

<b>Application Number:</b>	<b>24/10842</b> Full Planning Permission
<b>Site:</b>	THE MALT AND HOPS INN, 43-45 SOUTH STREET, HYTHE SO45 6EA
<b>Development:</b>	Change of use of Public House and first floor flat to Day Nursery; landscaping; cladding to north elevation of coach house and larger window to south elevation (description amended)
<b>Applicant:</b>	2 Hats Development & Leisure Ltd & Hythe Nurture Haven Day Nursery
<b>Agent:</b>	Kingston Studio
<b>Target Date:</b>	26/11/2024
<b>Case Officer:</b>	John Fanning
<b>Officer Recommendation:</b>	Grant Subject to Conditions
<b>Reason for Referral to Committee:</b>	Contrary views received from Local Ward Councillor and Parish Council.

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## **1 SUMMARY OF THE MAIN ISSUES**

The key issues are:

- 1) Site history
- 2) The principle of development
- 3) Highway related impacts
- 4) Amenity impacts
- 5) Physical alterations and heritage

## **2 SITE DESCRIPTION**

The site is situated within the defined built-up area of Hythe and within the Hythe Conservation Area. The site is occupied by a (currently vacant) public house on the southern side and an ancillary 'coach house' building on the northern side. The buildings are set back from the site frontage behind an area of hardstanding for vehicular access and parking. A hard surfaced gap between the 2 main buildings on the site provides access to land to the rear where a new building, intended as 4 units of visitor accommodation, has recently been built, albeit that the building is not yet complete or occupied.

The surrounding area has a mixed character, primarily consisting of residential uses. Surrounding properties are typically set close to South Street, in contrast to the application buildings.

## **3 PROPOSED DEVELOPMENT**

The application proposes the conversion of the currently vacant public house (with associated flat at first floor level) to a use as a day nursery for child care. The

nursery is proposed to operate between 08:00 and 18:00 Mon-Fri and be closed on weekends. During operation, the applicant has indicated 8 staff would be on site looking after a maximum of 40 children.

The application also proposes retrospective physical alterations to the 'coach house' building, including dark timber cladding on the site frontage. Alterations are also proposed to the site layout, including changes to the subdivision of the site to the rear with associated fencing. The existing frontage of the site is hard surfaced and some additional landscaping of the frontage is proposed in order to facilitate an amended parking layout.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
25/10556 Variation of condition 14 of planning permission 23/10482 to allow the approved visitor accommodation building to operate independently of the Malt and Hops Inn Public House		Pending determination	
23/10482 Single-storey rear extension; visitor accommodation building to rear garden; refurbishment of Coach House to form visitor accommodation; fenestration alterations; solar panels; demolition of existing single-storey extension; extend driveway to provide additional parking; landscaping	16/11/2023	Granted Subject to Conditions	Decided

#### 5 PLANNING POLICY AND GUIDANCE

##### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ECON1: Employment land and development  
 Policy ECON2: Retention of employment sites and consideration of alternative uses  
 Policy ENV3: Design quality and local distinctiveness  
 Policy HOU1: Housing type, size, tenure and choice  
 Policy IMPL1: Developer Contributions  
 Policy IMPL2: Development standards  
 Policy STR1: Achieving Sustainable Development  
 Policy STR3: The strategy for locating new development  
 Policy STR4: The settlement hierarchy  
 Policy STR5: Meeting our housing needs  
 Policy STR8: Community services, Infrastructure and facilities

##### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation  
 DM2: Nature conservation, biodiversity and geodiversity  
 DM19: Small local shops and public houses

##### **Supplementary Planning Guidance And Documents**

SPD - Air Quality in New Development. Adopted June 2022  
 SPG - Hythe - A Conservation Area Appraisal  
 SPD - Mitigation Strategy for European Sites  
 SPD - Parking Standards

### **Neighbourhood Plan**

Hythe and Dibden Neighbourhood Plan

Policy D1 - High Standards of Design and Architecture

Policy D2 - Design and Access Statement required

Policy D3 - Local Distinctiveness

Policy H2 - New residential buildings that facilitate future conversion and utilisation of roof space to provide additional accommodation will be encouraged

