

Application Number: 18/10050 Full Planning Permission

Site: FORMER POLICE STATION, JONES LANE, HYTHE SO45 6AW

Development: Part 3 - part 4- storey block of 35 retirement flats; communal facilities; refuse & buggy stores; sub station; parking; landscaping; demolition of existing buildings (AMENDED PLANS, HERITAGE STATEMENT & STREETScape)

Applicant: McCarthy and Stone Retirement Lifestyles Ltd.

Target Date: 13/04/2018

Extension Date: 13/07/2018

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| RECOMMENDATION: Refuse |
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| Case Officer: Jim Bennett |
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1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view in part and a reduced affordable housing contribution has been accepted.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up Area

Town Centre Boundary

Setting of Hythe Conservation Area

Adjoins Flood Zones 2 and 3

Tree Preservation Order TPO/0006/18

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1 (Core Strategy) 2012:

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS8: Community services and infrastructure

CS10: The spatial strategy

CS13: Housing types, sizes and tenure

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2 (Sites and Development Management DPD) 2014

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

DM10: Residential accommodation for older people

National Planning Policy Framework

NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design

NPPF Ch. 12 - Conserving and enhancing the historic environment

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

SPD - Mitigation Strategy for European Sites

SPG - Hythe - A Conservation Area Appraisal

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

No relevant planning history, although the applicant sought the Council's pre-application advice on the proposal under ref. ENQ/17/21030/LDNF. While the plans were evolved during the course of pre-application discussions, full agreement was not reached on the acceptability of the scheme in relation to its form and massing prior to submission of the current planning application.

7 PARISH / TOWN COUNCIL COMMENTS

HYTHE & DIBDEN PARISH COUNCIL: recommend refusal for the following reasons:

1. The design is industrial in appearance and bland with no architectural mitigating factors.
2. The adjacent open space is enjoyed by the young people of our Parish and will now be overlooked.
3. The 4-storey elevation adjacent to West Street will create a feeling of overlooking into Hythe Marina.
4. The development would be dominant in the street scene by way of its bulk.

5. The number of residents' parking spaces within the development is insufficient which, linked with the additional charges to residents for spaces, would lead to off street parking on the already busy Jones Lane.
6. The development will skyline when seen from Southampton Water, especially the pier, and is intimidating in appearance by reason of its bulk and block appearance.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Environmental Design (Conservation): This application follows on from a pre-application submission. Unfortunately the changes make only tweaks to the articulation and do not mitigate the substantive bulk, scale, mass and layout issues raised at the pre-application stage. Furthermore the submitted scheme has lost some of the ideas proposed at pre-application stage to articulate the form more successfully to try and mitigate that dominant bulk. These issues still need to be addressed and are set out below.

The applicant has submitted a contextual assessment and set of drawings which indicate the proposed bulk, mass, layout and footprint of the new development. There is a submitted heritage assessment and verified photo analysis of 2 key viewpoints. The amended drawings and the new CGI images have been reviewed, but the changes made are mainly to the materiality of the proposal since the first submission. In terms of the substantive concerns raised regarding bulk, scale, mass and other design issues very little has altered. The revised CGI images demonstrate the previous concerns made over these design issues. The combined issues of layout, footprint, bulk, massing and design of the development would be harmful to the prevailing character of the area and its impact on the setting and relationship with the adjacent conservation area and associated heritage assets.

The proposed scheme will be seen in views into and out of the conservation area and wider views of its built form and roofscape are gained from various points. The area has a prevailing local character, grain and built form which any new development should respond to. The proposed development suggests a large bulky L shaped structure set within the centre of the site. The building has a large overly deep plan to accommodate standard internal central corridors with limited daylight and single aspect rooms. The height is set at 3 storey along Jones Lane and four storey along West Street. The proposal has a much deeper platform than the prevailing grain and massing around it leading to overly wide built form, awkward roof arrangements and a more dominant building than the context in which it sits. This will be visible from the street and views gained into the site from the south west. The scale and mass of the envisaged structure would adversely impact on the balance of built form to landscape currently present on site. It would change the character of the site from one with a recessive building to one which dominates the plot. The important issue here is that the proposed built form fails to respond to the local distinctiveness of the area, pattern of buildings and the key characteristics of the site itself. It is acknowledged that with

