

Application No: Y18/0215/SH

Location of Site: Redlynch House, 19 Hillcrest Road, Hythe

Development: Demolition of existing building (former residential home) and erection of 8 new apartments with associated car parking and amenity areas (resubmission of application Y16/0866/SH).

Applicant: Redlynch Residential Home Limited

Agent: Mr Laurence Mineham
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Date Valid: 28.02.18

Expiry Date: 25.04.18

PEA Date: 01.10.18

Date of Committee: 25.09.18

Officer Contact: Miss Louise Daniels

SUMMARY

This report considers whether planning permission should be granted for a replacement building to accommodate 8 apartments following demolition of the existing residential care home. The report recommends that planning permission be granted as it is considered that the amenities of existing and future occupants would be safeguarded and that the design, materials and layout of the proposed building would reflect the neighbouring properties and would be in keeping with the streetscene of Hillcrest Road.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report, and that delegated authority be given to the Development Management Manager to finalise the wording of the conditions and add any other conditions she considers necessary.

1.0 THE PROPOSAL

- 1.1 This application is for a new building following demolition of the existing residential care home which is currently a mixture of single, two and three storeys, to provide eight apartments.
- 1.2 The replacement building when viewed from Hillcrest Road, would be three storeys high with the third floor within the roof space. The building would have an asymmetrical appearance in the street scene to the front elevation

with two gable roofs which would be tile hung. Bay windows are proposed to one of the gable projections and would be 2-storey high and finished with a parapet roof. A two-storey square bay incorporating the entrance door is also proposed to be off-centre and a plinth brick feature is proposed to the building's perimeter. The building would be set down slightly within the site and the single storey elements to the side would be similar to the neighbouring buildings which have single storey side projections. The overall ridge height of the building would be lower than both the neighbouring properties.

1.3 The building would accommodate the following arrangement of apartments:

Lower Ground Floor

Unit No.1 = 2 double bedrooms, 1 en-suite, bathroom, and lounge/kitchen/diner

Unit No.2 = 2 double bedrooms, 1 en-suite, bathroom and lounge/kitchen/diner

Ground Floor

Unit No.3 = 2 double bedrooms, 2 en-suites, bathroom and lounge/kitchen/diner

Unit No.4 = 2 double bedrooms, 1 en-suite, bathroom and lounge/kitchen/diner

Unit No.5 = 2 double bedrooms, 1 en-suite, bathroom and lounge/kitchen/diner

First Floor

Unit No.6 = 2 double bedrooms, 2 en-suites, 1 walk in wardrobe and lounge/kitchen/diner

Unit No.7 = 2 double bedrooms, 2 en-suites and lounge/kitchen/diner

Second Floor

Unit No.8 = 2 double bedrooms, 2 en-suites, WC and lounge/kitchen/diner

1.4 To the rear of the building, the lower ground floor would be set partially within the site. Together with the lower ground floor, the building would have four floors to the rear, with the top floor, as with the front of the building, being within the roof space. The rear would have two flat roof dormers, one with an inset balcony and a Juliet balcony to the window in the single rear gable.

1.5 All balconies would have timber balustrading. Three balconies are proposed to the ground floor. The balcony to unit No.5 would be set back from the main rear elevation of the dwelling, and the other two balconies at first floor would serve units No.3 and No.4. The balconies at the ground floor would be at a similar level to the ground floor of the neighbouring properties although acknowledging that the application building extends further into the site so they would be elevated at the first floor level. Two balconies are proposed at the first floor to units No.6 and No.7 and these would be set behind the roof hip of the ground floor. An inset balcony within the roof pitch

is proposed to the second floor which would be positioned centrally within the roof slope.

- 1.6 To either side of the building are two single storey projections. To the west elevation a hipped addition is proposed with a flat roof within the centre which would incorporate unit No.5, and to the east elevation is a smaller projection with a hipped roof that would incorporate unit No.3.
- 1.7 To the front of the site, seven off-street parking spaces are proposed with an off-centre entrance path with grass/landscaping either side. Another path is proposed to the west side of the site to access the cycle parking and refuse storage. The building would follow the building line of Hillcrest Road, and the two front gable projections would be in line with the neighbouring buildings.
- 1.8 The application is accompanied by a supporting statement, a slope stability report and a surface water drainage strategy.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Inside settlement boundary
- Area of archaeological potential
- Latchgate area
- Area of Special Character

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The application site is a vacant 2 storey residential care home previously converted from a large detached house, located on the south side of Hillcrest Road, midway between Brockhill Road to the west and Castle Road to the east. It sits within an elevated section of Hythe with dwellings running generally laterally across the slope of the hillside, benefitting from views of Hythe and the English Channel.
- 3.2 The site is located within a predominantly residential area and within a designated Area of Special Character. The front of the property incorporates separate in and out vehicular accesses and a garden to the rear, beyond the end boundary of which the land slopes steeply downwards to Quarry Cottage, Quarry Lane to the rear.

