

Application Number: 20/11229 Full Planning Permission

Site: Land Adjacent to 11 ST JOHNS STREET, HYTHE SO45 6BZ

Development: The creation of a car parking space on land not owned by the applicant, including the formation of an access from a public highway and construction of a gate in an existing boundary wall

Applicant: Mr Harrison

Agent: Friendly Architecture

Target Date: 05/02/2021

Case Officer: Julie Parry

Extension Date: 11/03/2021

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on local character and appearance of the street scene, Conservation Area and adjacent listed buildings.
- 3) Impact on highway safety.

This application is to be considered by Committee because of a request from Councillor Beverley Thorne.

2 SITE DESCRIPTION

The application site forms a small area of land located next to the long rear garden of 11 St John's Street, which is a Grade II listed building. The site is also located close to the waterfront and within the Hythe Conservation Area. The site forms part of a larger area of land alongside 11 St John's Street that is highlighted within the Local Plan as a landscape feature. The hedges and trees within this landscape feature create a softening buffer between the harsh supermarket car park opposite and the listed buildings behind. It appears that there was at one time an informal footpath over this land, but this has largely disappeared as the vegetation within this area has matured over time. The rear garden boundary of 11 St John's Street is marked by a brick wall. To the south-west of the application site, within the landscape strip, an area of hardstanding for parking has been formed by the applicant using compressed gravel. This area, which is sited opposite the entrance to the Waitrose Car Park, does not benefit from planning permission and, having been formed relatively recently, is the subject of an ongoing enforcement case.

The application site and the adjacent landscaped areas are owned by a private company who also own the land where Waitrose is located, and the required notice has been served on this company in respect of this application.

3 PROPOSED DEVELOPMENT

The application seeks planning permission for a new parking space in the form of a new area of hardstanding that would be 4 metres in width and 8 metres in depth. The proposed development would be set alongside number 11 St John's Street on land outside of that property's domestic curtilage and close to an existing access to The Boat House, which is a neighbouring residential property.

A pedestrian gate through the boundary wall would be created from the rear of the parking space to allow for access to the rear garden of 11 St John's Street. The access would be formed onto an unclassified road which has restricted parking with double yellow lines.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
16/10658 2 outbuildings (retrospective)	11/08/2016	Granted
16/10659 2 timber outbuildings (retrospective) (Application for Listed Building Consent)	03/06/2016	Withdrawn by Applicant
16/10570 Single-storey rear extension	27/06/2016	Granted Subject to Conditions
16/10571 Single-storey rear extension (Application for Listed Building Consent)	27/06/2016	Granted Subject to Conditions

5 PLANNING POLICY AND GUIDANCE

Local Plan Part 1

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

New Forest District Local Plan First Alteration

Policy DW-E12: Protection of Landscape Features

Hythe and Dibden Neighbourhood Plan

Policy D1

Policy D3

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: Recommend REFUSAL but would accept the decision reached by the DC Planning Officers under their delegated powers. The Council welcomes the comments of the Arboriculturist on lack of impact on local amenities. The location is an improvement on the one directly opposite the Waitrose car park access, and the

Council is unaware of any concerns that Highways has brought forward. There are also concerns raised over access to the nearby footpath. Overall, the Committee would welcome the views of the NFDC Officers and supports their decision.

7 COUNCILLOR COMMENTS

Councillor Beverley Thorne: has called for the application to be brought to the Planning Committee. She has supported the application in that the new parking area would be close to an existing driveway and would not result in a break in the vegetation.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Historic England: No Comment

Natural England: Following the receipt of additional information from the agent, Natural England have advised that provided the works are undertaken and maintained in line with the plans and information submitted, they have no further comments to make.

HCC Highways: Objects to the application for the following reasons:-

- The visibility splays cannot be guaranteed to be achieved as they are on land outside of the applicant's control.
- The proposal would be detrimental to highway safety as it would lead to unacceptable manoeuvres on the highway.
- The proposal would create a vehicular access onto a road where inadequate pedestrian facilities exist.

