

**Application Number:** 16/11639 Full Planning Permission

**Site:** 2 SOUTH STREET, HYTHE SO45 6EB

**Development:** 1 block of 36 sheltered apartments; communal facilities; access; parking and landscaping

**Applicant:** Churchill Retirement Living Limited

**Target Date:** 17/03/2017

**Extension Date:** 12/05/2017

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council View; Contrary to Consultee View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area, Town Centre, Conservation Area (in part)

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
4. Economy
6. Towns, villages and built environment quality

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS10: The spatial strategy
- CS13: Housing types, sizes and tenure
- CS15: Affordable housing contribution requirements from developments
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

**Local Plan Part 2 Sites and Development Management Development Plan Document**

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- DM10: Residential accommodation for older people
- DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages
- HYD4: Hythe town centre opportunity sites
- HYD5: Car park extensions

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66: General duty as respects listed buildings in exercise of planning functions:

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- (2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.
- (3) The reference in subsection (2) to a local authority includes a reference to a joint planning board
- (4) Nothing in this section applies in relation to neighbourhood development orders.

Section 72: General duty as respects conservation areas in exercise of planning functions:

In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953 and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993.

In subsection (2), references to provisions of the Leasehold Reform, Housing and Urban Development Act 1993 include references to those provisions as they have effect by virtue of section 118(1) of the Housing Act 1996.

Nothing in this section applies in relation to neighbourhood development orders.

#### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Hythe - A Conservation Area Appraisal

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

#### **6 RELEVANT PLANNING HISTORY**

None

## **7 PARISH / TOWN COUNCIL COMMENTS**

Hythe & Dibden Parish Council:- Recommend refusal - parking provision is insufficient for residents and visitors; proposal would result in significant overlooking of neighbouring properties to the detriment of their privacy and quality of life; concern about the 3-storey aspects; railings and perimeter wall would impact on the judgement of traffic coming round the bend; pavement would be made too narrow; BT junction boxes will block pavement when being maintained.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: no objection subject to conditions
- 9.2 Environment Agency: no objection; Local Planning Authority must consider if Sequential Test needs to be applied.
- 9.3 Natural England: no objection
- 9.4 Southern Gas Networks: advise of site's proximity to gas main
- 9.5 Scottish & Southern Electricity: advise that caution will need to be taken as there are high voltage cables around the boundary of the site
- 9.6 Southern Water: no objection subject to condition / informative
- 9.7 Hampshire County Council (Surface Water Drainage): require further information: advice on this further information is still awaited
- 9.8 Environmental Health (contaminated land): no objection subject to standard contaminated land conditions
- 9.9 Ecologist: no objection subject to condition
- 9.10 Conservation Officer: recommends refusal - the scheme causes less than substantial harm to the setting of Listed Buildings and the character and appearance of the Hythe Conservation Area; there is little in the proposed scheme to balance or mitigate this harm through positive design; the scheme fails to respond to context and local distinctiveness and has a damaging effect on local attributes.
- 9.11 District Valuer Services: advises that an affordable housing contribution would make the proposed development unviable.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 13 letters of objection from local residents:- inadequate on-site parking, placing additional parking pressures on local roads, to the detriment of highway safety; lack of need for additional retirement homes; increased pressures on local infrastructure; concerns that development could impact negatively on sight lines and safety of adjacent junction; concerns about window detailing and boundary treatments to the 2 main street frontages.

10.2 2 letters of support from local residents - consider the proposal to be a good and appropriate project.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive a New Homes Bonus, amounting to £44,964 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £190,192.64.

Tables setting out all contributions are at the end of this report.

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, there have been lengthy pre-application negotiations with the applicant, which enabled a number of initial concerns to be adequately addressed, and thereby enable a positive recommendation overall to be made on this proposal.

