

Officer Report

Application No.	23/2065/FH
Site Address	Land Adjoining 10, Range Road, Hythe, CT21 6HQ
Officer Name	Danielle Wilkins
Proposal	Use of hardstanding on a permanent basis to provide off street car parking.

Recommendation

Report Number	RD-434072
Recommended Decision	Recommended to be Refused
Recommendation Date	20 March 2024

Report

SITE

The Site is located within an established residential area set back from the seafront within the defined settlement of Hythe. The surrounding area is characterised by mostly terrace and two-storey semi-detached two storey dwellings. The site fronts Range Road, and a footpath runs along the west boarder of the site.

The site is not within Flood zones 2 or 3, is within a Landscape Character Area (Wealden Greensand) and an Archaeological Notification Area. The site is also a LUC Open Spaces (Site ID 38).

RELEVANT HISTORY

23/0535/FH - Retrospective application for the installation of temporary hard standing to scrub land to facilitate development. Approved with conditions

PROPOSAL

This application seeks planning permission for the permanent retention of the area of hardstanding approved under application 23/0535/FH to provide five off-street parking spaces. This would involve laying down permanent hard-surface material with an ecology enhancement area.

The temporary hard standing was installed as enabling works to facilitate the construction of the new dwelling at 10a Range Road (Y18/1343/FH), as well as access to the site.

During site clearance, it was found that the ground was not suitable for vehicular access due to a topsoil depth of 6 inches with gravel below, vehicles were damaging the ground and conditions were becoming progressively worse. To avoid further damage a geo textile membrane was installed with approximately 6 inches of compacted MOT Type 1 Subbase over.

This application seeks to replace the temporary hard standing with permeable block paving, together with the erection of a low level post and rail fence, this would measure approximately 0.5m in height.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Hythe Town Council – Object on the grounds that the development will block the footpath and there is erosion of the green space buffer.

KCC Ecology – If possible, a condition should be imposed to support a biodiversity net gain from proposals. If this is not possible, then a very small biodiversity net loss will result from the development.

KCC Highways – object on the grounds that there is inadequate visibility due to parked cars on Range Road.

REPRESENTATIONS

19 representations received (16 objections and 3 comments in support), these have been summarised below and are available to view in full on the council's website.

Objections

- Harm to wildlife and environment
- Loss of on-street parking
- Result in highway safety concern
- Increased traffic and noise pollution
- The footpath has been damaged
- Loss of natural environment
- Loss of habitat
- Questions raised in regard to ownership & maintenance of car park
- Water run-off floods footpath
- Devalue property
- Noise and emissions concern
- The area should be left for the public benefit
- Local residents were led to believe that the hardstanding would only be temporary
- Question raised as to who will benefit from the proposed off-street parking spaces
- Concern raised in regard to the potential for a house to be developed on the site
- Concerns raised in regards to the potential for lighting at the car park
- Public car park in close proximity to site
- Proposed parking area could be used by visitors to the beach and not residents
- The green space contributes to mental wellbeing

Support

- The footpath will be unaffected by proposal
- Net gain of four off-street parking spaces
- There is insufficient on-road parking available to serve the dwellings on Range Road
- General support so long as the footpath remains, site was previously used by fly tippers
- Fewer vehicles would be parked on the highway

- Application site was often untidy and littered

PUBLICITY

Neighbours notified by letter. Expiry date 29/02/2024

Site notice displayed. Expiry date 01/03/2024

RELEVANT POLICIES

Core Strategy Local Plan: SS1 SS3

Places and Policies Local Plan: HB1 NE2

NPPF: 11, 38, 47, 131, 180, 186

NPPG:

APPRAISAL

Design and visual impact

The installation takes the form of flat hardstanding over what was previously scrubland according to the applicant. When looking at historical streetview photography it is evident that this area of open green space contributed significantly to the open character of the area. While it is noted that the existing hardstanding would be replaced with block paving it is, and would be, visually prominent from Range Road and is considered to harm the visual amenity of the area given the scale and nature of the hardstanding. It is for this reason that the previous retrospective permission was given on a temporary basis on the grounds that the land would be restored back to its original form. As this is no longer the case, it is considered that the application would not meet the criteria of policy HB1 of the PPLP, particularly part 1 which states that proposals should make 'a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses'. It is not considered the permanent replacement of green space with hardstanding would make a positive contribution or enhance integration. Also point 3 states that approval would be granted where a proposal 'creates, enhances and integrates areas of public open space, green, infrastructure, biodiversity and heritage and other public realm assets'. This is not considered to be the case with this application, which would permanently remove an area of green infrastructure and would harm biodiversity. The application is therefore unacceptable on these grounds.

Residential Amenity

Given the nature of the application, the proposal is not considered to result in overlooking, overshadowing, or overbearing impacts.

Parking and Highway Safety

The hard standing as installed currently allows plant access and off-road parking for delivery vehicles required for the construction of the new dwelling. However, this application would include the resurfacing of the site to provide for five off-street parking spaces, including one with an EV charging point.

It is important to note that there are no parking restrictions along this side of the road, but there are on the opposite side.

KCC Highways have objected to the development as it is considered to result in a lack of visibility for those exiting the site due to the parked cars on the northern side of Range Road, as vehicles exiting the site will have to exit between the parked cars. While many of the representations from neighbours reiterate this point it is considered that, given the existing accesses on this side of Range Road, it is not considered reasonable to refuse the application on these grounds, given that the applicant would not have any control over parked cars around their access. It is not therefore considered that the application should be refused on these grounds.

Ecology

The KCC Ecology Team have reviewed the application and concluded that sufficient information has been provided and commented as follows:

'This related to a retrospective application where vegetation had been removed to facilitate the installation of hardstanding. I noted that a local person had objected to 23/0535/FH citing the presence of slow worms, nesting birds and other species of note within the habitat that had been removed. If slow worms were killed/injured or bird nests destroyed during site clearance, then an offence may have been committed. It would be very difficult to prove such an offence. It is not clear that habitats were removed in consideration of protected species, or that compensation had been provided for the loss of such habitat.

Nevertheless, the area of habitat removed is *extremely* small, and a review of Google Streetview imagery for 2019 does not suggest that the habitat that has been removed was of very high ecological value. The planning system is supposed to support a biodiversity net gain. It is not clear how a biodiversity net gain could be supported in this instance e.g., improved management of adjacent habitat, installation of bird/bat boxes etc. If possible, a condition should be imposed to support a biodiversity net gain from proposals. If this is not possible, then a very small biodiversity net loss will result from the development.'

While it is considered that the hardstanding has likely caused loss of bio-diversity, it would be very difficult to prove at this stage. While there are concerns over the ecology impact on site, given KCC Ecology have suggested a condition, it is not considered that the application could be refused on these grounds and successfully defended at appeal.

Other issues

Queries and concerns raised in regards to the ownership and maintenance of the proposed car park, ownership issues would be a private legal issue however should the application have been acceptable a management plan could be have been requested by condition.

Environmental Impact Assessment

In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

In light of the above, it is considered that planning permission should be refused for the reason outline above.

Recommended Refusal Reasons (1)

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The area of hardstanding, by virtue of its large, flat and domestic appearance in a prominent location on Range Road, has resulted in the loss of open, green space and has caused significant harm to the visual amenity of the area. The application is therefore contrary to policy HB1 of the adopted Places and Policies Local Plan 2020.

Suggested Informatives (1)

1

This decision is based on drawing nos: 200.01-001, 200.02-002 and 200.02-009