NFDC Tree Officer: No objection subject to a tree protection condition - the non-dig cellular confinement system should provide sufficient protection for the adjacent trees.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Four letters of support have been received from representees from Dibden Purlieu and Southampton for the following reasons:-

- Does not set a precedent as there is already a parking space for the Boathouse.
- Not public land

Five letters of objection have been received from representees from Hythe:-

- Too close to an existing access and bend
- Loss of vegetation
- Highway safety
- Ownership of land
- Set a precedent

10 PLANNING ASSESSMENT

Principle of Development

There is no objection to the principle of an additional area of hardstanding for car parking in this location. However, the proposal's impact needs to be assessed in the light of all relevant planning policies and the specific characteristics of the site.

Landscape and Streetscene Impact

As already noted, the application site forms part of a designated landscape feature. The existing trees and vegetation within this landscape area serve to create a verdant roadside feature, which contributes positively to the streetscene, as well as the character and appearance of the wider Conservation Area.

Accordingly, it is necessary to assess the impact of this proposal against the requirements of Saved Policy DW-E12. This policy states that:

"Development will not be permitted which would cause the loss of, or irreparable damage to, open area or other landscape features .. which contribute to the character or setting of a defined built-up area or defined New Forest village by reason of visual amenity."

The area of hardstanding that is proposed would result in the removal of an area of vegetation and the loss of part of the existing landscape feature, and whilst it is only a small part of the overall landscape feature, it is nevertheless a highly visible area, the loss of which would be materially harmful to the overall quality and appearance of this landscape feature. It is considered that the introduction of hardsurfacing along with the associated parking of a vehicle would result in an incongruous addition to the streetscape. As such, it is considered the proposed development would not be in accordance with Saved Policy DW-E12.

The agent has put forward an argument that there is already an access to The Boat House, and therefore the introduction of further hardstanding would not be detrimental to the streetscene. However, The Boat House and its access have been in this location for many years, and being positioned beyond the landscape feature they in no way justify severing the existing landscape feature with an additional area of hardstanding for parking.

Conservation Area & Heritage impacts

There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring special regard to be paid to preserving or enhancing the character or appearance of a Conservation Area.

In this case, the Conservation Officer has been verbally consulted in respect of the proposed parking space and they have advised that the inclusion of further parking within this green buffer area would neither preserve nor enhance the character and appearance of the Hythe Conservation Area. Indeed, it is considered that the proposed would cause harm to the Conservation Area, through the loss of an area of vegetation that makes a positive contribution to the Conservation Area's character. It is considered that the harm in this respect would be 'less than substantial', meaning the harm must be weighed against the scheme's public benefits. In this case, there would be no such public benefits, given that the parking space would be for private use. As such, the balance here is that there are no clear and convincing benefits to justify the harm that has been identified.

The Council's Conservation Officer has also looked at the boundary wall where the gate would be formed and has advised that it is of relatively modern construction, and therefore the removal of some of the wall to create pillars and a gate would not be harmful to historic fabric and therefore would be acceptable. The proposed pillars and gate are detailed within the application and would be appropriate in this location, without having a detrimental impact on the character of the Listed Building. In terms of setting, the area of proposed hardstanding would be some way from the main Listed Building, such that there would be no adverse impact on the setting of the Listed Building.

Impact on adjacent trees

There are trees within the landscape feature, which, because of their size and location within a Conservation Area, are protected. These trees include Bay, Sycamore and Holm Oak trees.

The proposal would use a cellular confinement system to create the hard surface, which would be infilled with a free drainage material. Relevant details of the construction and materials to be used, along with the temporary protective fencing, have been identified within the submitted Arboricultural submission, which concludes that the significant adjacent trees would be retained and protected during development.

The Council's tree officer was consulted on this application, and has confirmed that the non-dig cellular confinement system that is proposed should provide sufficient protection for adjacent trees. As such, it is considered that the proposed development could proceed without harmfully compromising adjacent trees as a result of root damage.

Highway safety, access and parking

The Highway Authority has objected to the application because the visibility splays cannot be guaranteed to be achieved as they are on land outside of the applicant's control. Furthermore, they consider the proposal would be detrimental to highway safety because it would lead to unacceptable manoeuvres on the highway and create a vehicular access onto a road where inadequate pedestrian facilities exist.