### **National Planning Policy Framework**

### **National Planning Policy Guidance**

## **6 PARISH / TOWN COUNCIL COMMENTS**

**Hythe & Dibden Parish Council:** Recommend REFUSAL

The Committee felt that the suggested mitigated parking solution provided by the developer would not negate the committee's previous concerns, as listed below:

1. The Committee has concerns over the potential for increased traffic movements on an already busy main route to and from the village centre and Hythe Marine Park.
2. On-street car parking on parts of South Street already creates a risk to pedestrians when trying to cross South Street. Further on-street car parking could occur, especially at drop off and pick up times at the nursery. This could increase the risk to pedestrians.

## **7 COUNCILLOR COMMENTS**

**Cllr Alex Wade:** Requests that application be referred to Planning Committee for consideration if recommendation is contrary to the Parish advice to refuse.

- Development will significantly increase traffic in an area ill-suited to such intensity
- Concern about highway safety
- Conflict during pick-up/drop off times
- Nursery provision supported in principle but location not suitable
- Loss of existing community pub

## **8 CONSULTEE COMMENTS**

### **NFDC Ecology**

No objection

### **NFDC Trees**

Following the amendments to the scheme, no objection

### **NFDC Environmental Health (Pollution)**

Comments: Concerns that additional information is required to manage noise/activity associated with external play area.

### **NFDC Conservation**

Objection. Change in use of building would weaken role that building plays within the social vitality of surrounding area, which would weaken the contribution the building plays within the context of the surrounding conservation area. Proposed cladding

and additional rooflight window would erode historic form of coach house building and result in a more domestic appearance.

### **HCC Highways**

No objection. Consideration should be given to compliance with regulatory standards for child to staff ratio. Concern that parking spaces are not larger than standard to allow for additional accessibility. Notwithstanding these matters, on the basis of the submitted information, no objection is raised with regard to potential impacts on highway safety.

## **9 REPRESENTATIONS RECEIVED**

18 letters of support received:

- Shortage of nurseries in the area
- Positive use for local community
- Pub had declining visitors over time
- Highway impacts similar to other nursery uses in the area
- Proposed operators have experience from other properties
- Provides jobs in local area
- Less impact than existing pub use

277 letters of objection received:

- Limited on-road parking capacity in local area (narrow roads/parking restrictions)
- Will prove disruptive to surrounding highway, particularly at pick up/drop off times
- Concerns about highway safety
- No need for additional nursery provision
- Nursery provision supported but inappropriate location
- Pub should not have closed; pub should be retained as a valuable community facility which supports a wide range of community functions
- Inappropriate to have houses in close proximity to a nursery; existing site unsafe for nursery use
- Harmful impact on viability of Hythe town centre associated with loss of pub
- South Street is a busy route within the local area providing access to nearby commercial area
- Proposal will exacerbate existing on-road parking issues
- Harmful impact for neighbouring residents associated with noise and activity from children on site/use of garden area
- Insufficient on-site parking capacity
- Site will not open as a nursery and will be used to justify change to dwelling

## **10 PLANNING ASSESSMENT**

### Site history

The site has previously operated as a public house with associated garden land to the rear. Under application reference 23/10482, planning permission was granted for a number of alterations on the site, including the formation of new ancillary visitor accommodation associated with the public house use. This involved the conversion of the existing 'coach house' building on the northern boundary of the site and the formation of 4 new residential units in a new building in what was previously the pub garden.

These works have been partially implemented on site, but the buildings have not currently been occupied.

It is noted that condition 14 of planning permission 23/10482 reads as follows:

*"The visitor accommodation building hereby approved and the coach house building which is the subject of this planning permission shall only be used for the purpose of serviced visitor accommodation in conjunction with the Malt and Hops Inn Public House and shall not be occupied by the same person or persons for more than one month in any calendar year; and at no time shall these buildings be used as an independent dwellinghouse/dwellinghouses falling within Class C3 of the Use Classes Order 1987 (as amended and revised)."*

A separate application has been submitted under application 25/10556 which seeks to amend this condition to enable the visitor accommodation units to be occupied independently of the public house use. On this basis, this application will be considered solely with regard to the specific impacts associated with the proposed use.

