

**Application Number: 15/10758** Full Planning Permission

**Site:** 1 BUTTS ASH AVENUE, HYTHE SO45 3RB

**Development:** Attached house; access

**Applicant:** Mrs Bailey

**Target Date:** 28/07/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

To agree the waiving of the affordable housing contribution

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

Policies

- CS2: Design quality
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM3: Mitigation of impacts on European nature conservation sites

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites

**6 RELEVANT PLANNING HISTORY**

Attached house; access; parking; cycle store (14/10550) - refused 10/7/14

## **7 PARISH / TOWN COUNCIL COMMENTS**

Hythe & Dibden Parish Council: - Recommend refusal, but would accept a delegated decision - the dwelling would be intrusive in the streetscene; there are concerns over the additional access which would be potentially hazardous at a complex junction.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer:- No objection subject to car and cycle parking conditions

9.2 Land Drainage:- No objection subject to condition

9.3 Estates & Valuation:- the development would not be viable if required to make an affordable housing contribution

## **10 REPRESENTATIONS RECEIVED**

10.1 3 letters of objection from local residents: - proposal would fail to address the objections to the development that was refused at this site in 2014; access would be dangerous; overdevelopment of plot; poor design; adverse impact on neighbour's light, outlook and privacy; concerns that development would impact on adjacent pedestrian pathway; adverse impact on local sewerage system.

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £1,152 in each of the following six years from the dwelling's completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £8,960.00.

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- i) Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- ii) Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- iii) Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- iv) Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- v) Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- vi) Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- vii) When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, the application was not the subject of pre-application discussions and it is not considered that the concerns that have been identified could be reasonably resolved by negotiation.

## **14 ASSESSMENT**

- 14.1 1 Butts Ash Avenue is a 2-storey end-of-terrace property that is located on the corner of Butts Ash Avenue and Butts Ash Lane. The property currently has a hedged boundary to Butts Ash Lane that is set behind a grass roadside verge. To the east side of the site is a short 2-storey terrace at 1-4 Firtree Grove, which is set back from Butts Ash Lane by a similar distance to the existing dwelling at 1 Butts Ash Avenue. To the west side of the site, 51 Butts Avenue is separated from Butts Ash Lane by a fairly strong green margin. This green margin to Butts Ash Lane is a fairly characteristic feature, particularly on the lane's south side.
- 14.2 Last year, an application to build a 2-storey dwelling, attached to the north side of 1 Butts Ash Avenue, was refused planning permission. The development was deemed to be harmful to the character and appearance of the area. Specifically, it was felt the dwelling would have appeared intrusive in the streetscene; it would have been of an imposing and unsympathetic appearance and out of character with the existing terrace at 1-4 Butts Ash Avenue; and the dwelling would have had an unreasonably poor setting due to the additional hardstanding and limited green garden amenity space. The development was also refused for failing to secure contributions to affordable housing, public open space and transportation improvements, and also for failing to mitigate the development's potential impact on designated European sites.

