

Application Number: 17/10901 Full Planning Permission

Site: ABBEYFIELD HOUSE, 17 HERBERT ROAD, NEW MILTON
BH25 6BX

Development: 23 unit sheltered apartments; cycle and bin storage; parking;
demolition of existing

Applicant: Abbeyfield Wessex Society

Target Date: 16/10/2017

Extension Date: 16/02/2018

RECOMMENDATION: Refuse

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view in part.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS8: Community services and infrastructure
CS10: The spatial strategy
CS13: Housing types, sizes and tenure

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites
DM10: Residential accommodation for older people

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 6 - Delivering a wide choice of high quality homes
NPPF Ch. 7 - Requiring good design

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Housing Design, Density and Character
New Milton Local Distinctiveness SPD (2010)
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 15/11809
27 unit sheltered apartments for the elderly, bin store, outbuilding, parking, demolition of existing - refused April 2016 due to concerns over the visual impacts of the proposal, lack of a transport assessment and lack of detail on extraction facilities associated with the kitchen.
- 6.2 ENQ/16/20582/CMNH
The applicant held a Clarification Meeting with Officers of the Council seeking to clarify the reasons for refusal of 15/11809,
- 6.3 ENQ/16/21218/MARC
Following on from the Clarification Meeting the applicant sought the Council's pre-application advice for a 25 bed sheltered housing unit scheme seeking to overcome the reasons for refusal of 15/11809, which was provisionally supported, subject to some modifications and additional information.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: strongly object on the following grounds:

1. Inadequate assessment of necessary ventilation system for the kitchen operation.
2. Contrary to New Forest District Council Core Strategy policy CS2 (Design Quality) as it doesn't contribute positively to the local character due to poor design, size, scale and being 3 storeys high, negatively affecting the street scene.
3. Contrary to Local Distinctiveness Study due overdevelopment and spatial setting (page 51).
4. Concern regarding added traffic flow and specifically the lack of parking. The figure offered does not conform with NFDC Parking Standards SPD Table 6 for 'Active Elderly', nor does it provide storage for mobility scooters.
5. Concern regarding the lack of accurate Ecology assessment (Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act 1981 and within the NERC Act 2006, the hedgehog is categorised as a 'Species of Principal Importance' for biodiversity.
6. Unneighbourly.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Environmental Design (Urban Design): the applicant has made serious efforts to reduce the appearance of mass and increase gaps between buildings. However, the proposal will not be appropriate and sympathetic to its setting in terms of scale, density (*within the typical grain*), layout, appearance or in its relationship to adjoining buildings. It is therefore unlikely to contribute positively to local distinctiveness and sense of place especially as it includes the loss of a garden with some character and seasonal colour and does not provide appropriate green spaces. Therefore it fails to comply with policy CS2 and is at odds with the local distinctiveness SPD for the area. The car parking is not adequate to prevent the garden from being absorbed into parking. The same amount of parking is proposed for the new building as exists. The garden space therefore does not work. The building is too big in terms of massing as evident from its breadth along the street and its depth. The green setting is not adequate for a building of this scale in this context. Although the applicant has tried very hard to address these issues, the building and its frontage setting are inappropriate. In itself the building does not appear to be unattractive. However, its mass and scale will render it somewhat incongruous within the street scene. Moreover, the lack of greenery and garden setting is a loss of a valued and attractive element of that streetscape.
- 9.2 NFDC Waste Manager: as this is a commercial site NFDC may not be required to carry out the waste collections. If asked to make collections then the on-site staff would present the waste at the location indicated on the plan, which is acceptable.
- 9.3 Environmental Health Section (Pollution): no objections, subject to conditions to address the hours of operation of the kitchen extraction system, the noise levels of the extraction system, installation of plant/equipment and to restrict installation of a cowl on the flue. It is noted from the acoustic report that noise levels associated with the kitchen extraction system will be at or below the existing background noise level and will therefore have a low impact upon neighbouring properties during the highlighted hours of operation. The extraction system will be fitted with a carbon filtration system to control odours and the flue will terminate at least 1 m above the eaves of the building utilising a cowl. This system appears suitable for the type of cooking that will be undertaken, however, the proposed cowl will impede the discharge and force odours downwards, as such it is recommended that an alternative is fitted which doesn't impact on dispersion.
- 9.4 Ecologist: no objections. The ecology report has appropriately surveyed and assessed the site in relation to development and has made generally appropriate recommendations for mitigation and enhancement, particularly in relation to hedgehogs and birds. These details could be secured via a pre-commencement condition and could comprise confirmation of a Biodiversity Mitigation, Compensation and Enhancement Plan.
- 9.5 Hampshire County Council Highway Engineer: no objections, subject to conditions to ensure the proposed arrangements for car, cycle and mobility parking area provided. Also give informative.