The agent has responded to these objections as follows:-

- The visibility splays are based on HCC technical guidance and no other development along The Promenade makes provision for on site turning of vehicles.
- The swept path details are based on a medium sized family saloon, which is the car owned by the applicant.
- visibility splays are on land within a single ownership and the application would need to negotiate with the landowner for any easement of conditions to the permission.
- The fact that there is no pedestrian footway is not understood.

In considering both the Highway Authority's objection and the agent's representations, the fact remains that the visibility splays required to achieve a safe access are outside of the applicant's ownership and the red line area. Therefore, the proposed development would result in the creation of an unsafe means of access onto the adjacent highway. Furthermore, the proposal would inevitably result in reversing movements close to a sharp bend in the road, which would materially compound the highway dangers arising from the proposed access. The Highway Authority's final point of concern is not considered to form the basis of a sustainable

objection given that there is a pavement on the opposite side of The Promenade, and given that the applicant could any event use their rear garden (rather than the road) to walk between their car and their property.

Residential amenity

Given the position of the proposed parking space, there would not be any adverse impact on neighbour amenity in terms of visual intrusion.

Ecology

A verbal consultation was taken with the Council's Ecologist and they raised no concerns given the limited area of hedging which would be removed. Natural England have raised no concerns in respect of nearby European designated sites.

Flood Risk

The area which is the subject of this application is within a Flood Zone and therefore consideration has been given on any potential for further flooding. Given that a porous surface would be used for the proposed hard surface, the potential for an adverse impact on the drainage in this location is negligible.

Other Considerations

The existing unauthorised parking space / area to the south-west does not form part of the application site. The application plans suggest the use of this area would be discontinued if the area proposed through this application were to be built out. However, this is not something that can be controlled under this application. In any event, ceasing to use an unauthorised area is not a justification to permit a development that would be visually harmful and contrary to policy.

Finally, it is accepted that the property does not benefit from its own on-site parking space, but this is not unusual in a town centre context. It is not considered the applicant's wish to have an additional car parking area next to their property is justification to permit a development that would be visually harmful and contrary to policy.

11 CONCLUSION

The area of land, which is the subject of this application, is identified within the Local Plan as a landscape feature. It provides a verdant buffer alongside the Promenade within the centre of Hythe. The introduction of a private residential parking space would, because of the loss of vegetation and the introduction of a parked vehicle, be an inappropriate and visually harmful form of development which would be detrimental to the streetscene. The proposal would neither preserve nor enhance the character and appearance of the Hythe Conservation Area.

The required site access visibility splay cannot be guaranteed to be achieved as it would cross third party land which is outside of the applicant's control. As such, the development proposals would result in the creation of a substandard access in terms of visibility splays which would be detrimental to highway safety and cause danger and inconvenience to users of the adjoining highway. Furthermore, the proposal would harm highway safety, as it would result in dangerous reversing manoeuvres onto the highway.

The proposal is therefore contrary to local and Government policies and guidance and the application is recommended for refusal.