## 14 ASSESSMENT

### Introduction

- 14.1 The application site is a prominent corner site in the centre of Hythe that is currently occupied by the company PC Building Supplies, who are a local building, timber and plumbing merchants. The main building on site is an unsightly 2-storey building dating from the 1970s. Around this building is an area for parking, as well as an enclosed storage yard area. Overall the site is visually unappealing and determined to the qualities of this part of the centre of Hythe. The site has vehicular access onto South Street beyond which are some fairly traditional 2-storey dwellings at 8 and 10 South Street. The application site extends to the rear of these 2 dwellings onto an area of land which includes a low corrugated metal building.
- 14.2 The application site is bounded on its northern side by the St John's Street public car park, as well as a further yard area occupied by PC Building Supplies. These areas to the north of the site are the subject of a separate planning application, which seeks to redevelop this land for retail purposes. The wider area surrounding the application site is mixed in character, but includes a significant residential element, with many traditional buildings in residential use fronting onto the adjacent roads at South Street, St John's Street, and Shore Road. The site bounds the Hythe Conservation Area on its north-eastern, south-eastern and south-western sides, with a small area of the site, including the access and an area of land immediately to the rear of 10 South Street, actually being within the Conservation Area. A group of buildings opposite the corner of the site (37-44 Sir Christopher Court and 1-3 Shore Road) are Grade II Listed.
- 14.3 The submitted application seeks to redevelop the site with 36 sheltered apartments for the elderly, including communal facilities. The proposed apartments would be provided within a single building that would be part 2-storey and part 3-storey. The building would have a frontage onto both South Street and St John's Street, with vehicular access to the proposed development being from South Street. This access would serve 12 on-site car parking spaces. The application also proposes areas of soft landscaping to the main street frontages and adjacent to the main access, as well as seeking to provide a communal amenity space within a courtyard setting to the rear of the site.

### Site Specific and Town Centre Policies

- 14.4 Policy HYD4.1 of the Local Plan Part 2 identifies the site as forming part of a Town Centre Opportunity site where development should be primarily for retail uses. Clearly, this proposal is not for a retail use. However, as the Town Centre Opportunity Site also includes adjacent land where there is a significant potential for a large retail development, and, moreover, as this adjacent land is the subject of a separate current planning application (16/11638) for a significant retail development, it is not felt this proposed residential development would compromise the policy aspiration to secure additional retail development in this part of Hythe.

- 14.5 A small part of the application site (where the 12 car parking spaces are proposed) is also subject to Policy HYD5 of the Local Plan Part 2. This policy, which also extends to adjacent land, identifies this land for a possible (public) car park extension. Evidently, the submitted application would not meet this policy aspiration. However, the policy is only an aspiration (that is not now likely to be pursued), rather than a firm allocation. In these circumstances, it is not felt the proposed development would conflict unacceptably with this policy.
- 14.6 As the site is within the town centre boundary, Policy DM16 is also relevant to this proposal. This policy allows for residential development in town centres provided the proposal does not result in the loss of retail, appropriate non-retail or other employment or business uses, and also provided that the proposal is not on the ground floor of a Town Centre Opportunity Site and does not prejudice identified development opportunities. The application proposal would not fully meet the requirements of this policy. However, it is to be noted that the existing business use is seeking to relocate to a larger site on the Hardley Industrial Estate and so would not be lost. Furthermore, as noted above, it is not felt the proposal would compromise retail opportunities when the site is viewed in its wider context. In these circumstances, it is felt there is an appropriate justification for a residential development in this location.

#### Economic & Social considerations

- 14.7 The Council's Local Plan recognises that a significant proportion of growth that is forecast to take place in the New Forest District in the Plan period will be a growth in elderly households. The Council's Core Strategy Policy CS13 seeks to provide housing that meets the needs of older people. Furthermore, the sheltered apartments that are proposed would be supported by Local Plan Part 2 Policy DM10. It is also of note that there is an unmet need for housing generally, which weighs strongly in favour of allowing residential use of the site in accordance with paragraph 4 of the NPPF.
- 14.8 The applicants have submitted a detailed case setting out the social and economic benefits of their proposed development. The development would contribute positively to the local economy in a number of ways, while also delivering significant social benefits through the provision of specialised accommodation that would meet a specific housing need. While the proposals would result in the loss of employment use from the site which attracts negative weight in the balancing exercise, this would be resolved should PC Building Supplies relocate to other premises in the District. (Planning permission has been granted to facilitate this ref: 16/11637) These benefits are considered to be important benefits that weigh strongly in favour of the proposed development.

#### Design & Heritage Considerations

- 14.9 The existing building on the site, and indeed the site as a whole is considered to impact negatively on the adjacent Hythe Conservation Area. The design and appearance of the existing building is felt to be unsympathetic in this historic context. As such, redevelopment of the site would be beneficial, in principle.