### Principle of development

Policy STR8 is generally supportive of proposals which involve the provision of education, health, social and other community services that are located to be accessible to all sectors of the community. The policy also has a presumption against any development that involves the loss of education, health, social and other community services unless the use of the site or building is redundant or the service will be provided in another way.

Policy DM19 provides specific guidance in relation to the loss of small local shops and public houses outside of defined local shopping frontages. It states that the loss of such premises will not be permitted where the proposal would result in the loss of an important local facility or if it would leave the local area without such a facility. It notes that a change of use to an alternative business/employment or community use will be acceptable where the loss is permitted.

The application site is situated in relatively close proximity to, but outside of, the defined Hythe town centre boundary. The main town centre is situated around 350m to the north of the application site and includes other pubs or similar establishments such as Ebenezers, The Dusty Barrel and The Lord Nelson (all situated less than 500m to the north of the application site). The town centre also offers a variety of other facilities and wider food and drink uses.

The proposed use is as a children's day care nursery. The applicant has provided a copy of a Hampshire County Council Childcare Sufficiency Assessment document (dated February 2025), which indicates an expectation that by 2030 there will be a shortfall in nursery provision of 52 spaces in the Hythe Central ward (while indicating a potential surplus in the neighbouring Hythe South ward of 31 spaces). Childcare demand typically serves a localised need within an area and represents a vital aspect in providing local residents with the opportunities and services required in their day to day lives.

It is recognised that public houses provide a valued service to their local communities and that the Malt and Hops has historically acted as a focal point for a variety of community functions within the local area. Notwithstanding this, the site is situated in close proximity to the main Hythe town centre, with other public houses and food and drink uses being situated within 500m of the application site. On this basis, it is not considered that the proposal would result in the loss of an important local facility or leave the area without such a facility.

Furthermore, it is noted that Policy DM19 identifies that in the case where the loss of a public house is permitted, support is given to alternative business/employment or community uses. In this case, the proposed replacement use is a child care nursery, which is considered to represent an acceptable alternative use that would provide an important service for the local community as well as providing additional employment within the local area with up to 8 staff at any given time (and child care provision enabling more flexible working for local residents).

Policy STR5 outlines the defined housing need within the district. It is noted that the proposal involves the loss of the existing first floor level flat which is associated with the public house use. While there is a defined housing need within the district, there is not a specific policy which resists the loss of dwellings. In this case, as outlined above, the proposed child care nursery would provide a beneficial community facility. As such, no objection is raised to the loss of the residential element of the existing public house use.

On the basis of the criteria outlined above, while the proposal would result in the loss of a public house, it would be replaced by an alternative community facility that would provide significant child care benefits, and there are other alternative public houses within 500m of the site. On this basis, the proposed change of use is considered acceptable in principle with regard to the criteria laid out in Policies STR8 and DM19.

Notwithstanding this, careful consideration must be given to the specific impacts of the proposed use as they relate to the individual circumstances of the application, which are considered further below.

### Highways

Policy ENV3 indicates that new development should integrate suitable car and cycle parking spaces to address the needs of the proposed development without being prejudicial to the character and quality of the surrounding area or highway safety. Policy CCC2 requires the provision of suitable parking areas in accordance with the Council's adopted parking standards.

At present, the application site has two access points to the highway, one on the southern side of the site accessing a hard surfaced parking area and one on the northern side of the site providing access to a hard surfaced parking area and access through to the rear of the site.

The area of highway immediately outside of the application site is covered by a single yellow line, which restricts parking during the hours of Mon-Sat 8AM-6PM (though stopping to load/unload or to allow passengers to disembark or embark would be permissible).

The change in use from a public house to a use as a child care nursery will result in a change in the pattern of comings and goings associated with the site. The applicant has provided a Transport Statement and Noise Management Plan which provide some additional details and context on the proposed operation of the use.