verdant edges it is difficult for a scheme to address the street successfully and maintain the mature trees and planting. However this should not result in an over dominant massing being consolidated within the centre of the site. The proposed bulk and mass are unlikely to be mitigated by architectural design alone and the scheme requires some substantial reduction in bulk and a massing redesign. The form needs to be broken up more successfully and this should be done by re-arranging its articulation, footprint, bulk and overall height. This would also assist as a tool to break up or enclose some of the large unsightly car parking proposed. Some of the design suggestions made during the last pre-application stage have not been followed through, indeed the scheme has moved further away from these ideas. The submitted building has become much more box-like in its form with very little meaningful articulation or elevational relief. The south western flank elevations clearly shows the building depth and illustrates the non-contextual bulk of the proposal. The lifeless grey fourth floor has little design quality and appears more prominent on the submitted drawings due to its design and materiality.

The overall combined layout, footprint massing, bulk and design of this building is at odds with its neighbours and those across the street and this can be seen in the proposed plans and cross sections. This dominates the site and proposes an alien built form within this context. The building has an institutional architectural appearance in form with little to break up the massing and elevational treatment. It lacks the more domestic scale and appearance of buildings in Jones Lane and this approach exacerbates its dominant appearance on the site. The bolted on balconies do not add to the architectural quality and appear as afterthoughts in the design concept. The buildings materiality with the use of timber cladding, UPVC windows and non-contextual brick banding bring little additional quality to the scheme. It would also be important for any care home proposal to respond to good design principles set out within the NPPF and to that end embrace the key principles set within the best practice guidance such as Housing our Ageing Population: Panel for Innovation (HAPPI). This would also help lead to a more successful reduced massing and broken up and site response built form. This would of course be supported by NFDC design guidance and policy. The issues which cause concern are:

- Due to the scale of the building the public and private areas become dominated and overshadowed,
- With more of the private space to the frontage there is a clear lack of external usable private greenspace.
- With the dominance of trees the degree of open garden space is severely limited for a building of this size. It compares poorly to other open spaces within the immediate context.
- There is a centrally placed access core with little natural daylight,
- Solidly enclosed corridors,
- Dark internal corridors with limited daylight
- Single aspect apartments

- Parking and access dominating the west and rear of the site and squeezing what is left of the private space.

Many of these design issues while small have a cumulatively diminishing quality impact on the overall design. Furthermore a significant reduction in bulk scale and massing as part of a redesign is required to respond to the character of Hythe and the setting of the adjacent Conservation Area and listed buildings. My judgement under the NPPF is a finding of less than substantial harm to the setting of the conservation area and this gives rise to a strong presumption against planning permission being granted. The presumption against planning permission is a statutory one and the authority must be conscious of the statutory presumption in favour of preservation and should demonstrably apply that presumption to the proposal it is considering. Also set out above is the local authority's clear commitment to local distinctiveness and the design policies set out in its development framework. For the comprehensive reasons set out in this consultation, the scheme fails to respond to these factors. Indeed the scheme moves so far away from the prevailing character and context it is felt to have a significantly damaging effect on those local attributes. As submitted the proposed scheme is not supported for the reasons given above.