4.0 RELEVANT PLANNING HISTORY

Y16/0866/SH - Demolition of existing building (former residential home) and erection of 9 new apartments with associated car parking and amenity areas. Refused.

The applicant appealed against this decision and the appeal was dismissed.

5.0 CONSULTATION RESPONSES

- 5.1 Consultation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

- 5.2 Hythe Town Council
No objection.

- 5.3 KCC Highways and Transportation
No objection subject to conditions safeguarding visibility splays, a construction management plan, provision and retention of cycle and vehicle parking, measures to prevent discharge of surface water onto the highway and a use of a bound material for the first 5m of the access and parking and turning areas.

- 5.4 Environmental Health
No objection subject to a condition for contamination.

6.0 REPRESENTATIONS

- 6.1 Representation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

- 6.2 20 letters/emails received objecting on the following grounds:

- Contravenes the findings of the Inspector.
- Obtrusive building
- Dominate over neighbouring dwellings resulting in overbearing impact, loss of privacy from the balconies and loss of light due to the scale of the building.
- At least 50% larger than the existing building.
- Dominate views from the Green, the seafront and the canal.
- Rainwater discharge is not robust enough given the site is on an area of land instability.
- Depth of the excavation now required could cause negative impact upon the stability of the ground, could result in subsidence.
- Poor quality design, loss of character.
- Contrary to policy BE12 as the building would be unacceptable in scale, mass and height.
- Inadequate off-street parking provision and road safety risks.
- Loss of character to Hillcrest Road which is characterised by large single family homes with gardens.
- Resulting pressure on the road network.

- Setting an undesirable precedent for similar proposals in the future, resulting in a gradual erosion of what currently makes the street attractive to larger families.
- Impinge and compromise the view of the skyline from and to the Royal Military Canal.
- The dwelling to the rear of the site depends on gas and water through the application site.
- Flats not acceptable in the area.

6.3 Hythe Civic Society object on the following grounds:

- Mass and scale is greater than the existing surrounding buildings although the design attempts to fit the surroundings.
- Contrary to policy BE8 and BE12
- Insufficient parking

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

7.2 The following policies of the Shepway District Local Plan Review apply: SD1, BE1, BE12, U2, U4, U10a, TR5, TR11, TR12, HO1

7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD7

7.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application: 8, 102, 110 and 127.

8.0 APPRAISAL

Background

8.1 The Planning Inspector's decision on the previous proposal assessed under application Y16/0866/SH forms a material planning consideration in the assessment of this application. The Inspector stated the following main objections to the proposal:

- The scale/width of the building within the site would have a negative impact on the spaciousness of the area, which is a designated Area of Special Character.

- The height of the building would be visually more prominent in views from the south and would compromise the skyline when viewed from the Royal Military Canal and The Green to the south.
 - The building would be extremely prominent in outlook from the neighbouring properties (17 and 21 Hillcrest Road), harmful to their living conditions.
 - The elevated position of the building, in close proximity to Quarry Cottage, would create the perception of being observed for these neighbouring residents when using their outdoor living space, even if not directly overlooked.
 - The building would create inappropriate living environments for future occupiers of the proposed apartments (for two second floor bedrooms which would have rooflights, and therefore no outlook).
- 8.2 The proposal originally submitted for this current application had been reduced in the depth from that dismissed at appeal. However Officers did not consider this was sufficient to overcome the Inspectors reasons for refusal. A number of detailed discussions took place during the processing of this application between Officers and the applicant's agents to arrive at the amended scheme which has reduced the number of apartments from nine to eight and reduced the bulk, mass and scale of the building.

Relevant Material Planning Considerations

- 8.3 The relevant issues for consideration with regard to this current application are the acceptability of the principle of development, the visual impact upon the surrounding area and Area of Special Landscape Character, residential amenity and highway safety.

Principle of Development

- 8.4 The site is located in a residential area outside of Hythe town centre and has been in use as a care home for many years, however, is now vacant. The applicants declare that the care home is dilapidated, no longer viable and upgrading the care home to Care Quality Commission standards would also not be a viable option. The application did not include any viability information to justify this assertion. However, it is considered that the loss of the care home does not constitute a loss of a community facility and there are no national or local plan policies that seek to retain private residential care homes.
- 8.5 Hythe is identified as a strategic town within the district and plays a prominent role in the district as an attractive town to live, work and visit. Policy CSD7 of the Shepway Core Strategy states that Hythe should develop as the high-quality residential, business, service, retail and tourist centre for central Shepway. New development should respect the historic character of the town and the established grain of the settlement in line with the place-shaping principles set out in policy SS3. Hythe is identified as this partly due to the range of key services it provides to residents including a primary and secondary school, range of local shops, eateries, doctors surgery to name but a few. As such, the Council has assessed the town to be a highly sustainable settlement where significant development will be

accommodated. Taking this into consideration, it is considered that the demolition of the care home to provide additional residential units would result in an efficient use of land in a sustainable location with good connectivity to public services. As such, the proposed development would accord with saved policy HO1 of the Shepway Local Plan Review and policy SS3 of the Shepway Core Strategy.