In terms of trip rates associated with the use, section 4 of the Transport Statement considers the relevant total trip rates associated with the existing public house use and the proposed nursery use. The table below provides a summary of the net impact of development:

	AM Peak (08:00-09:00)		PM Peak (17:00-18:00)		Daily
	Arrivals	Departures	Arrivals	Departures	
Existing use	0	0	5	3	83
Proposed use	9	7	8	11	84
Net impact	+9	+7	+3	+8	+1

As evidenced, while there are anticipated to be a similar overall number of comings and goings when comparing the existing use as a public house and the proposed use as a nursery (with a net anticipated gain of 1 additional trip associated with the use per day), the specific pattern of use would be different. The Transport Statement highlights the likelihood of there being particular spikes in visits to the site, for example estimating 16 trips associated with the use between the hours of 08:00 and 09:00, compared to no trips in the existing use. The Highway Authority have not disputed any of the data in the applicant's Transport Statement. Nevertheless, careful consideration of the on-site parking capacity, surrounding area and management of the site is required in assessing whether the site is capable of accommodating this increase in intensity of visits at particular times of day.

At present, the property has some existing car parking on the frontage of the site. Under the 23/10482 planning permission, a landscaping scheme was agreed which indicated 4 parking spaces within the site frontage to service both the public house and coach house building and an additional 4 spaces to the rear to serve the 4 visitor accommodation units.

The current application proposes amendments to the site frontage to incorporate additional parking within an area of hardstanding previously used for external seating as well as a slight reduction in the landscaped area to the front of the site to accommodate an additional parking space. It is noted that the application relates solely to the front half of the site (the coach house and public house building and land to the rear) and does not include the rear half of the public house site (the new residential block). As such, the parking arrangement for the 4 residential units to the rear remains unchanged.

A single parking space is proposed to service the coach house use, while 6 spaces are proposed within the forecourt parking area to serve the proposed nursery use.

With regard to the existing use of the site, it is noted that with regard to Table 10 of Annexe 1 of the Council's Parking Standards SPD, an eating and drinking establishment would typically have a recommended parking provision of 1 space per 5m<sup>2</sup> of dining area/bar area/dance floor. At the time of site visit, the internal area of the public house had been stripped. However, it is believed that the original main internal bar area associated with the use was ~85m<sup>2</sup>, which would equate to a recommended parking provision of 17 spaces. The existing layout would provide 3 on-site spaces to address this need (resulting in a shortfall of 14 spaces). However, it is recognised that as a result of the accessible location of the application site and its proximity to the nearby town centre, many patrons would likely access the site by some combination of other modes of transport (pedestrian, cycle or public transport).

Table 7 of Annexe 1 of the Council's Parking Standards SPD provides guidance for parking provision for day nurseries/playgroups and creches, indicating a recommended provision of 1.5 spaces per 2 full-time members of staff. Note 2

indicates that this parking provision is intended to accommodate staff, visitors and parents. The application has submitted a Transport Statement with the application which lays out some of the specifics of the proposal. It indicates that there would be a total of around 12 members of staff (operating in conjunction across both this site and another existing nursery site operated in Lymington by the nursery operator), of which it is estimated that there would be 8 staff on the application site at any given time. Taking 8 on-site staff, the parking standards would recommend a provision of 6 parking spaces, which is the number of spaces proposed as part of the submitted scheme.

Notwithstanding this, it is noted that nurseries will have particular spikes in comings and goings at pick up and drop off times and comparatively lesser impact at other times of day. In order to address this distinct pattern of use, the submitted Transport Statement includes a management strategy for addressing the highway impact of the development.

Firstly, section 5.4 of the Transport Statement suggests that the on-site parking spaces will not be utilised by staff and would be reserved solely for visitors/parents. Section 5.6-9 further outlines that staff will be instructed to utilise other forms of transport or directed to park in nearby public car parks within the Hythe town centre.

In terms of management of visitors to the site, section 5.11-12 outlines that parents will be allocated a 15 minute window for pickup/drop off, and a member of staff will be responsible for management of pick-up/drop offs to ensure that vehicles are not staying longer on site and to ensure that more than the identified capacity for 6 vehicles do not arrive on the site at the same time.