- 14.3 The application that has now been submitted also seeks to build a 2-storey dwelling, attached to the north side of 1 Butts Ash Avenue, thereby resulting in an extended terrace. As with the previously refused application, it is proposed to create a new vehicular access point onto Butts Ash Lane, as well as a separate pedestrian access point. The layout of the development would not be dissimilar to the previously refused scheme. The footprint of the dwelling has been slightly modified to create a narrower projecting gable on the north-west side of the building. The appearance and form of the dwelling has also been amended.
- 14.4 As with the previously refused proposal, the dwelling that is proposed would be very prominent in the Butts Ash Lane streetscene. It is considered that this increased prominence would not be characteristic of the immediate context, and would therefore be visually harmful. The loss of greenery resulting from the formation of new access points onto Butts Ash Lane would compound the dwelling's prominence and would result in a harmful break in the existing green frontage. The development's adverse visual impact would be further compounded by the dwelling's detailed design and appearance. The north-west elevation of the dwelling, which would front onto Butts Ash Lane would have an imposing appearance in this particular setting. The projecting central gable would have an awkward and poorly proportioned appearance, with an uncharacteristic raised eaves detail that would be materially at odds with the scale and design of the existing terrace at 1-4 Butts Ash Avenue. The pattern of fenestration and detailing on the dwelling would not reflect that on the adjacent terrace, and the result would be a dwelling that would appear as a rather incongruous addition to the existing terrace. The useable private amenity space for the proposed dwelling would also be rather limited in extent. Overall, the development would be a poor design that would not respect the site's context and, consequently, the proposal would be harmful to the character and appearance of the area.
- 14.5 The proposed development would be set sufficiently away from neighbouring dwellings as not to adversely affect their outlook, light and privacy. The front corner of the adjacent dwelling at 1 Firtree Grove would be set about 14 metres away from the rear of the proposed new dwelling. Therefore, impact on this adjacent dwelling would not be unduly harmful.
- 14.6 Concerns have been raised about highway safety. However, the Highway Engineer has not objected to the proposed access and parking arrangements. As such, it is not considered that the proposal would be detrimental to highway safety.
- 14.7 Local resident's concerns about impact on the local sewerage system are noted. However, there is no reason why this matter could not be dealt with in an adequate manner, were the application otherwise acceptable.
- 14.8 The application is one that would be expected to secure a contribution towards affordable housing (£25,070). The application is accompanied by a detailed viability assessment, which has been considered by the Council's estates and valuation team. They have concluded that it would not be viable for the development to secure any contribution to affordable housing. On this basis, it is felt that it would be reasonable to completely waive the affordable housing contribution.

- 14.9 Since the introduction of CIL, there would no longer be a requirement to secure any contributions towards public open space or transportation improvements.
- 14.10 The development is one that would have a potential impact on designated European sites that would need to be mitigated. Most of the mitigation requirement would now be likely to be met through CIL. However, an element of the required contribution (£550) that would be put towards visitor management and monitoring would still need to be secured through a Section 106 legal agreement. This remains to be completed.
- 14.11 Overall, the proposal is not considered to have adequately addressed the key design objections to the application that was refused last year. The proposed development is considered to be inconsistent with Local Plan policies and objectives. The proposed development would not be well designed or appropriate in character to its setting. The development would be detrimental to the visual amenities of the area. As such, the application is recommended for refusal.
- 14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	£25,070	0	-£25,070
<b>Public Open Space</b>			
On site provision by area	0	0	0
Financial Contribution	0	0	0
<b>Transport Infrastructure</b>			
Financial Contribution	0	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£550		-£550

## CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	112		112	£8,960.00

### 15. RECOMMENDATION

#### Refuse

#### Reason(s) for Refusal:

1. The proposed development would be inappropriate to its context, and detrimental to the character and appearance of the area because:-
  - a) the proposed dwelling would appear intrusive within the Butts Ash Lane streetscene due to its uncharacteristically close proximity to that road and due to an erosion of the site's existing green frontage to that road;
  - b) the proposed dwelling would be of an imposing and unsympathetic appearance due to its size, its poorly proportioned and awkward projecting gable feature, and its detailed fenestration design, thereby resulting in a development that would be significantly at odds with the scale and character of the existing terrace at 1-4 Butts Ash Avenue;
  - c) the setting of the proposed dwelling would be unreasonably poor due to the extent of additional hardstanding and the limited green garden amenity space.