- 8.6 In this context, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the Shepway Local Plan Review and Core Strategy, acceptable, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location.

Design and Layout

- 8.7 The design of the proposed building follows the more traditional approach with tiled pitched roofs, hanging tiles to the front and side elevations, brickwork and timber balustrading for the balconies. The traditional design with asymmetric form is considered to integrate well within the street scene, with a residential domestic character to the building in keeping with the character of surrounding properties.
- 8.8 Although it is acknowledged that the proposal is larger than the existing building on site, it would have the same ridge height as the main part of the existing building and a ridge height that would be slightly less than the neighbouring dwellings. It is accepted that the building would be three stories whereas the existing building is two stories however, the third storey of the proposal (when viewed from Hillcrest Road) is within the roof space with small windows to the gable frontages resulting in the features and building scale diminishing with height, not dissimilar to other properties within Hillcrest Road.
- 8.9 It is also acknowledged that with the two front gables and the roof ridge that follows through the building to the rear, the building would have a mass which extends back within the site. However, the three storey element of the building is set centrally within the site, retaining separation from the side boundaries with single storey projections to the sides which 'break-up' the side elevations and reduce the dominance of the building when viewed from an angle from Hillcrest Road.
- 8.10 It is therefore considered that the proposal would be in keeping with the prevailing built form of surrounding buildings, taking account of the degree of separation which exists between properties in Hillcrest Road. As such, the proposed building is considered to be an appropriate scale within the street scene of Hillcrest Road and is considered to comply with saved policy BE1 of the Local Plan.

Visual Impact

- 8.11 Saved policy BE12 of the Shepway Local Plan Review states that planning permission for further development within Areas of Special Character will not be granted if the development will harm the existing character of that area, by reason of either a loss of existing vegetation, especially in relation to important skylines; or a greater visual impact of buildings. Policy BE16 requires proposals to retain important existing landscape features.
- 8.12 The application site is located within an elevated section of Hythe within an Area of Special Character with dwellings running generally laterally across the slope of the hillside, benefitting from views of Hythe and the English Channel. The application site and rear of neighbouring buildings on the south side of Hillcrest Road are, therefore, highly visually prominent from lower public areas and roads within the centre of Hythe and from the coastal areas beyond.
- 8.13 The proposal would have the same ridge height as the existing building and the rear elevation of the existing building has a gable projection with a hipped roof. It is not considered that the rear elevation of the proposed building with a hipped roof and one rear gable projection would have an overly dissimilar appearance significant enough to be detrimental to the character and appearance of the designated Area of Special Landscape Character. As such, the proposed development would be acceptable in accordance with policies BE1, BE12, BE16, and HO1 of the Local Plan Review.

Neighbouring Amenity

- 8.14 Saved policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of residents. Paragraph 127 of the NPPF sets out that decisions should seek to secure a high standard of amenity for existing and future users.
- 8.15 The closest residential properties are Nos.17 and 21 Hillcrest Road situated either side of the application site and Quarry Cottage sited at the bottom of the steep slope to the southern boundary to the application site.
- No.17 Hillcrest Road:
- 8.16 The footprint of No.17 Hillcrest Road is an 'L shape' incorporating a wide main frontage and a 2 storey rear projection with a small ground floor addition to the rear. A raised patio area is located within the recess of the 'L shape' adjacent to the application site. Although the footprint of the application building would extend past the rear elevation of No.17 this would only be at the lower ground and ground floor levels. The first and second floor of the proposed building would not be too dissimilar in position to the two-storey projection of No.17. This together with the separation distance from No.17 and the application building, of approximately 5.9m, means that it is not considered that the building would result in a detrimental impact upon neighbouring amenity in terms of causing an overbearing impact.
- 8.17 In terms of loss of light, due to the orientation of the site with the rear of the site facing south, together with the separation distances, it is not considered the proposed building would have a significantly detrimental impact upon

loss of light to this neighbouring dwelling sufficient to warrant refusal on this basis.

- 8.18 In terms of loss of privacy, the only side facing windows to the proposed building would be to the ground floor side projection and these would be conditioned to be obscure glazed which although would be a bedroom window, it is not the only window to that bedroom so can be reasonably conditioned. In addition, in terms of loss of privacy, 1.8m high privacy screens are proposed to the first floor balconies to ensure there would be no overlooking, these privacy screens would be conditioned to ensure they are retained.