- 9.2 Tree Officer: The trees along the Jones Lane frontage of the site have recently been protected by Preservation Order. These trees significantly contribute to the amenity of the conservation area and are considered a constraint to development. The layout of the proposed retirement flats takes into consideration the trees and the building has been set back further from these trees than the current building. However there is potential for damage occurring to trees on site during the demolition of the existing building. The applicants will need to provide a method statement prior to commencing demolition to ensure appropriate measures are taken to prevent damage occurring to trees. The submitted plans show parking spaces within the root protection area of tree numbered 22. These bays can be constructed using non-dig techniques to ensure existing ground levels are not altered and tree roots are not damaged. Overall the layout and the submitted arboricultural report show that it is feasible to retain the trees at the front of the site and construct the flats, with opportunities to enhance through further tree planting. No objections, subject to conditions.
- 9.3 District Valuer: In response to the applicant's submitted viability appraisal, it has been established that a reduced affordable housing requirement is acceptable. In light of current uncertainty over proposals by the Government to abolish ground rents, an affordable housing contribution is viable on the basis of the following scenarios:
1. If ground rents are abolished: provision of £46,283 for affordable housing to be paid.
 2. If ground rents are not abolished: provision of £46,283 for affordable housing to be paid and a policy compliant provision 'top up' of £220,067 for affordable housing to be paid if ground rents have not been abolished on completion of the development.
- 9.4 Hampshire County Council Highway Engineer: The parking standards for the site are laid down by the New Forest District Council (NFDC) as the local parking authority, in accordance with their Supplementary Planning Document (SPD) as adopted in October 2012. The Transport Statement

(TS) has submitted a case to justify the reduction in car parking from the recommended 35 spaces to 24 spaces. Reference is made to similar local schemes which have been approved to operate with a lower bed to space ratio. NFDC have the defining say on all parking related matters as the local parking authority.

In response to the updated plans; the parking dimensions are in line with the standards laid out in the SPD, including step outs of 0.3m for all spaces which are abutted against structures and the updated landscaping plans show this has been provided. The submitted Personal Injury Accident data now covers 400 meters and 5 years of data and due to the low levels of PIA's in the area, further analysis is not requested. New tracking drawings have been submitted detailing access and egress in forward gear is achievable by emergency and refuse vehicles. No objection, subject to a condition to ensure parking is provided in accordance with the submitted plans.

- 9.5 Hampshire County Council Surface Water Drainage: Require further information/clarification on exceedance flows and runoff.
- 9.6 Environmental Health (Pollution): No objection, subject to a condition to ensure the development is implemented in accordance with the noise mitigation measures outlined in the Site Noise Assessment Revision A dated 20 January 2018, to control noise emanating both from the surrounding roads and the existing skate park situated close to the proposed development.
- 9.7 Environmental Health (Contaminated Land): No objection, subject to standard planning conditions. Without these conditions, the proposed development could pose risks to human health and/or the environment.
- 9.8 Natural England: No objection, subject to appropriate habitat mitigation being secured
- 9.9 Southern Water: No objection, subject to conditions
- 9.10 Southern Gas Networks: No objection, but give informatives

10 REPRESENTATIONS RECEIVED

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

- Inadequate off-street parking provision
- Increased traffic
- Flat roof is inappropriate and unsightly
- A 3/4 storey building is out of character to the local neighbourhood, inappropriate to the adjacent conservation area, and represents overdevelopment of the site
- The building is too big and oppressive
- Loss of privacy
- Family housing is required rather than more accommodation for the elderly in the Hythe area
- Elderly accommodation is similar to others in the Hythe area, which are

not fully occupied

- The cumulative effect of the development with other such developments for the elderly in the village will alter the character of Hythe
- The type of accommodation proposed will place more pressure on local health services
- The proposal would be harmful to the economy, as accommodation for the working population is required here
- The site should be used for business purposes
- The site adjoins the sports ground and will suffer noise nuisance
- The type of accommodation provided will be too expensive with high service charges
- The Community Involvement Statement confirms significant objections by the local community, but the submitted documents show virtually no substantial attempt to meet the objections raised.
- Loss of employment site.
- It is disputed that the proposal will release local homes for families, as most occupiers will be from outside of the area

15 representations have been received in support of the proposal on the following grounds:

- The location is close to town centre facilities, which will be bolstered by the development
- The proposal will enhance the appearance of the site
- This type of accommodation for the elderly is needed
- The proposal will free-up family accommodation elsewhere
- Trees will be retained
- Would be acceptable if future occupiers are limited to those with local ties

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £42,840 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 £199,029.48.