- 9.6 Southern Water: no objections but request a condition is attached to the consent requiring details of foul and surface water sewerage disposal to be approved in writing. Also give informatives.

10 REPRESENTATIONS RECEIVED

Fourteen representations have been received to the proposal objecting on the following grounds:

- The scale and character of the building proposed is too great and not in keeping with adjoining properties
- The character of the building proposed is not in keeping with the street scene
- Overdevelopment
- Car parking provision is inadequate
- Timber cladding is not in keeping here
- Too much accommodation is sought
- Loss of light
- Concern raised over noise and odour caused by the kitchen extraction system
- Disturbance caused by building operations
- Boundary treatment to Morant Court needs to be considered
- Ecological disturbance
- The proposal is profit led
- The site does not facilitate access by fire appliances
- Noise and disturbance caused by visits to the premises
- Loss of privacy

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report, this development has no CIL liability, being a C2 residential institution.

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 pre-application advice was sought on the form of development proposed. While the Council recognised that redevelopment of the site could be achieved, that view was on the proviso that more contextual analysis of the proposal was provided to demonstrate that it would be acceptable in the street scene and in terms of the character of the area. That contextual analysis was provided with the formal submission in the form of perspective sketches, which considered in the context of the site plan, elevations, the wider context and the views put forward in light of the consultation exercise, has failed to convince officers that the form of development proposed would be acceptable. In this instance due to the level of justifiable harm the proposal would cause, it is not unreasonable to refuse the application.

14 ASSESSMENT

14.1 The Site and Proposal

- 14.1.1 The site lies within the built up area of New Milton in a residential area characterised by small flatted developments to either side, detached dwellings to the rear and detached bungalows opposite. With the exception of the application site, housing in the locality is of relatively recent construction. The existing building is of pre-war construction and appears to have started life as a large detached dwelling within a generous garden curtilage. Over the years single storey additions have been made to the property to facilitate its use as sheltered accommodation for the elderly. The building has ceased use for this purpose and is currently vacant. Notwithstanding the adhoc additions made to the property over the years, it is set within one of the more generous garden curtilages in the locality, with off-street parking for approximately six vehicles provided to the front of the site. It is understood the existing use accommodates 14 separate units of sheltered accommodation for the elderly. The curtilage of the property is predominantly bound by established vegetation.
- 14.1.2 The proposal entails demolition of existing structures on the site and erection of a larger structure in terms of depth, width and height. That said the structure now proposed is for 23 units (which are not self contained) and is reduced in scale from a proposal refused in 2016 for a 27 unit scheme. The ridge of the current submission has been reduced in height from the refused scheme, as has the depth of footprint, with more space retained around the building. An amended

plan received during the course of determination, recessed a portion of the rear of the building, seeking to reduce the massing and perspective of the development when viewed on approach along Herbert Road, from the south. Retention of the front garden area is important for this scheme, as the character of Herbert Road is more informed by deep front gardens than gardens to the rear. The use of the site would remain the same, although the intensity of use would increase, by virtue of the increase in unit numbers to twenty three. Accommodation would be provided on three levels, roof space being utilised. Off-street parking for six vehicles would be provided in a similar position to the existing parking area. The building would be finished in a mix of timber cladding, brick and clay tiles.

14.2 Main Considerations

14.2.1 Consideration needs to be given to the scale and mass of the development in relation to its impact on the local street scene and character against the relevant provisions of Policy CS2 and the New Milton Local Distinctiveness SPD. Consideration must also be given to the impacts of the proposal on the amenity of adjoining residents, in line with the amenity guidance offered by Policy CS2. Highway safety and ecological impacts also need to be considered, all balanced against the needs of the local community and elderly in accordance with the provisions of Policies CS8, CS13 and DM10.

14.3 Character Impacts

14.3.1 Consideration needs to be given to the scale and mass of the development, particularly where the existing building's setting may be eroded through introduction of a much larger building and whether this would be to the detriment of local street scene and character. The character impacts of the proposal need to be considered against the relevant provisions of Policy CS2, the NPPF and the New Milton Local Distinctiveness SPD, which identifies the site within Character Area 5: South and East New Milton. Paragraph 64 of the NPPF states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'.