The Parking Standards SPD also includes a recommended provision of 1 secure long stay cycle hoop per 6 full time staff and at least 2 hoops to provide capacity for short stay/visitors. The application has proposed cycle parking within the rear of the application site (2 short stay hoops and 2 long stay hoops). In principle no objection is raised to the quantum of cycle provision proposed, though it is noted that the current proposed arrangement would partially restrict the utilisation of the cycle stands in that there is only 0.2m between the wall of the long stay cycle units and the hoop. It is considered that the number of hoops proposed is sufficient to address the need of the proposed development. However, it is considered that a condition would be required to secure further details of an amended cycle store design prior to the first occupation of development to ensure the useability of the proposed facilities.

As initially submitted, the Highway Authority did raise some concern that there was insufficient supporting information with the application. On review of the additional supporting information contained within the applicant's Transport Statement, the Highway Authority raised some concerns in terms of the tight arrangement of spaces and queried the compliance of the staff/child numbers. However, in summary, they do not consider that the development as proposed would result in a harmful impact on highway safety, noting that any additional on-street parking pressure would be for the Local Planning Authority to consider as an amenity issue.

While clarification in relation to the on-site management in the submitted Transport Statement is welcome, it is noted that, as it stands, the proposed provision of 6 parking spaces would be compliant with the Council's parking standards and no objection has been raised from the Highway Authority with regard to highway safety. On this basis, it is not considered necessary to further secure by condition the management strategy outlined.

With regard to the child/staffing numbers, it is noted that the number of children can reasonably be controlled by condition to manage the intensity of the use. The applicant has advised that the intention is for the use to operate with 30 children aged 2.5-4 and 10 'early year' babies (for a total of 40 children). It is understood that the required ratio of staff to children varies by age and qualification of the carer from 1 member of staff per 3 children up to 1 member of staff per 13 children. Specific compliance with other legislation would fall outside of the remit of the planning system to control. However, the submitted transport statement and noise management plan have been submitted on the basis of a limit of 40 children on the premises. It is considered reasonable to limit the capacity of the site in this regard to control the potential associated impacts of the development.

In relation to the concern about the layout of the spaces, it is noted that the spaces comply with the Council's identified parking standard guidelines.

Overall, having regard to the comments of the Highway Authority, it is considered that the proposal would not have an unacceptable impact with regard to highway safety. Furthermore, taking into account the above factors, it is considered that the proposal would be compliant with the Council's policies and standards as they relate to the highways implications of the development.

### Amenity

Policy ENV3 requires that development should not have an adverse impact on residential amenity, including matters such as overlooking or noise generation.

As outlined above, the development is not considered by the Highway Authority to have a harmful impact on highway safety in relation to the additional comings and goings associated with the site. Notwithstanding this, the additional activity associated with the site has the potential to have a wider amenity impacts. Comings and goings and activity associated with the use have the potential to impact on the amenities of nearby residential properties as well as the visual amenities of the surrounding area.

The nearby Mariners Mews does not have parking restrictions but does have very limited on-road parking capacity. Within the immediate vicinity of the application site on South Street, there are existing parking restrictions (single yellow lines). As noted above, these would restrict against on-road parking during the proposed hours of operation of the nursery. As outlined above, it is considered likely that the overall number of trips associated with the use would be similar to before, with the main change being in the spacing of visits throughout the day. In particular, there would be an increase in activity at peak pick up and drop off times.

It is recognised that users will visit the site by a variety of methods, with nurseries often meeting a local need, meaning that some people may travel to the site by foot or cycle. Provision has been allocated within the site to accommodate these options. Notwithstanding this, many users will arrive by car and the site must be able to accommodate this capacity. As outlined above, it is considered that the proposal is compliant with the Council's identified parking standards for a use of this type. On this basis and with regard to the surrounding on road parking restrictions, it is not considered that the proposal would cause material harm to residential amenities / the amenities of the area.

A day nursery would also have other potential impacts. The application proposes the use of an external area to provide a play space for children. This matter is considered within the submitted Noise Management Plan which notes that the proposal is intended to operate 08:00-18:00 Mon-Fri and at no time during the

weekend. Section 3.8 has also identified that children will be supervised while within the external play area, with only small groups (8 children) being outside at any given time.

