

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Decision

Case No:	08/00825/FUL	Valid Date	7 April 2008
W No:	21106	Recommendation Date	29 May 2008
Case Officer:	Nick Parker	8 Week Date	2 June 2008
		Committee date	24th July 2008
Recommendation:	Refer to Committee	Decision:	Committee Decision

Proposal:	Erection of 2 no. one bed , 2 no. two bed, 2 no. three bed and 1 no. four bed houses with associated access, parking and amenity
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Site:	Land To The Rear Of 32 - 36 Mill Road Denmead Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
Y	Y	N	Y (19)	N	N	Y

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed		
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

- Received 3rd June 2008
- Extended Phase 1 Habitat Survey received 26th June 2008

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Item No: 4
Case No: 08/00825/FUL / W21106
Proposal Description: Erection of 2 no. one bed , 2 no. two bed, 2 no. three bed and 1 no. four bed houses with associated access, parking and amenity
Address: Land To The Rear Of 32 - 36 Mill Road Denmead Hampshire
Parish/Ward: Denmead
Applicants Name: Mr N Goddard
Case Officer: Nick Parker
Date Valid: 7 April 2008
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received.

Amended plans were received on 3rd June 2008, indicating the provision of cycle sheds within the rear gardens of the respective plots and the relocation of the access point to the garden area of Plot 2 (closer to the property).

An extended Phase 1 Habitat Survey was received on 26th June 2008.

Site Description

The application site is located to the rear of Nos. 32 - 36 Mill Road and currently forms the rear gardens. The rear gardens measure approximately 130m. in length. The site incorporates approximately 70m. of the rear section of these gardens and has a site area of approximately 0.19ha. The site is overgrown and there are existing trees and vegetation within the site. There are two larger trees located within the site, one at the front and the other towards the centre of the site, which are both protected. The site is generally flat.

Mill Close relates to a cul-de-sac residential area. The majority of properties are two storey in nature and of a 1970's architectural style. Directly opposite the site there is a row of more recently built (circa 2000), detached, two storey dwellings.

A vehicular turning head is located opposite these dwellings, via which it is proposed to provide access to the site.

Proposal

The application relates to the construction of 7 new residential properties comprising 2 no. one bed houses, 2 no. two bedroom houses, 2 no. three bedroom houses and 1 no. four bedroom house.

The proposed dwellings have been arranged with Plots 1-3 facing Mill Close adjacent to the site entrance. The private drive allows access into the site and serves the remaining properties at the rear, which are formed in semi-detached blocks.

Relevant Planning History

None relevant on this site

Land at Mill Close, Denmead - 00/02403/FUL / W01653/10: 4 No. four bedroom houses, 1 No. three bedroom house, 4 No. two bedroom houses, 2 No. one bedroom houses, garages, road, vehicular access, footpath and public open space – Permitted – 01/03/2001

Consultations

Landscape (trees) – No objection, subject to Conditions 3, 4, 12 and 13.

Engineers: Highways – No objection, subject to conditions and highway contribution (Conditions 8, 9 and 10).

Engineers: Drainage – No objection, subject to Conditions 14 and 15.

Environmental Health – No objection, subject to Conditions 5, 6 and 7.

Environment Agency – No objection, subject to Condition 15.

Natural England - No objection, subject to Conditions 18 and 19.

Representations

Denmead Parish Council – Objects on the following grounds:

- The proposal would have an unacceptable adverse impact on adjoining land, uses or property.
- Likely to encourage the parking of vehicles on the public highway, interrupting the free flow of traffic and adding to the hazards of road users at this point.
- Mill Close unsuitable in its present condition to take the type and amount of traffic likely to be generated by the proposal.
- Unsuitable as liable to add to identified flooding problems within that area.

19 letters and a petition signed by 59 people objecting on the following grounds:

- Inadequate parking provision, leading to more on-street parking problems.
- Increase in traffic will necessitate traffic calming measures.
- Concerns over emergency access and access for refuse vehicles.
- Flooding issues.
- Swallowed up by another mini-estate, changing character of the area.
- Uncertainty over maintenance of landscaping given track record of recent developments.
- Would be more in keeping if development was for semi-detached chalet style bungalows, as per adjacent development.
- Concern over noise and disturbance from car parking area, gardens and construction works.
- Adverse impact on residential amenity through overshadowing of lounge at No. 7 Mill Close in winter by 2m.