No.21 Hillcrest Road:

- 8.19 The footprint of No.21 Hillcrest Road is wide across the plot, with the two-storey element set approximately 9.5m away from the side boundary and then single storey extending up to the side boundary. Although the footprint of the application building would extend past the rear elevation of No.21 this would only be at the lower ground and ground floor levels. The first and second floors of the proposed building would not extend as far into the site. The first and second floor would also be set in from the side boundary by approximately 8.4m, which would leave a total separation between the two-storey element of No.21 Hillcrest Road and the first and second floor of the application building of approximately 17.9m. As a result, it is not considered that the proposed building would have a detrimental impact upon neighbouring amenity in terms of causing an overbearing impact.

- 8.20 In terms of loss of light, due to the orientation of the site with the rear of the site facing south, together with the separation distances, it is not considered the proposed building would have a significantly detrimental impact upon loss of light to this neighbouring dwelling to warrant refusal on this basis.

- 8.21 In terms of loss of privacy, three side facing windows are proposed to the ground floor side projection and a single window above. All these windows would be conditioned to be obscure glazed as these are secondary windows, and the window above at first floor would also be a secondary window to a bedroom and so could be reasonably conditioned. In addition, all balconies would be conditioned to have 1.8m high privacy screens to ensure there would be no overlooking.

Quarry Cottage:

- 8.22 The first floor and roof of the existing building are visible from the upper amenity area of Quarry Cottage above the rear boundary hedge. The top of the rear gable end is visible from the main rear garden area where garden furniture is positioned. In terms of the proposed building, the ground floor would have two balconies which would be the closest point of the proposed building to Quarry Cottage, and there would be a separation distance of approximately 14.8m. The building is proposed to be partially set within the site so the floor level of the ground floor is similar to the ground floor level of the neighbouring properties No.17 and No.21 Hillcrest Road. The first and second floor of the proposed building would be more visibly from Quarry Cottage however, the rear elevation at this point would be positioned

approximately 21m away from the rear boundary. The roof of the proposed building would have a gable end and the rest of the roof would be hipped, with the two balconies to the first floor set behind the roof hip of the ground floor. It is therefore considered that the bulk, mass and scale of the building would not have an unacceptable impact upon Quarry Cottage in terms of overbearing impact, or in terms of loss of privacy given the separation distance and given that the lower ground floor would be set partially within the site, reducing the dominance of the building and ensuring the ridge height of the proposed building would be no higher than the ridge of the existing building.

Standard of Accommodation for Future Occupiers:

- 8.23 The accommodation proposed within the flats are of a good size and layout. All bedrooms would all have windows with an outlook, and those windows to be obscure glazed are secondary windows to the bedrooms and rooms.

Highway Safety

- 8.24 Save policy TR11 of the Shepway District Local Plan Review sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access. Saved policy TR5 refers to the provision of cycle storage facilities and TR12 refers to car parking standards.
- 8.25 The proposal involves the provision of 7 off-street parking spaces to the front of the site where the existing front wall and vegetation would be removed to facilitate the spaces. Cycle parking storage would be provided to the west side of the building adjacent to the side boundary with No.21 Hillcrest Road.
- 8.26 KCC Highways were consulted and raise no objection to the proposed development on highway grounds.

Local Finance Considerations

- 8.27 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 8.28 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £109.40 per square metre for new residential floor space.
- 8.29 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. The New Homes Bonus

funding regime is currently under review and is anticipated to end. Under the scheme the Government matches the council tax raised from new homes. This is for the period covering the first four years. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £10,180.73 when calculated on the basis of council tax Band D average dwellings. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

8.30 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

8.31 This application is reported to Committee as the application has been called in by Cllr Dearden on the grounds that any judgment about the acceptability of proposal in terms of policy BE12 will be crucial for the long-term protection of the Hythe skyline within the Area of Special Character and that judgment should be made by members; also that the parking/road safety implications are contentious because the on-site parking is inadequate by KCC's usual standards [just 7 parking spaces for 8 2-bedroom flats]. KCC has failed to defend its acceptance of questionable survey results which it deems to justify the extra dangers arising on a bus route, punctuated by many crossovers offering poor visibility, also used by huge agricultural machinery and equestrians.

9.0 BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

<p>RECOMMENDATION –That planning permission be granted subject to the following conditions and that delegated authority be given to the Development Management Manager to finalise the wording of the conditions and add any other conditions she considers necessary.</p>

1. Standard time condition

2. Approved plan numbers
 3. Materials
 4. Visibility splays
 5. Parking
 6. Cycle parking
 7. Construction Management Plan
 8. Measures to prevent discharge of surface water onto highway
 9. Bound surface for 5m
 10. Completion of the access
 11. Contamination
 12. Privacy screens
 13. Obscure glazing to windows
 14. Height of building
 15. Soil stability
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