As such, the proposal would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

2. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

#### Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, the application was not the subject of pre-application discussions and it is not considered that the concerns that have been identified could be reasonably resolved by negotiation.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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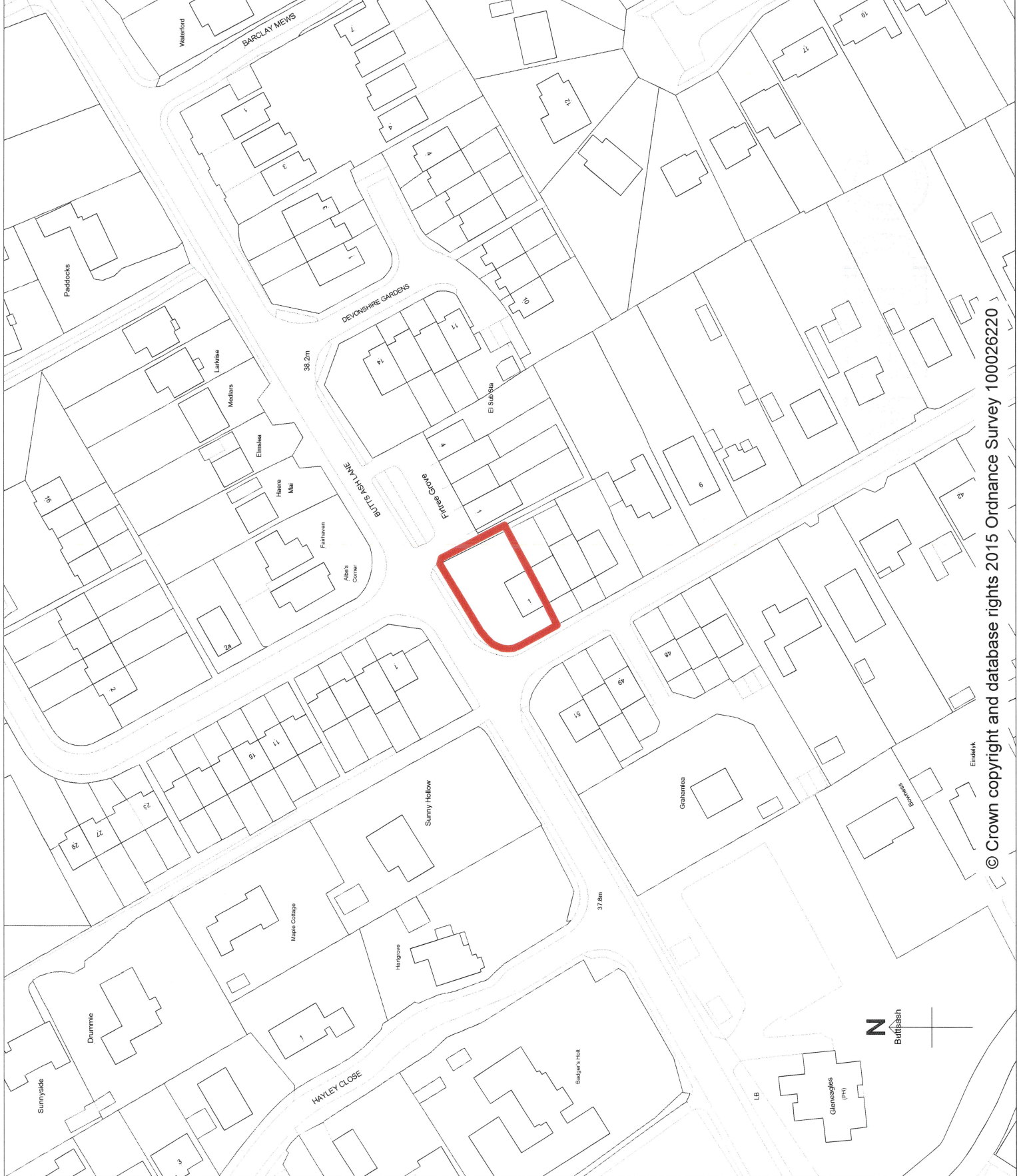
**Planning Development  
Control Committee  
August 2015**

**Item No: 3f**

**1**  
**Butts Ash Avenue  
Hythe  
15/10758  
SU4405**

**Scale 1:1250**

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



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