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- Development will drive out birds and wildlife.

Relevant Planning Policy

Winchester District Local Plan Review

DP1 (design), DP3 (design), DP4 (design), DP5 (design), DP6 (sustainability), H3 (development in built up areas), H7 (housing mix and density), RT4 (public open space), T1 (accessibility), T2 (access), T3 (layout), T4 (parking), T5 (off-site transport contributions)

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPG 13 Transport

PPG 17 Planning for Open Space, Sport and Recreation

Planning Considerations

- Principle of development
- Density, design, layout and landscaping
- Residential amenity
- Highways/Parking
- Flooding and drainage
- Ecology

Principle of development

The site lies within the built up area of Denmead as defined in the Winchester District Local Plan Review (2006). Policy H3 of the WDLPR allows for residential development in this area and therefore the principle of residential development is acceptable in this location.

Density, design, layout and landscaping

Policy H7 of the WDLPR requires that sites capable of accommodating 2 or more dwellings should achieve an appropriate density and mix of housing. The density of the proposed development equates to approximately 37 units per hectare, which is considered to achieve an efficient use of the land available for development and also reflects the nature of development in the locality. The mix of housing includes one, two, three and four bed houses, with 4 of the 7 units (57%) comprising one and two bed units, which accords with the requirements of Policy H7.

The layout of the scheme provides for housing towards the front and rear of the site, with a parking area located towards the northern edge of the site. A large beech tree (protected) is to be retained and incorporated within the scheme towards the front of Plots 4-7. It is considered necessary to apply a tree protection condition (Condition 12) in order to protect the tree during construction works. Space is also provided for landscape planting on the frontage, including the retention of a large oak tree (protected). It is considered that, subject to a detailed landscape scheme and management plan (Conditions 3 and 4) the proposed landscaping is acceptable.

The design of the properties is uninspiring but reflective of the architectural style and

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nature of the buildings in the surrounding area, and is not considered to adversely affect the character of the area.

Overall, it is considered that the development proposal is acceptable in terms of density, design and layout and meets with the housing and design policies of the WDLPR.

Residential amenity

Plots 1-3, to the front of the site, are considered to be in a position that does not have a significant impact on the residential amenity of adjacent properties.

Plots 4-7 are located to the rear of the site and Plots 4 and 7 (the end units) are located adjacent to neighbouring properties to the north and south of the site. The proposed dwelling at Plot 4 would be located behind the rear building line of No. 54 Mill Close (a chalet style bungalow) but would be located 4m away from the boundary, and planting is proposed on this boundary. Given the separation distance and proposed planting, the development is not considered to significantly affect residential amenity to the south of the site through loss of light, outlook or have an overbearing impact such as to warrant the refusal of permission. A condition is proposed to restrict any new windows in the south facing elevation of Plot 4 to prevent potential overlooking in the future (Condition 11).

The north elevation of the proposed dwelling at Plot 7 would be located to the rear of the neighbouring properties Nos. 7 and 9 Mill Close. There is an approximate 15m separation distance between the rear elevations of the neighbouring properties and the side elevation of Plot 7. In this position and given the separation distance between buildings, the development is not considered to significantly affect residential amenity through loss of light, outlook or have an overbearing impact such as to warrant the refusal of permission. A condition is, however, proposed to restrict any new windows in the north facing elevation of the building at Plot 7 to prevent potential overlooking in the future (Condition 11).

The properties located to the rear (west) of the site lie some distance (approximately 60m to the rear elevations) from the site boundary and, as such, are not considered to be adversely affected by the proposed development.

On the above basis, the proposals are not considered to adversely affect residential amenity such as to warrant the refusal of permission.