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 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. The concerns of the case officer and notified parties were made available to view on the Council's website and discussed with the agent prior to issuing the decision which resulted in the submission of amended plans. However, those amendments were not considered sufficient to overcome concerns and in this instance due to the level of justifiable harm the scheme 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 Hythe and on the edge of its Conservation Area and is currently occupied by the vacant police station, a large two storey building erected in the mid-1970's. The site is bound by trees on all sides, with mature specimens to the

north, east and west, most of which would be retained. Beyond the site it bounds Jones Lane to south east, west street to the north east, Ewart Recreation Ground to the west and the Parish Hall and offices to the north west. Trees adjoining the Jones Lane frontage of the site have recently been made the subject of a Preservation Order.

- 14.1.2 The site lies directly on the edge of the Hythe Conservation Area and opposite a number of key non designated heritage assets on Jones Lane. There are a number of listed buildings seen in the context of the site along Prospect Place. The character of the area is of a broken perimeter development interspersed with larger green spaces and more open verdant plots. The scale of dwellings is generally subservient to their plot size and the majority are two storey in height with active frontage engaging with the street. This end of Jones Lane is dominated by mature planting sitting either to the front of developments or within large rear gardens or spaces. The architecture is generally domestic in scale with broken runs of small terraces interspersed with small individual dwellings. Plot depths are generally narrow with built form articulated well with a variety of interesting roof forms. As one moves away from the town centre along Prospect Place this part of the conservation area and surrounding context becomes more dispersed in its layout and grain. While the application site is occupied by a building of limited architectural merit, it does sit quite innocuously within the site. Its form is a low two storey height and its planform is broken up across the site, maintaining the verdant open character of the existing site to be the key focus of any proposed redevelopment. Views are gained of trees along the back boundary and there is a positive greenspace to built form ratio on the plot. The site does contribute a verdant landscape and green character to this part of Jones Lane and West Street. It forms part of an obvious green wedge stretching from the water's edge north and westwards into Hythe. It is clear from the map regression that while a few buildings have been constructed, this more verdant edge is part of the earlier northern edge to the town of Hythe.
- 14.1.3 The proposal entails demolition of existing structures on the site and erection of a substantially larger structure, to provide flatted accommodation (35 units) for the elderly on three/four levels. Off-street parking for 24 vehicles would be provided in a similar position to the existing parking area to the side and rear. The building would be finished in red brick, timber cladding, glass balustrades, grey upvc windows, metal railing and zinc coated balconies. Amended drawings and new CGI images have been submitted following its initial submission seeking to address the concerns of the Council and notified parties.

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, character of the area generally and impact upon the setting of Hythe Conservation Area, against the relevant provisions of Policies CS2 and CS3. 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, tree

impacts and flood risk also need to be considered, balanced against the needs to provide new housing and to meet 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 Policies CS2, CS3, DM1 and the NPPF. 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 Conservation Team raises concerns that the proposed scheme will be seen in views into and out of the conservation area and wider views of its built form and roofscape are gained from various points. The area has a prevailing local character, grain and built form which any new development should respond to. The proposed development suggests a large bulky L-shaped structure set within the centre of the site. The building has a large overly deep plan to accommodate standard internal central corridors with limited daylight and single aspect rooms and poor levels of space about the building. The height is set at 3 storey along Jones Lane and four storey along West Street. The proposal has a much deeper planform than the prevailing grain and massing around it leading to overly wide built form, awkward roof arrangements and a more dominant building than the context in which it sits. This will be visible from the street and views gained into the site from the south west and will be particularly visible from the Recreation Ground. The scale and mass of the envisaged structure would adversely impact on the balance of built form to landscape currently present on site. It would change the character of the site from one with a recessive building which sits comfortably within the site, to one which dominates the plot. The important issue here is that the proposed built form fails to respond to the local distinctiveness of the area, pattern of buildings and the key characteristics of the site itself. While mature trees and planting would be retained around three sides of the site, this should not result in an over dominant massing being consolidated within the centre of the site. The proposed bulk and mass are not mitigated by the architectural design or retained peripheral vegetation, exemplified by the submitted CGI's, as the scale, mass and form of the structure is not broken up. The proposed structure is very box-like in its form with very little meaningful articulation or elevational relief. The south western flank elevations clearly show the building depth and illustrates the non-contextual bulk of the proposal. While attempts have been made to address the massing and quality of the proposal through the introduction of timber cladding over more of the elevations, it has done little to enhance the design quality or reduce the massing of the structure proposed.