12 RECOMMENDATION

Refuse

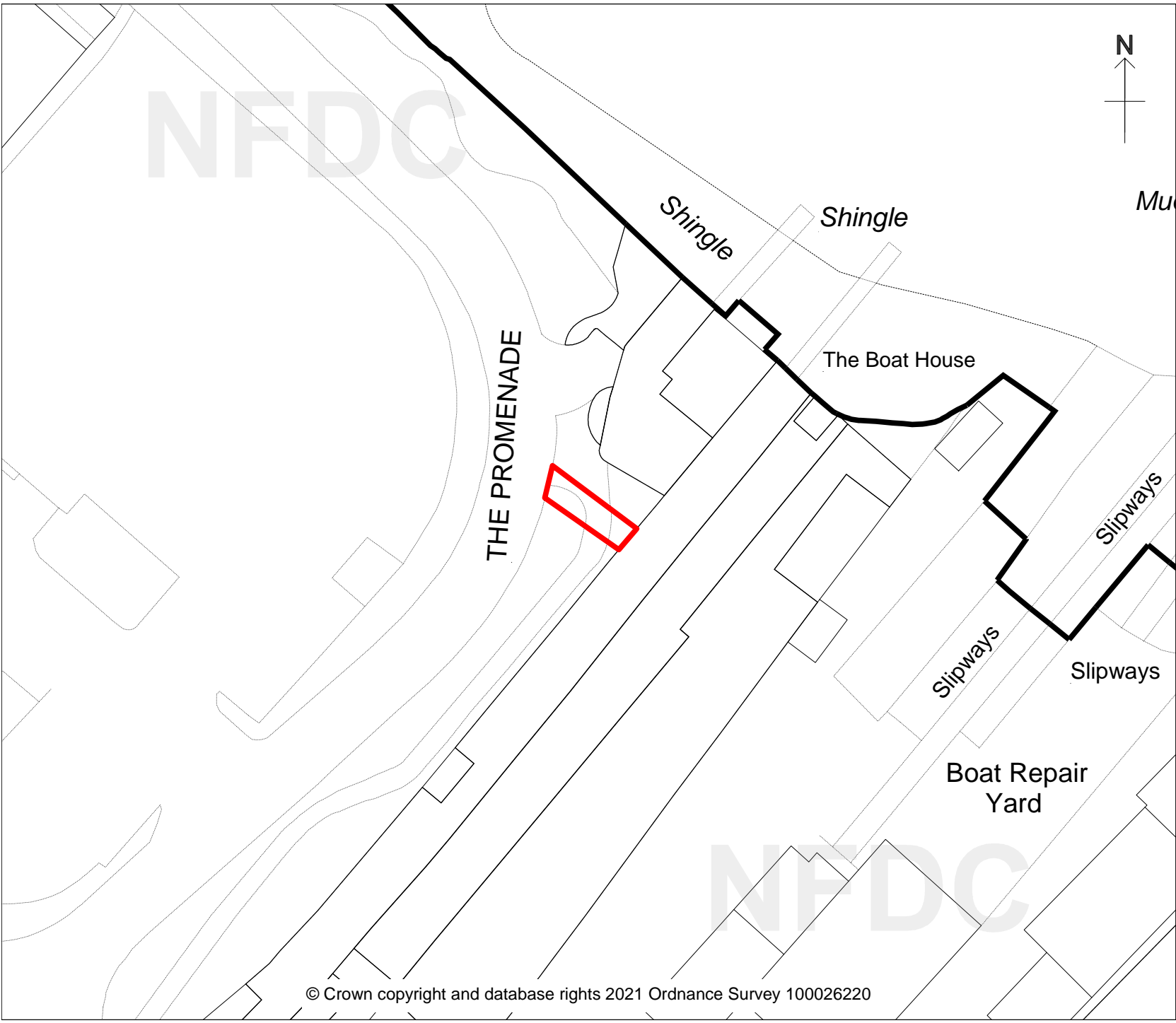
Reason(s) for Refusal:

1. The area of land which is the subject of this application forms part of a designated landscape feature that provides a verdant buffer alongside the Promenade within the centre of Hythe. The introduction of a private residential parking space and its associated hardstanding would be an unsympathetic form of development that would result in the material loss of vegetation within the landscape feature to the detriment of the visual amenities of the streetscene. The affected landscape feature makes a positive contribution to the Hythe Conservation Area and, as such, the erosion and severance of this feature, as proposed, would also cause harm to the character and appearance of the Hythe Conservation Area. Consequently, this proposal would be contrary to Policy DW-E12 of the New Forest District Local Plan First Alteration, Policy ENV 3 of the Local Plan Part 1 2016-2036 Planning Strategy, Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan, Chapters 7 and 12 of the National Planning Policy Framework (2018) and Policy D1 of the Hythe and Dibden Neighbourhood Plan.
2. The proposal would be detrimental to the safety and convenience of users of the adjacent public highway because the visibility splays required to secure safe access cannot be guaranteed to be achieved due to their crossing third party land which is outside of the applicant's control. Furthermore, the proposed access would be in a position that would result in reversing manoeuvres close to a sharp bend in the adjacent highway, which would further add to the dangers associated with the proposed access.

Further Information:

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NFDC

NFDC



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PLANNING COMMITTEE

March 2021

Land adjacent to
11 St Johns Street
Hythe SO45 6BZ
20/11229

Scale 1:500

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