The Council's Environmental Health team have reviewed the noise management plan and did request further details restricting the hours of use of the external play area, prohibiting the use of 'noise making equipment' (musical equipment, loud toys, etc) and potential acoustic fencing/barriers. It is considered that restriction of 'noise making equipment' would be difficult in terms of practical enforceability and overall represent an unreasonable restriction in the context of the proposed use. Furthermore, the existing site operates as a public house within an existing residential area which comes with a certain amount of existing noise and activity associated with the site and at hours that would be far more unsocial to neighbouring properties than the proposed use. It is considered that a balanced approach must be taken with regard to controlling the impacts of the development within the context of the existing use. Overall, taking into account the proposed hours of operation and a provisional condition restricting the number of children within the garden area at any given time, it is considered that the proposal would not have a materially harmful impact in terms of associated noise and activity when compared to the existing use of the site.

It is noted that the change in the use of the site does involve some change in the relationship with the surrounding buildings, including the previously approved visitor accommodation facilities within the coach house building and the new units to the rear. At first floor level, the rooms identified as 'sleep' and one of the rooms labelled 'early years' have side facing windows that would look out towards the rooflight windows of the adjacent coach house building. Whilst these are existing windows (serving bedrooms), the proposal would, in effect, create independent planning units, whereby the proposed new day nursery would operate entirely independently of the approved visitor accommodation units unlike the existing operation where they operate as a single cohesive use. As such, overlooking issues need to be reappraised.

The windows within the coach house building are intended to serve as the primary outlook for habitable rooms where there is a reasonable expectation of a degree of privacy. Of the windows overlooking from the public house building, one serves as a secondary outlook (with another window to the front of the property) while another has two windows serving a centrally positioned room without any other outlook. The applicant has advised that the room without any other outlook has been provisionally designated as a 'sleep' area and would not be unduly affected if its windows were required to be obscurely glazed. Taking into account the amended relationship between the two uses, it is considered appropriate and necessary to require the glazing to these side facing windows to be obscured prior to the first occupation of the nursery use in order to protect the amenities of the adjacent visitor accommodation use.

It is noted that to the rear there is a close relationship with the new visitor accommodation units to the rear of the site. Taking into account the subdivision of the uses, there would be some mutual overlooking between windows. The nursery is only intended to operate between 08:00-18:00 Mon-Fri, whilst the visitor accommodation would be occupied more so outside of these hours. There is proposed to be some additional screening between the premises at ground floor level but otherwise the physical relationship between the properties would remain as existing. It is relevant to note that any impact on the occupants of the visitor accommodation would be temporary by nature. On balance, taking into account the specific circumstances and history of the application site, it is considered that the 17m set back between the buildings is sufficient to ensure an acceptable

relationship between the proposed day nursery use and the visitor accommodation building.

There is a smaller separation distance between the visitor accommodation building and the rear garden area of the proposed nursery use (around 6.7m at the closest point), and there would be some overlooking of the external space from windows on these properties. However, given the commercial nature of the nursery use, it is assessed that this relationship would not be materially harmful and would be a matter for the proposed operator when considering whether the site meets their needs.

Subject to the imposition of suitable conditions to control the nature and occupancy of the proposed nursery use, it is considered that the proposal would not have a harmful impact on the amenity of surrounding properties and would thereby be compliant with the requirements of Policy ENV3.

### Trees

Policy ENV4 identifies the importance that green infrastructure plays in the character of a site and settlement and the importance of retaining such features. Policy ENV3(vi, vii) identifies the importance of providing green spaces with suitable planting and attractive landscaping within application sites.

The proposal, as originally submitted, incorporated a change in the use of the coach house building to act as independent accommodation, which raised concern with the Council's Tree Officer, as there is a protected tree immediately to the rear of this building, and there was concern that converting this area to private amenity space would place pressure to remove or prune this tree.

It is now proposed to retain this unit as visitor accommodation that would have a communal amenity area with the other units. On this basis, no objection is raised in relation to the impacts on the protected tree.

With regard to the above, it is considered that the relationship with the protected tree would be the same as previously approved, and it is considered that the proposal is compliant with policies ENV3 and ENV4.