14.3.2 The SPD explains the need to consider the setting and particularly the green setting as important elements of the character here. The adjoining street to Herbert Road (Spencer Road) is very similar in character to Herbert Road, which is picked out for particular guidance on these aspects as follows:

14.3.3 *"On the approach to the centre up Spencer Road, many of the houses and bungalows have given way to flatted developments sometimes with the unfortunate tendency through their design to pick out overarticulated and disproportionate roofs and extensions to try to articulate the buildings as a way of trying to disguise their bulk. It rather tends to emphasise their incongruous bulk whereas an honest design of flats in a proportionate setting is shown to have worked admirably... for example, these large flatted blocks have replaced inter-war suburban plots but each block reveals a consistent appearance in a green setting. Building line and consistent form and massing have also been important in their success."*

- 14.3.4 Modest suburban development on Herbert Road, like Spencer Road, has given way to flatted developments in more recent years and the proposal would sit within a row of more modern flatted developments on the east side of Herbert Road. While the flats on Herbert Road are not of the same scale as those on Spencer Road, the proposed development, by virtue of its long frontage, depth and height would be substantially larger than any building, including flatted developments, on Herbert Road. Furthermore, its 'green setting' would be considerably less than most plots in the locality, including the larger flatted developments on Spencer Road. Notwithstanding efforts to reduce its scale, the proposal would still have a much longer front elevation than is typical of surrounding buildings, a much deeper plan form and a lack of green setting, which in conjunction with a high ridge line and flat roof, would lend the proposal a very substantial scale and bulk in comparison with that of other buildings in the locality. The resulting expanse of built form across the site would make the proposal appear disproportionately large and out of scale with the size and bulk of buildings typical to the locality and it would not sit comfortably in its surroundings. The building has a full third storey which would be at odds with other structures in the locality, which is characterised by two and one storey development. The building would be open to views in the immediate street scene, where it would appear as an unduly dominant and incongruous feature on account of its substantial size and bulk. This is confirmed through submission of the sketch perspectives showing the proposed building's excessive depth and scale when seen obliquely, alongside its neighbours. The sketch perspectives, considered in conjunction with the elevations, site plan and wider pattern of development in the locality demonstrate how the building would dominate the street scene here.
- 14.3.5 The proposal is too large for the site and the spatial setting is still small in relation to surrounding properties, perhaps exemplified by the very modest level of off-street parking. While the level of off-street parking provided is not considered sufficient to warrant a highway objection or reason for refusal, it is symptomatic of the overdeveloped form of development proposed here.
- 14.3.6 The proposed development is considered to be overdevelopment of the site, which would fail to take the opportunity to improve the character and quality of the area, local distinctiveness and street scene, due to its overly wide and deep footprint, height, mass, scale and erosion of green setting, contrary to the provisions of Policy CS2, the New Milton Local Distinctiveness Document and Paragraph 64 of the NPPF.

14.4 Amenity Impacts

- 14.4.1 Consideration must be given to the impacts of the proposal on the amenity of adjoining residents and future occupiers, in terms of overbearing presence, outlook, loss of privacy, loss of light and amenity space. In these respects the proposal will be determined in line with the amenity guidance offered by Policy CS2.
- 14.4.2 The proposal has a close relationship to its side and rear boundaries. To the sides, the proposal adjoins existing flatted developments, whereas to the rear it bounds the rear curtilages of existing dwellings on York Avenue. It is not considered that the scale or proposed fenestration arrangements would impact directly upon the amenity of

existing occupiers of Morant Court or Trevone, as the proposal would impact predominantly upon blank elevations and hardsurfaced car parking and turning areas.

- 14.4.3 To the rear, the proposal would present a much more heavily massed structure than the existing buildings, with first and second floor windows facing the rear elevations of dwellings on York Avenue. However, the closest element of the proposal to the rear of no. 20 York Avenue would be single storey, which would have no significantly greater impact upon the outlook from existing properties than existing structures on site. While the three storey element of the proposal would be more visible, it would be more recessed into the site and the degree of separation, at a minimum of 33m, is well beyond the accepted privacy distance of 21m for window to window intervisibility. Due to the degree of separation, it is not considered that the scale or proposed fenestration arrangements of the proposal would impact directly upon the amenity of existing occupiers of York Avenue or Herbert Road, in terms of loss of privacy, light loss or overbearing impact
- 14.4.4 The level of open space retained for use by future occupiers is considered to be acceptable. Due to the nature of the proposal, for occupation by the elderly, the amenity space provided would be adequate for quiet enjoyment by residents.
- 14.4.5 The proposed land use is the same as the current land use, for C2 residential purposes. It is accepted that there would be some intensification of use of the site, and there would be more movements to the front of the premises by staff, deliveries, residents and visitors. Comings and goings to the front of the site on Herbert Road would not result in significant adverse impacts on residential amenity and the nature of the use, for housing the elderly, is unlikely to be such that would cause significant disturbance to adjoining amenity to the side or rear of the site.
- 14.4.6 The Environmental Health Section advise that noise levels associated with the kitchen extraction system would be at or below the existing background noise level and would therefore have a low impact upon neighbouring properties. The extraction system would be fitted with a carbon filtration system to control odours and the flue would terminate at least 1 m above the eaves of the building. The system is suitable for the type of cooking that would be undertaken, subject to conditions to address the hours of operation, noise levels, installation of plant/equipment and to restrict installation of a cowl on the flue.
- 14.4.7 In light of the above, the proposal complies with the amenity related provisions of Policy CS2.