- 14.10 While the redevelopment of this site has the potential to deliver significant townscape improvements, it is important to recognise that such improvements will only be achieved if the redevelopment is of a scale and design that responds sympathetically to the site's historic context. That historic context is characterised by broken perimeter development built at the rear of the pavement or behind small areas of defensible space. Buildings are typically of a narrow depth and are predominantly 2-storeys high. While the grain is fairly tight, it is varied and with an attractive arrangement of building forms and massing. The architecture of the street is simple, yet well proportioned, using traditional detailing and regular window details to achieve a pleasing visual aesthetic.
- 14.11 The Council's Conservation Officer has expressed concern that the proposed building has a much deeper plan form than the prevailing built form, with some awkward roof arrangements, which makes the building dominant and lacking the proportion and articulation of the surrounding buildings. He is also concerned that the building lacks contextually important gaps. Furthermore, he is concerned that elevations are enlarged compared to those around it, lacking the verticality of the surrounding context, and with windows and other details failing to respect the site's historic and traditional context. The Council's Conservation Officer sees the development as too much of an 'off the peg' approach to elevational details, lacking the architectural variety that exists within the 2 main streets that the site fronts onto. Due to these design failings, the conclusions are that the development would cause harm to the character and appearance of the Hythe Conservation Area, and the setting of adjacent Listed Buildings. His conclusion is that the harm would be less than substantial as opposed to substantial, which nonetheless means that there is a strong presumption against planning permission being granted. Paragraph 134 of the NPPF states 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 securing its optimum viable use."
- 14.12 These views are an important consideration, and there is no disputing a number of the concerns raised. However, the low starting point in terms of the existing buildings and their impact has to be taken on board.. The building is indeed a much deeper building than is typical of the surrounding Conservation Area, and for this reason the building is not an entirely comfortable insertion into this historic context. However, there are also a number of significant points in the development's favour. The development addresses the adjacent streets much more positively than the existing building, and while the building is unquestionably large in this setting, it is felt that the massing is articulated adequately. This articulation is achieved through breaking up the building into a number of distinct elements. Thus, along South Street a number of 2-storey elements are proposed with recessed linking elements, while along St John's Street, the scale of the building increases, but is again broken up by recessed linking elements, changes in roof heights, and the use of a variety of different materials. While the building is ultimately a single entity, the breaking up of the building in the manner proposed is considered to enable the building to respond sufficiently well to the rhythm and form of other nearby development. Furthermore, it is felt the scale of the building adequately respects its context. Much of the proposed development reflects the prevalent 2-storey scale, and where

taller development is proposed it is felt that this would be reasonably justified to help add variety and to give a stronger presence to the development where it abuts the more open areas to the north side of the site.

- 14.13 It is accepted that the architecture does not have the elegance or proportions of the Listed Buildings opposite the site. However, it is felt that some of the criticisms of the Council's Conservation Officer are a little overstated and on balance, it is considered that the elevations are sufficiently well proportioned, with an appropriate variety of detailing. Materials will be very important, and it is accepted that some of the suggested materials would need to be improved upon, but this is a matter that could reasonably be conditioned if the design is considered acceptable in all other respects. Landscaping will also be important, and in this respect the proposal suggests an appropriate wall and railing boundary frontage to both streets, broken up by piers, with relatively narrow areas for soft landscaping behind, which would be a considerable improvement on the existing enclosures (or lack of it), which currently detracts from the visual appearance of the 2 main frontage streets.
- 14.14 It should be made clear that in primary legislation, preserving the setting of conservation areas is not a statutory duty but as a matter of national policy (NPPF) the setting of a conservation area can contribute to its significance and needs to be taken into account as a material consideration. In addition the statutory tests for listed buildings are set out in paragraph 4 above. The relevant matters are expanded upon in the preceding paragraphs and the following paragraph.
- 14.15 Overall, it is recognised that the development is quite intensive and the depth of building, in particular, means that it is somewhat at odds with the surrounding context. While the conclusion reached by the Council's Conservation Officer is understood, it is felt that, in identifying harm, insufficient weight has been given to the harmful impact of the existing buildings. When one considers the design of the proposed development in relation to the status quo, it is felt that there would be significant visual improvements that weigh strongly in the development's favour. It is accepted that because elements of the development's design are not entirely comfortable there would be "less than substantial harm" to adjacent heritage assets, with the harm at the low end of the harmful spectrum. However, with the significant visual improvements that are proposed, and with the significant public (social and economic) benefits that would arise from the provision of much needed additional sheltered accommodation for the elderly, it is considered that the benefits of the development would materially outweigh the limited harm. In this respect, the proposal would accord with Paragraph 134 of the National Planning Policy Framework.

#### Neighbour Amenity Considerations

- 14.16 The development would result in a change to the outlook of a number of dwellings. However, the development is not of such a scale as to cause material harm to the light and outlook of adjacent dwellings. Furthermore, any overlooking of neighbouring properties would be across streets and the public realm, and would therefore be acceptable taking into account the site's town centre location. Given the levels of activity associated with the existing commercial use, it is felt that the impact of the access and parking areas on the amenities of 8 and 10 South Street would also be



acceptable. Overall, it is not considered the proposed development would cause any material harm to the amenities of neighbouring properties.