### Physical alterations and heritage

Policy ENV3 requires that development be sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity.

Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) identifies that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area.

Paragraph 203 of the NPPF states that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate securing its optimum viable use.

No external physical alterations are proposed to the main building. The application does propose retrospective alterations to the coach house building, including cladding of the front with a black timber cladding, widening of a ground floor level window and one additional rooflight window to the side.

The site is situated within the Hythe Conservation Area. The application site is identified as a key/important unlisted building within the conservation area. The Hythe Conservation Area Appraisal document makes reference to the coach house building as 'a small cartshed, now much altered'. Point 9 of 4.5.2 identifies that 'The character of remaining outbuildings of traditional form and construction should be retained, even if permission is given for conversion to other uses'.

The Council's Conservation Officer has raised concern that the alterations to the coach house building fail to reflect the historic appearance of the structure. Previously, there was a garage style door on the front, with the rest of the frontage having a rendered finish. As part of the 23/10482 planning permission, approval was given to replace this with windows, with a timber section below so that while the opening was lost, the general form would still be read within the context of the building. The current application seeks retrospective approval for the cladding of the frontage of the building in dark timber, retaining the previously approved windows.

Overall, while the garage style access point will be lost, it is considered that the dark timber cladding would integrate acceptably with the context of the surrounding street frontage.

The Council's Conservation Officer has highlighted a concern that the alterations to the 'coach house' building would result in a more domestic appearance of the structure by the loss of the emphasis on the previous garage door form within the street frontage. On balance, it is considered that the previously approved alterations have already shifted the building to a more domestic design, and it is not considered that the loss of the change in materials below the ground floor windows would substantively alter the character of the structure within the street frontage.

It is considered that the coach house building would remain subservient in form and appearance to the other structures within the plot, and this historic relationship between the structures would still be visually retained.

Overall, notwithstanding the comments of the Council's Conservation Officer, it is considered that the alterations would not be harmful and would preserve the character and appearance of the conservation area, and no objection is raised in this regard.

The proposal would also result in some subdivision of the site, separating the land to the rear between the visitor accommodation building and an external area allocated for the nursery use. Hedge planting is proposed to act as a visual screen, along with a 1.5m high metal boundary fence. It is considered that the proposed physical subdivision and associated new boundaries would be appropriate in this context and

would not be harmful to the character and appearance of the area.

With regard to the additional landscaping proposed to the front and rear of the site, a landscaping condition has been recommended to secure the final appearance of the plot within the context of the surrounding street scene and conservation area. Overall, it is considered that the additional landscaping proposed would enhance the appearance of the property.

With regard to the matters outlined above, it is considered that the proposed development would preserve the character or appearance of the Hythe Conservation Area and would preserve the special character of the property in this context. It is therefore considered that the proposal would comply with the requirements laid out in Policy ENV3 and DM1.

## **11 OTHER MATTERS**

Some concern has been raised in relation to the ongoing vitality and viability of the nearby Hythe local centre. It is considered that the proposal would provide valuable employment on the site and would result in some additional footfall within the nearby local centre associated with both staff and visitors to the site combining visits and going to other nearby shops and facilities.

Childcare provision also enables local residents who may not otherwise be able to return to the workforce additional options in terms of full time or part time working, improving local workforce availability and enhancing the local economy.

## **12 CONCLUSION / PLANNING BALANCE**

The application proposes the loss of a (currently vacant) public house facility. The value that public houses play within a local community is recognised, and Policies STR8 and DM19 identify that the loss of such uses carries material weight in the assessment process, particularly where the proposal represent the sole facility within an area. In this case, the application site is situated within close proximity to the nearby Hythe town centre, where there are public houses which provide a potential alternative facility. Furthermore, the loss of the public house is balanced by the benefits of the proposed use as a children's nursery which would serve the local community. Overall, the proposed change of use is considered acceptable in principle.

However, consideration must be given to the specific impacts of the proposed development within the context of the application site and surrounding area. Significant concern has been raised, particularly with regard to the potential highway related impacts of the proposed development. A Transport Statement has been submitted, including details of the proposed management of the site to mitigate and control the impacts of the development. Overall, while the proposal would result in a change in the pattern of use when compared to the existing public house use, it is considered that these impacts could be adequately controlled by conditions limiting the capacity of the site. The Highway Authority have reviewed the application and advised they do not believe there would be an adverse impact on highway safety associated with the proposed development.