- 14.3.3 The overall combined layout, footprint massing, bulk and design of this building is at odds with its neighbours and those across the street and this can be seen in the proposed plans and cross sections. This dominates the site and proposes an alien built form within this context. The building has an institutional architectural appearance in form with little to break up the massing and elevational treatment. It lacks the more domestic scale and appearance of buildings in Jones Lane and this approach exacerbates its dominant appearance on the site. The bolted on balconies do not add to the architectural quality and appear as afterthoughts in the design concept. The buildings materiality with the use of timber cladding, UPVC windows and non-contextual brick banding bring little additional quality to the scheme.
- 14.3.4 While the applicant has pointed to other large buildings in the locality, notably the Marina threshold building, none are quite so high or heavily massed as the proposed structure and none so close to the Hythe Conservation Area Boundary. The Marina threshold building is identified by the applicant as having set a precedent for large structures in the area, although its form is not so massive and its assimilation into the local street scene is assisted by its articulated roof form. The proposal suffers from an overly bulky form and the submitted computer generated images confirm the thoughts of Officer's that the building is just too large for this site.
- 14.3.5 It is considered by officers that the proposed layout, footprint, bulk and massing would result in an overdeveloped site, with a building which would be disproportionately large and out of scale with other buildings in the locality. As a result the proposed development would fail to take the opportunity to enhance local distinctiveness or the character and quality of the area and cause harm to the setting of the adjacent conservation area and associated heritage assets, contrary to the provisions of Policies CS2, CS3 and DM1 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 line with the amenity guidance offered by Policy CS2.
- 14.4.2 The proposal does not have a very close relationship to any adjoining dwellings and it is not considered that the scale of the building or proposed fenestration arrangements would impact directly upon the amenity of existing occupiers in terms of loss of privacy, light loss or overbearing impact. The proposed land use, while different from its former use as a police station, is unlikely to result in intensification of use of the site to such an extent that vehicular movements to the proposal by staff, deliveries, residents and visitors would result in significant adverse impacts on residential amenity. The nature of the use, for housing the elderly, is unlikely to be such that would cause significant disturbance to adjoining land uses.

- 14.4.3 With regard to protecting the amenity of future occupiers of the development, the Environmental Health Section raise no objections, subject to a condition to ensure the development is implemented in accordance with proposed noise mitigation measures, to control noise emanating both from the surrounding roads and the existing skate park situated close to the proposed development.
- 14.4.4 The proposal would provide a small communal area of open space to the rear of the building, close to the north east boundary of the site, which is less than ideal for a proposal of the scale proposed. The scale of the building and its proximity to protected trees means the private/communal open space area would be dominated and overshadowed. However, the applicant points to the provision of balconies and the area to the front of the site to make up any shortfall in provision of open space for use by future occupiers. While the private open space arrangements for the site are not considered to be ideal, due to the nature of the proposal, for occupation by the elderly, on balance the amenity space provided would be adequate for quiet enjoyment by residents. In light of the above, the proposal complies with the amenity related provisions of Policy CS2. However, the poor level of private space provision is indicative of the overdeveloped nature of the development referred to in the Character Impacts section above.