- 14.17 A number of the proposed units would be set in fairly close proximity to the proposed Lidl service yard (that forms part of planning application 16/11638). These units could be subject to a degree of noise disturbance, but with appropriate acoustic insulation, (and controls on the Lidl operational hours) it is felt that these units would still enjoy an appropriate level of residential amenity.

#### Highway & Transportation considerations

- 14.18 The submitted application is accompanied by a Transport Statement. This Statement advises that there will be a reduction in the number of vehicular movements to the site compared to the existing use, a conclusion which is accepted by the Highway Authority. The proposal does not therefore give rise to any concerns in terms of traffic generation. The Highway Authority have also confirmed that the proposed access arrangements are acceptable from a highway safety perspective, and they have also raised no concerns with the proposed pedestrian arrangements.
- 14.19 The 12 car parking spaces that are proposed result in a parking provision of 0.33 spaces per unit. While this level of provision is somewhat less than the Council's recommended standards, the applicants have provided evidence of parking demand at a number of other similar developments where the average parking demand is only 0.26 spaces per apartment. Having regard to this evidence and the site's sustainable town centre location, it is concluded that the proposed level of on-site parking would be acceptable and would not lead to undue parking on local roads to the detriment of highway safety.

#### Flood Risk & Drainage Considerations

- 14.20 The northernmost corner of the site is within an Area at Risk of Flooding. However, this affects only a very small strip of frontage land, and all of the proposed units appear to fall outside the defined Area at Risk of Flooding. In these circumstances, it is not felt any of the development would be at undue risk of flooding. Nor is it felt that there is a need to apply the Sequential Test.
- 14.21 The applicants have submitted a detailed Drainage Strategy Report to address some initial concerns raised. The views of relevant consultees on this report are still awaited. However, the drainage strategy appears to address drainage matters in an appropriate manner and in line with policy guidance. It is felt that drainage matters can ultimately be addressed through a condition of any planning permission.

#### Habitat Mitigation

- 14.22 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the

proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. It should be noted that the full habitat mitigation contribution requirement in this case would be £85,800

#### Affordable Housing Considerations

14.23 In accordance with Core Strategy Policy CS15, the development is one that should secure on-site affordable housing provision. Specifically, the development should secure 14.4 affordable units. The applicants have submitted a detailed viability assessment that argues that any affordable housing provision, either in the form of on-site provision or in the form of contributions towards affordable housing off the site would make the scheme unviable. This assessment has been considered by the District Valuer. His initial report (the final version of which is still awaited) concludes that it will not be viable for the developer to make any contribution to affordable housing in this instance. There is no sound reason to dispute the District Valuer's conclusions on this matter, and accordingly, it would be acceptable to permit this proposal without securing any contribution to affordable housing.

#### Summary & Conclusions

14.24 The proposed development would provide dwellings for the elderly, meeting a clear need, and delivering both social and economic benefits. The proposed redevelopment of this site would, moreover, result in environmental benefits by replacing a visually unsympathetic development with one that would be far more appropriate to its setting. The design of the development is not wholly consistent with the surrounding context, due in part due to the design constraints that arise from the type of development that is proposed. However, the design of the development would still be a reasonable one, and with good quality materials and detailing that would be secured through conditions, it is considered that the development would be of an acceptably high design quality. It is felt the slight (less than substantial) harm to adjacent heritage assets (the Hythe Conservation Area and adjacent Listed Buildings) that would arise from the atypical character of the development would be materially outweighed by the scheme's public benefits (including some environmental improvements). As such, it is felt that the application can reasonably be recommended for permission.

14.25 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.

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	14.4	0	-14.4
Financial Contribution			
<b>Habitats Mitigation</b>			
Financial Contribution	£85,800	£85,800	0

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	2966	804.72	2161.28	2161.28	£80/sqm	£190,192.64 *
<b>Subtotal:</b>	£190,192.64					
<b>Relief:</b>	£0.00					
<b>Total Payable:</b>	£190,192.64					

\* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

*Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)*

Where:

*A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.*

*R = the levy rate as set in the Charging Schedule*

*I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1*

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

- 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: 10085HY-PL0C, 10085HY-PA101, 10085HY-PA102, 10085HY-PA103, 10085HY-PA104, 10085HY-PA105, 10085HY PA106 rev A, 10085HY PA107, 10085HY PA108, 10085HY PA109, 10085HY PA110.