Highway safety and parking

The proposals indicate the provision of 13 car parking spaces for the development. This is considered an acceptable level of provision to serve the development in this location and sufficient to contain all parking within the site, thereby limiting the risk of on-street parking in the neighbouring area. The amended plans indicate the provision of a lockable garden shed in all private gardens, to provide for cycle parking. A condition is proposed to retain these areas for cycle parking (Condition 16). Adequate turning facilities exist at the entrance to the site to allow a refuse vehicle and emergency vehicles to access the site.

In accordance with the adopted Transportation Contributions Policy, a financial contribution is required towards sustainable transport infrastructure. This will be secured through a S106 legal agreement, which is being progressed.

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Flooding and drainage

The site lies outside of any known areas of flood risk. However, concerns have been raised by the objectors in relation to the possible impact that the development would have with regard to the risk of surface water flooding in the locality. The Environment Agency and the Council's Drainage Engineer do not object to the proposed development. However it is recommended that measures are put in place to minimise the impact that the development would have on existing levels of surface water flow in the area, and a condition is recommended to require details of a sustainable drainage system to be installed for the development (Condition 15). The developers will also be advised that the developed rate of surface water runoff into a watercourse or sewerage network should be no greater than the undeveloped rate of runoff (Informative 4). A further condition is recommended to ensure that all hard-standing areas shall be constructed in a permeable material to reduce surface water run off from the development site (Condition 14). On the above basis, it is considered that the development, subject to conditions, would not adversely affect flooding or drainage in the area such as to justify refusal of permission.

Other Matters

Biodiversity – An Extended Phase 1 Habitat Survey has been submitted and Natural England has been consulted. The conclusions of the survey indicate that the development would not have a harmful impact on nature conservation, provided that a dedicated reptile survey is undertaken and an appropriate reptile mitigation strategy is implemented. In light of these conclusions, it is considered necessary to attach a condition requiring the additional survey work and mitigation strategy to be carried out (Condition 18). The conclusions also recommend that nest boxes for house sparrows should be provided within the new development. A condition is recommended to ensure that the findings and mitigation measures of the Extended Phase 1 Habitat Survey are implemented (Condition 19). Natural England has no objection to the proposed development, subject to these conditions.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for off-site public open space and sustainable highway infrastructure the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Conclusion

The proposed development is considered in keeping with the surrounding area as it respects the density, dwelling types and spatial characteristics of the area and retains (and provides for) a level of landscaping that ensures the visual amenity and the general residential amenities of neighbouring residents will be adequately protected. Conditions of consent have been recommended that will ensure this. As financial contributions for public open space and sustainable highway infrastructure have not been made, a Section 106 Agreement to secure their provision is required. For these reasons the proposed development is considered acceptable.

Recommendation

Application Approved, subject to the following conditions and the applicant entering into a S106 legal agreement to secure financial contributions towards off-site public open space and sustainable transport infrastructure

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

3. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development or as otherwise agreed in writing by the Local Planning Authority. These details shall include the following, as relevant:

- means of enclosure, including hedgerow planting:
- hard surfacing areas and hard surfacing materials:
- landscape areas.

Soft landscape details shall include the following as relevant:

- retention of existing trees and hedgerows:
- planting plans:
- written specifications (including cultivation and other operations associated with plant and grass establishment:
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:

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- schedule of plants for the reinforcement of the existing hedgerow and new hedgerow planting:
- manner and treatment of watercourses, ditches and banks:
- implementation programme.

Reason: To improve the appearance of the site in the interests of visual amenity.

4. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

5. Prior to the commencement of the development approved by this planning permission, a scheme to deal with contamination shall be submitted to and approved in writing by the local planning authority. The scheme must include the following;

- a) a desk top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land.
- b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study.
- c) a remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- d) prior to the occupation of the development written verification by the competent person in c) above shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the remedial strategy approved has been implemented fully unless varied with the written agreement of the Local Planning Authority in advance of implementation.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

6. If, during any stage of the development, unexpected contamination is identified then no further development shall be carried out until an assessment has been completed and a scheme to deal with any additional contamination is submitted and approved in writing by the local planning authority.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

7. Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

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Reason: In the interests of highway safety.

