

PLANNING DEVELOPMENT CONTROL COMMITTEE

18 June 2003

W11327/02: ERECTION OF 2 NO. THREE BEDROOM DWELLINGS AND 2 NO. TWO
BEDROOM DWELLINGS – LAND AT DEVER CLOSE, MICHELDEVER

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

Contact Officer: Robin Buchanan Tel No: 01962 848573

RECENT REFERENCES:

PDC184 – item 29 - Development Control Applications - 25 April 2002 (Attached as Appendix)

EXECUTIVE SUMMARY:

The application relates to the development of four affordable social housing units by Winchester Housing Trust. At the Planning Development Control Committee meeting on 25 April 2002, it was resolved to grant planning permission (PDC184 – item 29 refers). A legal agreement to secure in perpetuity the dwellings as affordable social housing units has not yet been entered into and for that reason the permission has not yet been issued or development commenced.

It has come to light that there are inaccuracies in the originally submitted plans considered by Officers and Members. Officers have investigated these and the applicant has submitted an amended plan. This report explains the inaccuracies, the amended plan and clarifies certain statements made in report PDC184.

Officers conclude that the inaccuracies in the original site plan do not prejudice the resolution of the local planning authority to grant planning permission and recommend that the amended plan be approved.

RECOMMENDATIONS:

- 1 That site plan number 1130/1H Revision H dated 18 April 03 be approved as an amendment to application W11327/02 and supersede the existing approved site plan Drawing No.1.

PLANNING DEVELOPMENT CONTROL COMMITTEE

18 June 2003

W11327/02: ERECTION OF 2 NO. THREE BEDROOM DWELLINGS AND 2 NO. TWO BEDROOM DWELLINGS – LAND AT DEVER CLOSE, MICHELDEVER

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

DETAIL:

1 Introduction

- 1.1 The application relates to the development of four affordable social housing units by Winchester Housing Trust. At the Planning Development Control Committee meeting on 25 April 2002 it was resolved to grant planning permission subject to appropriate provision for public open space funding and affordable social housing (PDC184 – item 29 refers). A satisfactory financial contribution has been made towards off-site open space provision, although a legal agreement to secure in perpetuity the dwellings as affordable social housing units has not yet been entered into. The permission has not yet therefore been issued and development has not commenced.
- 1.2 It has come to light that there are inaccuracies in the originally submitted site plan considered by Officers and Members, relating to the position of an off-site private foul drainage cesspit and off-site trees. These have been investigated by Officers, including a meeting at the site and in adjoining private gardens with representatives of Winchester Housing Trust and their architect, local residents and their Solicitor and a Ward Member. As a result of that site meeting the locations of these features on the ground in relation to the proposed development have been established.
- 1.3 The applicant has now submitted an amended plan to show these features accurately in relation to the proposed development. In the light of suggestions made at the site meeting the applicant has also reconsidered the layout of the development. The applicant proposes to re-site the closest pair of semi-detached dwellings, the 'north block' comprising units C and D, 4.3 metres further away from the west site boundary to increase the distance of the development to the off-site features.

2 Cesspit

- 2.1 In the 'Assessment' section of Report PDC184 it is stated that for building control purposes "a 7 metre isolation zone is required between the nearest proposed dwelling and the existing septic tank". In fact it is a cesspit, though for a cesspit the Building Regulations isolation distance is the same as for a septic tank.
- 2.2 A 7-metre isolation distance is recommended in the Building Regulations for installing a new cesspit in relation to existing dwellings. Report PDC184 incorrectly stated that a 7-metre isolation distance was a requirement and that it applied to the development of new dwellings in relation to an existing cesspit. There is no requirement for the proposed development to be sited more than 7 metres from the existing off-site cesspit. In fact the guidance contained in the Building Regulations does not apply to the circumstances of this application; i.e. it applies to the installation of a new drainage facility in relation to existing dwellings, not vice versa.
- 2.3 Nevertheless, even if one has regard to this guidance, the following is apparent. The originally submitted site plan 'Drawing No.1' shows a cesspit at its closest point 9

metres from the northwest corner of unit D. The amended proposed 'Site Plan' now shows that it would be 8.3 metres from the corner of unit D. This distance remains outside of the 7 metre isolation zone and the Chief Building Control Surveyor confirms that this arrangement reflects the guidance of the Building Regulations.

- 2.4 It should be noted that there are other legislative powers to control any serious nuisance that may be created by a drainage installation at any time and at present there is no pollution or other hazard or nuisance in respect of the existing cesspit. Environmental Health have no record of a nuisance complaint on the drainage installation. Responsibilities in this regard lie with the owner of the drainage installation. This on-going control would be sufficient to maintain adequate precautions against hazard and pollution having an effect on the new dwellings and their occupants.