Reason: To ensure satisfactory provision of the development.

3. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

4. Before development commences, details of the means of foul and surface water sewerage disposal from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the sewerage arrangements are appropriate and in accordance with Policies CS2 and CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. Before the commencement of development (including site clearance and demolition) details of the biodiversity mitigation, compensation and enhancement measures that are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed and be maintained thereafter in accordance with the approved details.

Reason: To safeguard biodiversity in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 7 to 9 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 10 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

7. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

i) a survey of the extent, scale and nature of contamination;

ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

8. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

9. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. The development hereby permitted shall not be occupied until the spaces shown on the approved plans for the parking and turning of motor vehicles [including mobility scooters) have been provided. The spaces shall thereafter be retained and kept available for their intended purpose at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

12. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- a) A programme of and phasing of demolition (if any) and construction work;
- b) The provision of long term facilities for contractor parking;
- c) The arrangements for deliveries associated with all construction works;
- d) Methods and phasing of construction works;
- e) Access and egress for plant and machinery;
- f) Protection of pedestrian routes during construction;
- g) Location of temporary site buildings, compounds, construction material, and plant storage areas.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In the interests of highway safety and to comply with Policy CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

13. No persons under sixty years of age and/or partner under fifty five years of age shall occupy any of the units hereby permitted with the exception of guests and/or wardens.

Reason: The level of on-site parking being provided would only be acceptable on the basis that the occupation of the proposed development is age restricted. If the development were not to be age restricted, there would be an unmet parking requirement that would be detrimental to highway safety and contrary to Policy CS24 of the Core Strategy for New Forest District outside the National Park.

14. Notwithstanding the material details specified on the approved elevational drawings, before development commences, samples of the facing and roofing materials 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.

Reason: To ensure an acceptable appearance of the development, and to safeguard the character and appearance of the Hythe Conservation Area in accordance with policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

15. Before development commences, sample panels of brickwork showing the brick, bond, mortar and joint details shall be made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.

Reason: To ensure an acceptable appearance of the development, and to safeguard the character and appearance of the Hythe Conservation Area in accordance with policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

16. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.

- a) detailed drawings to show typical joinery details of the proposed windows and doors to include precise details of their external finish and cross-sectional drawings through the windows to illustrate the depth of reveals;
- b) detailed drawings to show typical eaves, verge and bargeboard details;
- c) details of the brick chimneys and the materials and finishes to be applied;
- d) details of the materials to be used for the window cills and headers;
- e) detailed drawings of the proposed porch and balcony features;
- f) cross-sectional drawings to show the blank (bricked-up) window details.



Development shall only take place in accordance with those details which have been approved.

Reason: To ensure an acceptable appearance of the development, and to safeguard the character and appearance of the Hythe Conservation Area in accordance with policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2: Sites and Development Management.

17. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- (a) a specification for new planting (species, size, spacing and location);
  - (b) areas for hard surfacing and the materials to be used;
  - (c) the treatment of the boundaries of the site and all other means of enclosure to include detailed drawings of the site's front boundary treatment;
  - (d) 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.

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).

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

19. The proposed slab levels of the development shall be strictly in accordance with the level details indicated on the approved drawings unless an alternative slab level detail has first been submitted to and approved in writing by the Local Planning Authority in which case the development shall only take place in accordance with those details which have been approved.

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

20. Before the commencement of development, details of the acoustic insulation measures that are to be incorporated into units 15, 16, 31 and 32 shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: To ensure that potential noise impacts from the adjacent proposed retail service yard are reasonably minimised so as to safeguard residential amenities and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

21. Together with other condition deemed necessary in the light of the outstanding Hampshire County Council (Surface Water Drainage) response.

#### **Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case there have been lengthy pre-application negotiations with the applicant, which has enabled a number of initial concerns to be adequately addressed, and thereby enable a positive recommendation to be made on this proposal.

2. In discharging condition No 3 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. In discharging condition No 14 above the applicant is advised that some of the materials specified on the elevational drawings (notably the yellow and multi stock bricks and slate effect tiles) are unlikely to be deemed of an acceptable quality by the Local Planning Authority and therefore the applicant should be aware of the need to consider alternative materials.

#### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



# New Forest DISTRICT COUNCIL

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Planning Development  
Control Committee  
May 2017

Item No: 3b

2 South Street  
Hythe  
16/11639  
SU4207

Scale 1:1250

N.B. If printing this plan from the internet, it will not be to scale.

