrub planting;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) the details of proposed new bollards, and the height and details of all new planting beds including the exact brick or stone to be used
- (f) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

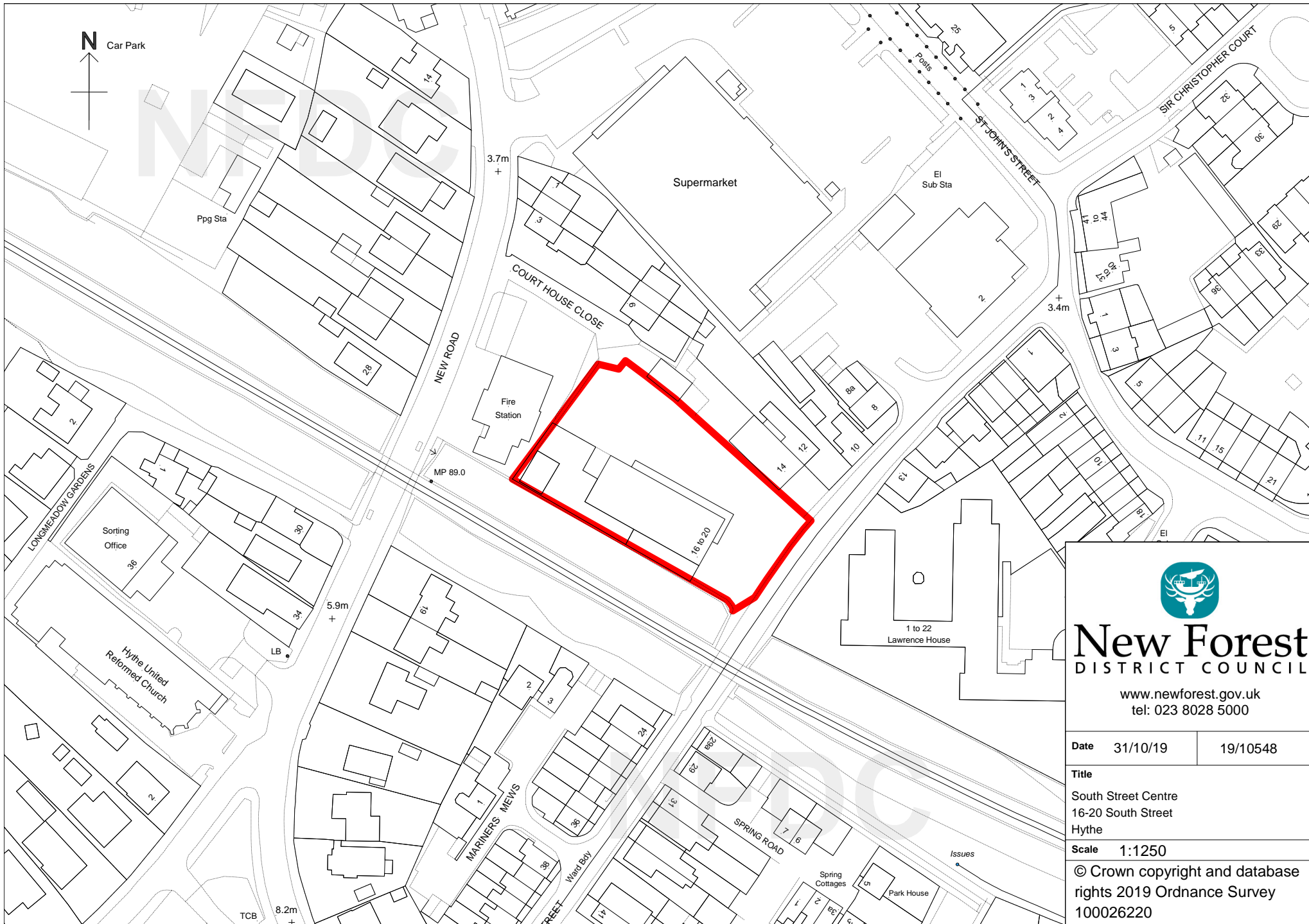
All new trees and shrubs shall be planted prior to the beneficial use of the floorspace hereby approved being taken up and maintained for a minimum period of 5 years from the date of planting. Any trees or shrubs which die, become damaged or diseased within 5 years of planting shall be replaced with the same species unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Further Information:

Stephen Belli

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New Forest
DISTRICT COUNCIL

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Date	31/10/19	19/10548
Title	South Street Centre 16-20 South Street Hythe	
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