3 Trees

- 3.1 After the resolution to grant planning permission a letter from Officers dated 17 September 2002 to Winchester Housing Trust referred to apparent discrepancies between the original site plan and a new plan that the applicant had prepared. In relation to an Ash tree, the letter observed that unit D now appeared to be "well within the minimum 6 metre protective fencing zone".
- 3.2 The applicant's originally submitted site plan 'Drawing No.1' shows unit D to be 6.8 metres from the Ash Tree and 2 metres from a nearby Silver Birch tree. Both of these trees are off-site (within Micheldever Conservation Area - the application site itself is outside the conservation area) though alongside the site boundary. The proposed amended 'Site Plan' shows unit D to be 0.4 metres closer to the Ash Tree (i.e. 6.4 metres) and 3.7 metres further away from the Silver Birch Tree (i.e. 5.7 metres).
- 3.3 Report PDC184 contains no arboricultural or planning justification for re-siting the proposed dwellings further away (than was shown on the originally submitted site plan) from these trees. In the consultation response the Arboricultural Officer had confirmed that the Ash tree was of poor form and multi-stemmed and the Silver Birch had low amenity value. There was no requirement in PDC184 to either re-site the dwellings or to protect the trees. In any event, the trees are off-site and not owned or controlled by the applicant.
- 3.4 However, the Arboricultural Officer acknowledged that the Silver Birch tree may survive and as explained above the Ash Tree appeared to be outside of the standard 6 metre protection zone in relation to unit D. In the light of this, it was reasonable to include the standard tree protection condition, though not an absolute requirement for the reasons explained above.
- 3.5 The Officer letter dated 17 September 2003 was written in this context and Report PDC184 advises Members accurately in regard to tree matters. The proposed amended plan now being considered by Officers and Members confirms the Ash Tree as 0.4 metres beyond its 6 metre protective fencing zone, and the Silver Birch Tree as 3.7 metres beyond its 2 metre protective fencing zone. The Arboricultural Officer confirms that these arrangements comply with the BS5837 guidance on trees in relation to construction works. There is no amenity justification for further changes to the proposed site layout.

4 Proposed amendment to site layout

- 4.1 It was suggested by local residents and their Solicitor at the site meeting that the layout of proposed Units C and D could be altered to afford greater protection to the

two trees, including by rotating the siting of Units C and D through 90 degrees on the site, and at the same time provide greater separation with the existing cesspit.

- 4.2 The applicant has considered this and has submitted the amended plan. This keeps the dwellings in the same orientation but re-sites them 4.3 metres further away from the site boundary.
- 4.3 Officers consider that whilst this is not a requirement (for the reasons already explained above) there is no objection to this amendment and it would improve the separation between the proposed development and the existing trees and cesspit. This requires one parking space to be relocated in front of Units A and B, which is acceptable to the Highway Authority.
- 4.4 The site is not wide enough to rotate the dwellings through 90 degrees without either bringing the building closer (than it is now proposed) to one or other of the trees and/or the cesspit, and avoid unacceptable overlooking and loss of privacy to neighbouring gardens.

OTHER CONSIDERATIONS:

5 CORPORATE STRATEGY (RELEVANCE TO):

- 5.1 Looking after the natural and built environment is a core objective.

6 RESOURCE IMPLICATIONS:

- 6.1 None.

BACKGROUND DOCUMENTS:

None

APPENDICES:

PDC184 – Item 29 – 25 April 2002.

Extract PDC184 – Item 29 – 25 April 2002.

APPENDIX

Item No: **Parish/Ward:** Micheldever
29 Conservation Area:
Case No: 01/01922/FUL
Ref No: W11327/02
Date Valid: 31 August 2001
Grid Ref: 451388 139298
Area Team: EAST **Case Officer:** R Buchanan
Applicant: Winchester Housing Trust
Proposal: Erection of 2 no. three bedroom dwellings and 2 no. two bedroom dwellings.

Location: Land At Dever Close Micheldever Winchester Hants SO21 3SR

Representations: 9

Officer Report:

History

W11327 7 houses and 7 bungalows with garaging, access road and footways - withdrawn
W11327/01 15 dwellings with garages and construction of accesses – permission 21.06.91

Policy

DEVELOPMENT PLAN

HCSP(R): UB3, T5, H9, R2, C1, C2, E1, E2, E6, E8, E16

WDLP: C1, C2, C7, C8, C14, HG6, EN5, EN7, EN9, EN13, EN14, H6, RT3, T9

OTHER MATERIAL CONSIDERATIONS

PPG3 Housing
Better Mix Supplementary Planning Guidance

Consultations

Engineers: no highway objection subject to conditions, drainage arrangements to Building Control / Environment Agency requirements.
Archaeology: no objection subject to watching brief during construction.
Building Control: no objection, there is satisfactory isolation (separation) from an existing septic tank adjoining the site.
Arboricultural: no objection, existing trees are of poor form, not of significant amenity value and not worthy of retention – can replace with new trees.
Landscape: hedgerow on the site (which also contains some trees) is important to local amenity and as much as possible should be retained, require accurate plot of trees to be retained and protective fencing measures.
Housing Enabling: support scheme based on Parish Council assessment of 30 families waiting for
Officer such accommodation.

Environment Agency: no objection.
 Southern Water: no objection, comment that there is no mains drainage in this area.