8. The parking area including the garage shall be provided in accordance with the approved plans before the dwelling it is intending to serve is first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling house as a residence.

Reason: To ensure the permanent availability of parking for the property.

9. Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

10. 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 south and north elevations of Plots 4 and 7 as shown on drawing no. 074 PD101 Rev A of the development hereby permitted

Reason: To protect the amenity and privacy of the adjoining residential properties.

11. Prior to any demolition, construction or groundwork commencing on the site, an Arboricultural Method Statement (AMS), in accordance with BS5837:2005; shall be submitted to and approved by the Local Planning Authority. The AMS shall cover the following points relevant to the retention of trees:

- (i) tree protection plan;
- (ii) tree protection measures including ground protection where appropriate;
- (iii) technical specification for low impact “no dig” construction of access and pathways within root protection areas;
- (iv) schedule of works and arboricultural monitoring including pre-start meetings with the Local Planning Authority’s Arboricultural Officer prior to commencement and prior to the installation of “no dig” surfacing;
- (v) specification of any proposed tree works required to facilitate the development.

The Arboricultural Officer shall be informed as soon as the construction exclusion zone has been fenced so that it can be inspected and deemed appropriate and in accordance with the approved AMS.

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The Arboricultural Officer shall be informed prior to the commencement of construction of the special surfacing under tree canopies so that a pre-commencement site visit can be carried out. Telephone contact 01962 848317

No arboricultural works shall be carried out to trees other than those specified and in accordance with the AMS

Any deviation from the works prescribed or methods agreed in accordance with the AMS shall be agreed in writing by the Local Planning Authority.

Reason: In order to protect the existing trees during the works in the interests of the visual amenity of the area.

12. Details of the design of building foundations and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, insofar as they affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site are commenced.

Reason: To ensure the protection of trees and hedgerows to be retained and in particular to avoid unnecessary damage to their root system.

13. The proposed hard-standing area shall use permeable materials only unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable drainage.

14. Development shall not commence until a system for the disposal of sewage and surface water, incorporating sustainable drainage principles (including methods for the retention/management of grey water and storm water within the site, such as water butts) and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. The scheme shall include a maintenance programme and establish ownership of the drainage system. The approved scheme shall subsequently be implemented in accordance with the approved details before the development is completed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, to improve water quality and to ensure future maintenance.

15. Prior to work commencing on the site, details for the provision and retention of cycle parking in a satisfactory manner shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved plans, prior to the occupation of the dwellings on the site.

Reason: To ensure the provision of cycle parking and to promote sustainable forms of transport.

16. Details of the floor slab levels and existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority prior to work

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commencing on the site. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of the locality and neighbouring residents.

17. The development shall be implemented in accordance with the findings of the approved Extended Phase 1 Habitat Survey (Marishal Thompson, 17th June 2008) including the provision of nest boxes for house sparrows, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation.

18. No development (including ground clearance) shall take place until a dedicated reptile survey is undertaken of the site, then submitted to and approved in writing by the Local Planning Authority. Any mitigation measures proposed shall be fully implemented in accordance with the report findings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation.

Informatives

1. This permission is granted for the following reason:

The development is in accordance with the policies and proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Winchester District Local Plan Review 2006: DP1 (design), DP3 (design), DP4 (design), DP5 (design), DP6 (sustainability), H3 (development in built up areas), H7 (housing mix and density), RT4 (public open space), T1 (accessibility), T2 (access), T3 (layout), T4 (parking), T5 (off-site transport contributions)

3. All works including demolition and construction should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs Saturday and at no time on Sunday or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Health and Housing Service, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

4. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Service an Abatement Notice may be served under the Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through burning of materials is a direct offence under The Clean Air Act 1993.

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5. The Environment Agency will require that, for the range of annual flow rate probabilities, up to and including the 1% annual probability (plus 30 % for the 1 in 100 year storm event, to allow for an increase in peak rainfall intensity over the lifetime of the development through climate change) the developed rate of runoff into a watercourse or sewerage network should be no greater than the undeveloped rate of runoff for the same event, whilst reducing flood risk to the site itself and adjacent properties.