14.5 Highway Issues

- 14.5.1 The Highway Authority raise no objections to the proposal and in response to updated plans, consider the parking dimensions and layout to be in line with the standards laid out in the SPD. The submitted PIA data now covers 400 meters and 5 years of data and due to the low levels of PIA's in the area, further analysis is not requested. New tracking drawings have been submitted detailing access and egress in forward gear is achievable by emergency and refuse vehicles.
- 14.5.2 The Transport Statement (TS) makes a case to justify the reduction in car parking from the recommended 35 spaces to 24 spaces. Reference is made to similar local schemes which have been approved to operate with a lower bed to space ratio. In light of the nature of the accommodation to be provided as accommodation for the elderly, coupled with the site's location within walking distance of town centre services, it is not considered that a reason for refusal can be substantiated on the basis of an underprovision of off-street parking. However, the under-provision of off-street parking is again indicative of the overdeveloped nature of the development referred to in the Character and Amenity Impacts sections above.

14.6 Tree Impacts

- 14.6.1 The site is clearly constrained by trees around its periphery and the trees along the Jones Lane frontage of the site have recently been protected by Preservation Order. The Council's Tree Officer considers the layout of the proposed retirement flats takes into consideration the trees and the building has been set back further from these trees than the current building. However there is potential for damage occurring to trees on site during the demolition of the existing building. The applicants will therefore need to provide a method statement prior to commencing demolition to ensure appropriate measures are taken to prevent damage occurring to

trees. The submitted plans show parking spaces within the root protection area of tree numbered 22. These bays can be constructed using non-dig techniques to ensure existing ground levels are not altered and tree roots are not damaged. Overall the layout and the submitted arboricultural report show that it is feasible to retain the trees at the front of the site and construct the flats, with opportunities to enhance through further tree planting, subject to tree protection conditions.

14.7 Flood Risk

- 14.7.1 The site adjoins Flood Zones 2 and 3 to the east along West Road and the formal planning submission is accompanied by a FRA, which was forwarded to the Environment Agency for comment. While the Agency has not commented on the proposal, there is no reason to dispute the findings of the FRA that the site is at low risk from flooding; that the development would not increase the rate of runoff; and the redevelopment will be protected from flooding over its design lifetime and there will be no increase in the risk of flooding to adjacent people and properties. The proposal is considered, therefore, to comply with the provisions of Policy CS6 in relation to flood risk.

14.8 Meeting the needs of the Elderly

- 14.8.1 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.

14.9 Loss of Community Facility

- 14.9.1 The proposal results in loss of a community facility, albeit one that has been vacant for some time and consequently the site is in need of redevelopment. However the proposal needs to be justified in relation to Policy CS8, which states that there will be a presumption against any development that involves the loss of community services, except where it is part of a service providers plans to provide improved local services in equally accessible locations. The applicant has been requested to provided a statement in light of this policy, including details from the local constabulary to confirm that the site is surplus to their requirements and stating where alternative provision has been made in Hythe for the police service. Members will be updated on this matter.

14.10 Financial Considerations

- 14.10.1 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 is CIL liable and this is accepted by the applicant.

14.10.2 Members will be updated at the meeting in terms of habitat mitigation.

14.10.3 The Council is committed to ensure that a proportion of almost all new housing is provided as 'affordable housing' (see Policy CS15, Local Plan Part 1 - Core Strategy). The Council pursues affordable housing contributions in relation to developments of more than ten dwellings. In response to this policy requirement the applicant submitted a viability appraisal, which (in consultation with the District Valuer) established that a reduced affordable housing requirement may be acceptable. The matter is complicated by current proposals by the Government to abolish ground rents, which may affect the viability of the scheme. However, the applicant has confirmed their willingness to enter into a Section 106 agreement to pay an affordable housing contribution on the basis of the District Valuer's findings as follows:

1. If ground rents are abolished: provision of £46,283 for Affordable housing and s106 to be paid on implementation.
2. If ground rents are not abolished: £46,283 for Affordable housing and s106 to be paid on occupation of the 1st unit. A policy compliant provision 'top up' of £220,067 for affordable housing to be paid on occupation of the 34th unit if ground rents have not been abolished on completion of the development. This matter is the subject of further consideration and maybe the subject of an update at the meeting

14.10.4 The Council's Legal Section have been instructed to prepare a Section 106 agreement along the lines of the above, which is at an early stage of preparation. In the absence of a completed S.106 agreement to secure the mechanism by which an affordable housing contribution may be secured, this must be introduced as a further reason for refusal, the proposal being contrary to Policy CS15.