Representations

Micheldever Parish Council: support scheme to provide affordable housing identified in Parish Appraisal and consider scheme fits in well with existing development.

Local residents comprising 1, 56-58 Waterloo Cottages, 55 and 56 Church Street, 2 Dever Close, 95 Winchester Road, 114 Duke Street:

object as dwellings are out of keeping with the remainder of Dever Close, site is too small for the proposed development, will be detrimental to enjoyment of adjoining occupiers of dwellings, will encroach onto site of former Micheldever Manor House (site of archaeological interest), too close to existing septic tank (health hazard), previous application refused – so should this one, loss of trees, overlooking and loss of amenity/privacy, adversely affect Micheldever Conservation Area, impact on setting of nearby listed buildings. sewage treatment plant serving Dever Close is not capable of accommodating extra sewage, close proximity of parking to nearby dwellings (noise/disturbance),

Assessment

The site is located on the north side of Dever Close. It is outside of the development frontage, in the countryside (which is within an Area of Special Landscape Quality), though sandwiched between the Dever Close development to the east and other development on the north side of Dever Close to the west. The west boundary of the site abuts the east edge of Micheldever Conservation Area. The site is currently overgrown with vegetation (grass, hedgerows, shrubs and trees).

Winchester Housing Trust propose to develop the site as exceptions housing to provide four affordable social housing dwellings (2 no. 2 bed and 2 no. 3 bed); two dwellings fronting onto Dever Close and two fronting onto the existing road serving dwellings in Dever Close which is to be upgraded to adoptable standards. The dwellings would be controlled by way of a legal agreement to secure affordable social housing status in perpetuity.

The site is well contained by existing development either side and amounts to an infilling of an existing gap in the street scene. It would not be visually intrusive to the character and appearance of the surrounding countryside. The loss of the open character of the site would also not detract from the character and appearance of the Conservation Area which at this point relies on the open spaces to the rear of Waterloo Cottages to the north and rear gardens behind the existing development on the north side of Dever Close, nor would this development be harmful to the setting of any listed buildings.

Both pairs of dwellings have been sited and designed so as to reduce so far as possible potential impact on the amenity of occupiers of existing adjoining dwellings, for example by lowering rear eaves heights and including only velux roof lights on rear elevations to prevent unacceptable overlooking and loss of privacy. There is no objection to the overall design which is cottage like in appearance and satisfactory for this semi-rural location. The density of development amounts to 36

dwelling per hectare, which is considered appropriate in this semi-rural location, and is an efficient use of land. It is a consequence of PPG3 that new housing developments will not necessarily reflect the appearance and layout of existing development and there is no objection in principle to a different form of higher density development in this case. There is 50% provision of small dwellings and this accords with the Council's Better Mix supplementary planning guidance.

A Council approved contractor has carried out an archaeological investigation of the site. No substantial or important archaeological remains were discovered. In these circumstances it is appropriate for archaeological matters to be dealt with by a watching brief during construction works. The Chief Building Control Officer confirms that a 7 metre isolation zone is required between the nearest proposed dwelling and the existing septic tank (which is not a sewage treatment plant insofar as the regulations referred to by objectors) on adjoining land. In fact 9 metres can be achieved. The amenity value of existing vegetation on the site is not of sufficient overriding merit to restrict development of the site and a suitable landscaping scheme with better quality plants will help to integrate the new development into its context.

RECOMMENDATION:

O - THAT PROVIDED THE APPLICANT ENTERS INTO AN AGREEMENT IN A FORM TO BE AGREED

WITH THE CITY SECRETARY AND SOLICITOR TO:-

- (i) SECURE APPROPRIATE PROVISION FOR PUBLIC OPEN SPACE THROUGH THE OPEN SPACE FUNDING SYSTEM; AND
- (ii) APPROPRIATE PROVISION FOR AFFORDABLE SOCIAL HOUSING;

THEN PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

Conditions/Reasons:

- 1 1FUL
1FULR
- 2 M010 development,
M010R
- 3 L050
L050R
- 4 L070 the dwellings are occupied,
L070R
- 5 L130 6,
L130R
- 6 B050 A, B, C, E or F, 1,
B050R
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this

permission shall, at any time, be constructed in the west elevation of plots C and D, or in the north elevation of plots A and B elevation(s) of the dwelling hereby permitted.

B060R

- 8 The bathroom windows of the dwellings hereby permitted shall be glazed in obscure glass and thereafter retained.

B070R

- 9 B540 0800-1800, 0800-1300,
B540R

- 10 Details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses including all relevant horizontal cross-sections, showing the existing and proposed levels together with the details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the use hereby approved is commenced and the buildings are occupied.

H230R

- 11 H240 to be approved, dwelling, less the final carriageway and footway surfacing,
H240R

- 12 A010
A010R

- 13 D040 the buildings are occupied,
D040R

Informatives:

1 The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review : UB3, T5, H9, R2, C1, C2, E1, E2, E6, E8, E16

Winchester District Local Plan : Proposals C1, C2, C7, C8, C14, HG6, EN5, EN7, EN9, EN13, EN14, H6, RT3, T9