14.5 Highway Issues

- 14.5.1 The Highway Authority note it is generally accepted that residents are unlikely to own a car, meals would be provided to residents, the apartments would be fully serviced and the site is located close to the centre of town with access to amenities and good public transport links. In addition, on street parking is time regulated during the daytime and double yellow lines exist in the vicinity to prevent parking in areas where it is undesirable for safety reasons and there are a number of public car parks within short walking distance of the site. Consequently

it is considered that any shortfall in parking provision could be accommodated within existing facilities without adversely affecting the safety or convenience of users of the highway. Given the above and that the parking SPD does not seek to set minimum/maximum standards, the Highway Authority consider that an objection based upon an under-provision of parking would be neither appropriate nor sustainable in this instance. Consequently no highway concerns are raised over the proposal.

14.6 Biodiversity Impacts

14.6.1 The Ecologist notes that the ecology report has appropriately surveyed and assessed the site in relation to development and has made generally appropriate recommendations for mitigation and enhancement, particularly in relation to hedgehogs and birds. These details could be secured via a pre-commencement condition and could comprise confirmation of a Biodiversity Mitigation, Compensation and Enhancement Plan.

14.7 Meeting the needs of the Elderly

14.7.1 The proposed development needs to be balanced against the needs of the local community and elderly in accordance with the provisions of Policies CS8, CS13 and DM10. While it is recognised that provision of suitable accommodation for older people needs to be made, those needs must be balanced against other material considerations. In this case the balance weighs in favour of protecting the character of the area, which dictates that the form of development proposed here is unacceptable.

14.8 Financial Considerations

14.8.1 An affordable housing contribution is not required, on the basis that the units of accommodation are not individual dwellings. While laid out as individual apartments, no cooking/kitchen facilities would be provided in the units, meals being provided from a communal kitchen. Case law establishes what constitutes a dwelling, which needs to be a self-contained unit containing all the essential facilities required for day to day living, including cooking facilities. The proposal does not include independent kitchen areas, units are not for individual sale and it has been established that other premises run by the applicant do not provide such facilities. On this basis the Council is satisfied that an affordable housing contribution would not be required in this instance. Had permission been forthcoming, a condition preventing provision of cooking and kitchen facilities in the apartments would have been applied.

14.8.2 Paragraph 7.13 of the Mitigation Strategy states that mitigation requirements apply to all forms of new residential development and including sheltered housing and extra care housing. However, the proposals are for use within Class C2 which are not independent dwellings and, therefore, a contribution is not required in this case.

14.9 Other material considerations

- 14.9.1 With regard to the representations of neighbouring properties, not addressed above, loss of view is not material to consideration of proposals for planning permission. Disturbance caused by building operations is an unfortunate consequence of new development but cannot reasonably be used as a reason to refuse planning permission, given that disturbance will be relatively short lived. Had permission been granted full details of boundary treatment to adjoining curtilages could have been addressed by condition. Whether or not the proposal is profit led is not a material planning consideration. Access to the site by fire appliances could adequately be achieved directly from the frontage of Herbert Road.
- 14.9.2 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission does not apply.

14.10 Conclusion

- 14.10.1 In light of the character concerns highlighted over the scale of building proposed and the overdeveloped form of development, the application is recommended for refusal.
- 14.10.2 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed built form across the site would result in a building which would be disproportionately large and out of scale with that of other buildings in the locality and would not sit comfortably in its surroundings. As a result the proposed development would result in overdevelopment of the site, failing to take the opportunity to improve the character and quality of the area, local distinctiveness and street scene, due to its overly wide and deep footprint, its height and heavy bulk and massing and erosion of green setting, contrary to the provisions of Policy CS2 of the Core Strategy for the New Forest District outside the National Park (2009), the New Milton Local Distinctiveness Document and Paragraph 64 of the NPPF.