Consideration has been given to the amenity impacts associated with the proposal (in particular with regard to the additional comings and goings as well as the use of part of the rear garden as an external play area). It is considered that the impacts can be mitigated by conditions controlling the intensity and nature of the occupancy, and therefore it is considered that the proposal would be acceptable in the context of the existing lawful use of the site as a public house.

Some physical alterations are proposed as part of the proposed development, including alterations to the coach house building and changes to the layout of the site. Overall, it is considered that these alterations are sympathetic to the wider appearance of the surrounding conservation area and existing site and no objection is raised in this regard.

On balance and with consideration of the above issues, it is therefore considered that the impacts associated with the development can be acceptably controlled or mitigated by the use of conditions. On this basis, the application is therefore recommended for conditional approval.

## **13 RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans:

Drg No. 411.507 Rev A (Proposed layout)  
Drg No. 411.506 Rev F (Proposed site plan)  
Drg No. 411.505 (Proposed coach house)  
Drg No. 411.504 (Proposed floor plan)  
Drg No. 411.503 (Existing coach house)  
Drg No. 411.502 (Existing elevations)  
Drg No. 411.501 Rev A (Existing floor plan)  
Drg No. 411.500 (Location plan)  
Drg No. 20086-NMP-01-AA-R0 (Noise Management Plan)  
Drg No. 020.0990/TS/3 (Transport statement)

Reason: To ensure satisfactory provision of the development.

2. No more than 40 children shall be accommodated on the application site at any one time.

Reason: In order to manage the intensity and capacity of the proposed development and to manage the proposed use to ensure it does not have a harmful impact on surrounding amenity and highway safety.

3. Prior to the first occupation of the nursery use hereby approved, the parking areas (as identified in Drg No. 411.506 Rev F) shall be implemented in accordance with the approved plans. These areas shall thereafter be retained for this use at all times.

Reason: To ensure adequate parking provision is made in the interest of highways safety and the amenity of surrounding properties.

4. No activity shall take place on the site in connection with the childcare nursery use hereby approved other than between the hours of 08:00 and 18:00 Monday to Fridays, not including recognised public holidays. No activity associated with the approved childcare nursery use shall take place at weekends.

Reason: To safeguard the amenities of nearby residential properties.

5. The external area to the rear of the nursery hereby approved (as indicated in Drg No. 411.507 Rev A) shall not be utilised by more than a maximum of 8 children at any one time.

Reason: To protect the amenities of the occupiers of nearby residential properties.

6. Prior to the first occupation of the nursery use hereby approved, the first floor side facing windows on the north-east elevation (serving the rooms identified as 'sleep' and 'early years' on Drg No. 411.504) shall be obscurely glazed. The windows shall be retained as such thereafter.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent re-enactments thereof, the nursery use hereby approved shall be used for a use falling within Class E(f) purposes only and for no other use purposes, whatsoever, including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: In the interests of ensuring provision of a community use and to control the activity and impacts of the proposed development.

8. Prior to the first occupation of the nursery use hereby approved, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include:

- a) the existing trees and shrubs which have been agreed to be retained;
- b) a specification for new planting (species, size, spacing and location);
- c) areas for hard surfacing and the materials to be used;
- d) means of enclosure;
- e) a method and programme for its implementation and the means to provide for its future maintenance.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the

development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

9. Prior to the first occupation of the proposed nursery use hereby approved, further details of the proposed cycle storage arrangement shall be submitted for approval in writing by the Local Planning Authority. The nursery use shall not be occupied under the cycle storage has been implemented on site in accordance with these approved details. The cycle storage facilities shall thereafter be retained in accordance with the approved details.

Reason: To ensure that appropriate facilities to service the use are in place and to comply with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

**Further Information:**

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## PLANNING COMMITTEE

August 2025

The Malt and Hops Inn  
43-45 South Street  
Hythe  
24/10842

Scale 1:1250

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