

Application Number: 22/10017 Full Planning Permission

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

Development: Formation of a parking space; creation of access; gate in boundary wall of garden

Applicant: Mr Harrison

Agent: Bob Hull Planning

Target Date: 03/03/2022

Case Officer: Julie Parry

Extension Date: 08/06/2022

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 contrary view to Hythe and Dibden Parish Council.

2 SITE DESCRIPTION

The application site forms an 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.

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 between 7 metres and 8.8 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

This application follows a previous planning application (20/11229) for the same proposal which was refused at Planning Committee in March 2021. This current application now includes a highway report from a Highway Consultant and further detail in respect of the landscape strip.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/11229 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	10/03/2021	Refused	Decided
16/10658 2 outbuildings (retrospective)	11/08/2016	Granted	Decided
16/10659 2 timber outbuildings (retrospective) (Application for Listed Building Consent)	03/06/2016	Withdrawn by Applicant	Withdrawn
16/10570 Single-storey rear extension	27/06/2016	Granted Subject to Conditions	Decided
XX/NFR/13781/5 Supermarket, steak house, five shops, two flats and new service road and surface car park, recreational and public open space	16/11/1973	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

New Forest District Local Plan First Alteration (2005)

DW-E12 protection of Landscape features

Plan Policy Designations

Landscape feature
Grade II Listed Building
Conservation Area
Town Centre
Built-up Area

Neighbourhood Plan

Hythe and Dibden Neighbourhood Plan

Supplementary Planning Guidance And Documents

SPG - Hythe - A Conservation Area Appraisal

6 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 3: Recommend PERMISSION.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Highways

No objections subject to a condition to ensure that the visibility splays shall be cleared of any obstruction over 0.6 metres in height, above the level of the carriageway, and kept clear at all times thereafter.

NFDC Tree Team

No objection subject to conditions in respect of the trees, shown to be retained on the proposed plans, being protected during clearance and building works. Also a condition for the submission of a method statement and engineering drawings being submitted and approved prior to development commencing.

Natural England

Following submission of further detail Natural England had no objection

Conservation Officer

The Council's Conservation Office has verbally provided comment to the Case Officer and have not changed their view since the previous application. Therefore there is an objection in that the proposed development would not preserve or enhance this location which contributes to the character of the Conservation area and provides an important buffer between the parking for Waitrose and the Listed Buildings.

9 REPRESENTATIONS RECEIVED

No representations received.

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. He has also added that the landscape feature was approved in the mid 1970's, also that a lot of the large mature trees within the Waitrose car park have been lost. Therefore, the landscape strip should not be attributed the level of significance set out in the previous reason for refusal. In response, 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. Furthermore the loss of the trees within the car park opposite over the years make this retained landscape strip a more important feature within the street scene and therefore its significance should not be dismissed.

Conservation Area and 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 proposal 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

The Council's tree officer was consulted on this application and they advised that as the site is within the Hythe Conservation Area all trees with a stem diameter greater than 75mm at 1.5m are protected by conservation area status. The trees that are affected by this proposal are part of a linear group growing on land adjacent to The Promenade. The trees have limited individual merit but, collectively are part of group that is important to the character of the area.

The submitted Alderwood Consulting Ltd Arboricultural Impact Assessment ref: D2071AIA dated 7th December 2020 has identified a Holm oak, sycamore and Bay that will be affected by this proposal. To minimise the impact on these trees the new surfaces proposed within the root protection areas will be installed using a "no-dig" specification. This is indicated on plan AC1 which is included within the above report. New gate piers will be set on concrete pads which will be excavated by hand. Other protective measures such as tree protection fencing has also been specified. Overall, based on the submitted tree report, The tree officer is satisfied that this proposal can be constructed and the significant trees on and adjacent to the site can be successfully retained. The applicant will need to provide a method statement detailing how the non-dig new driveway surface will be installed prior to commencing.

The Tree Officer has no objections on tree grounds subject to the conditions in respect of the trees being protected during clearance and building works and for the submission of a method statement and engineering drawings being submitted and approved prior to development commencing.

Highway safety, access and parking

The Hampshire County Council Highway's Officer was consulted and whilst they initially raised an objection on receipt of further clarification in terms of the visibility splays the Highways Officer has no objection to the application subject to a condition for the access visibility splays to be cleared of any obstruction above 0.6m above the level of the carriageway and to be kept clear at all times thereafter.

It is also recommended by the Highway's Officer that any replacement hedges are replanted 1m outside of the visibility splays.

Whilst considering both the Highway Authority's comments and the Highway Consultants submission the fact remains that the visibility splays required to achieve a safe access are outside of the applicant's ownership and therefore cannot be guaranteed to be retained. . Therefore, the proposed development would result in the creation of an unsafe means of access onto the adjacent highway.

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 during the previous application 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. Whilst the agent has provided further explanation and details of the proposal this does not overcome the previous reasons for refusal. 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 revised highway detail showing the visibility splays is considered acceptable by the Highway Officer provides these visibility splays are maintained. However, 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.

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 12 and 16 of the National Planning Policy Framework (2021) 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. As such, it would fail to minimise the adverse impacts of traffic and parking, to the detriment of highway safety and contrary to Policy ENV 3 of the Local Plan Part 1 2016-2036 Planning Strategy.

Further Information:

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New Forest

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PLANNING COMMITTEE

June 2022

Land Adjacent to
11 ST JOHNS STREET
HYTHE SO45 6BZ
22/10017

Scale 1:1250

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