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 pre-application advice was sought on the form of development proposed. While the Council recognised that redevelopment of the site could be achieved, that view was on the proviso that more contextual analysis of the proposal was provided to demonstrate that it would be acceptable in the street scene and in terms of the character of the area. That contextual analysis was provided with the formal submission in the form of perspective sketches, which considered in the context of the site plan, elevations, the wider context and the views put forward in light of the consultation exercise, has failed to convince officers that the form of development proposed would be acceptable. In this instance due to the level of harm the proposal would cause, it is not unreasonable to refuse the application.

Further Information:

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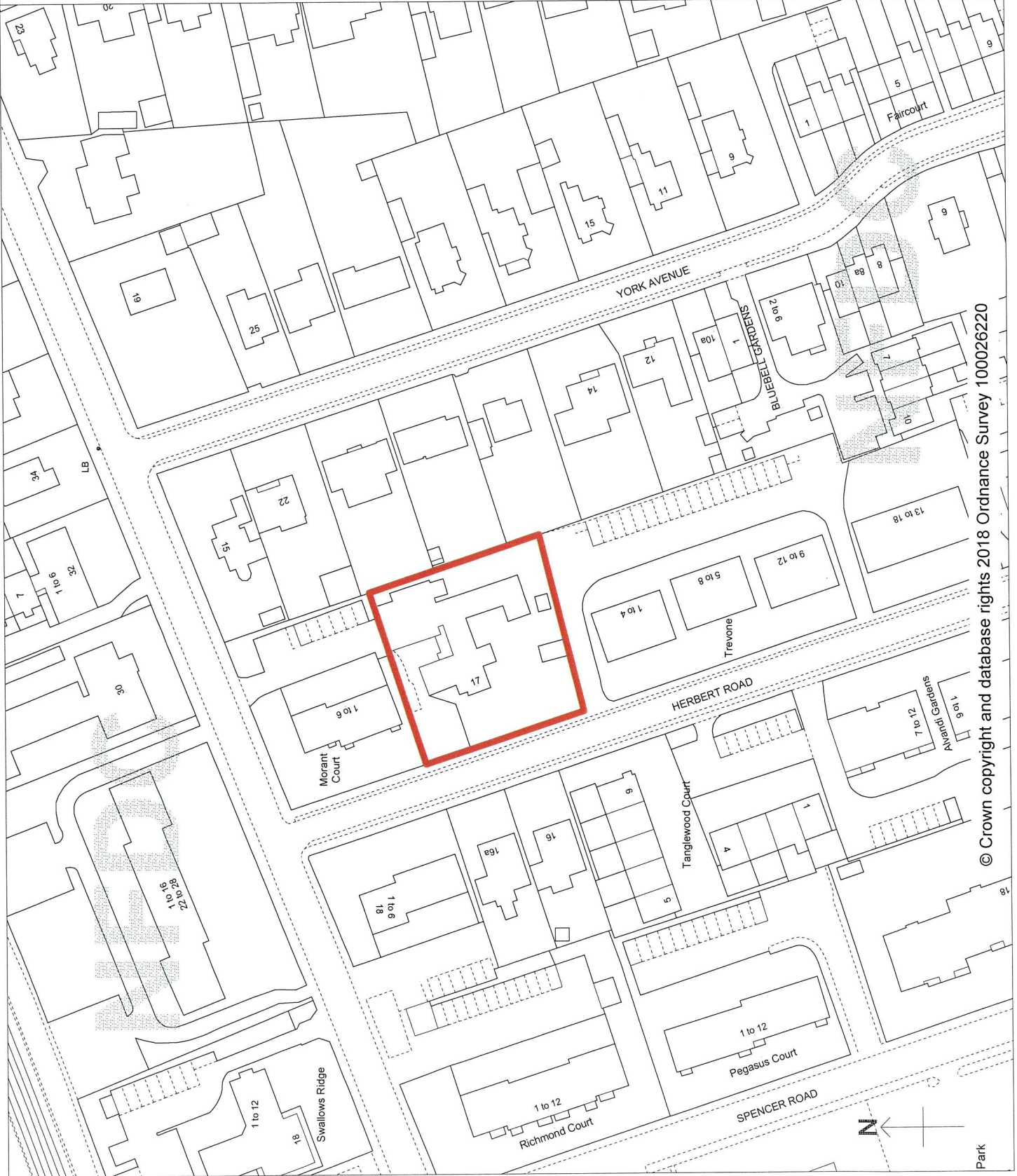
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**Planning Development
Control Committee**
February 2018

Item No: 3a
Abbeyfield House
17 Herbert Road
New Milton
17/10901
SZ2495

Scale 1:1250

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



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