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

14.11 Housing Need

14.11.1 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 14 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, the presumption in favour of sustainable development does not apply because the development requires an appropriate assessment in compliance with the Birds or Habitats Directive, and there is therefore a specific policy in the NPPF (paragraph 119) which indicates that development should be restricted. Moreover, as set out above, it is considered that the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits of the development.

14.12 Other considerations

14.12.1 With regard to the representations of neighbouring properties, not addressed above, arguments by those objecting to the proposal on the basis that family housing is required rather than more accommodation for the elderly are countered by those in support of the proposal that this type of accommodation for the elderly is needed locally. Policy CS13 of the Core Strategy and Policy DM10 of the Local Plan Part 2 identifies the need for this type of accommodation in the District and supports the principle of its provision. Similarly concerns raised that the type of accommodation provided will be too expensive with high service charges and that most occupiers will be from outside of the area is a matter for the market to influence. The type of accommodation proposed will undoubtedly place pressure on local health services, but this is a strategic issue, which needs to be covered by the relevant authorities in assessing demographic changes and the allocation of resources and cannot substantiate a reason for refusal in this instance.

14.13 Conclusion

14.13.1 Overall, while there is an identified need for this type of accommodation, the proposed development is considered to be inconsistent with Core Strategy policies. It would fail to take the opportunity to enhance local distinctiveness or the character and quality of the area and cause harm to the setting of the adjacent conservation area, contrary to adopted policies. Furthermore it currently fails to secure an affordable housing contribution. As such, the application is recommended for refusal.

14.13.2 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.

Section 106 Contributions Summary Table

| Proposal: | | | |
|-----------------------------|--|--|------------|
| Type of Contribution | NFDC Policy Requirement | Developer Proposed Provision | Difference |
| Affordable Housing | | | |
| No. of Affordable dwellings | 0 | 0 | 0 |
| Financial Contribution | £46,283 or £220,067 dependent upon ground rent abolition | £46,283 or £220,067 dependent upon ground rent abolition | 0 |

| | | | |
|----------------------------|-----------------------------|-----------------------------|---|
| Habitats Mitigation | | | |
| Financial Contribution | £27,710 if CIL paid in full | £27,710 id CIL paid in full | 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 | 3254.88 | 1188.28 | 2066.6 | 2066.6 | £80/sqm | £199,029.48 * |
|-----------------|---------|---------|--------|--------|---------|---------------|

| | |
|----------------|-------------|
| Subtotal: | £199,029.48 |
| Relief: | £0.00 |
| Total Payable: | £199,029.48 |

* 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 2018 this value is 1.2

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed layout, footprint, bulk and massing would result in an overdeveloped site, with a building of poor design quality which would be disproportionately large and out of scale with other buildings in the locality. As a result the proposed development would fail to take the opportunity to enhance local distinctiveness or the character and quality of the area and cause harm to the setting of the adjacent Hythe Conservation Area and associated heritage assets, contrary to the provisions of Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park (2009), Policy DM1 of the Local Plan Part 2 (Sites and Development Management DPD) 2014 and Paragraph 64 of the NPPF.

2. In the absence of a completed legal agreement to secure an affordable housing contribution, the proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy for the New Forest District outside the National Park (2009).

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. The concerns of the case officer and notified parties were made available to view on the Council's website and discussed with the agent prior to issuing the decision which resulted in the submission of amended plans. However, those amendments were not considered sufficient to overcome concerns and in this instance due to the level of justifiable harm the scheme would cause, it is not unreasonable to refuse the application.

Further Information:

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Planning Development Control Committee

July 2018

Item No: 3b

Former Police Station
Jones Lane
Hythe
18/10050

Scale 1:1250

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

