

43/12/0068

MR LANE

ERECTION OF THREE NO. 2 BEDROOMED COTTAGES WITH ALL ASSOCIATED WORKS AT LAND TO THE END OF TRINITY ROW, WELLINGTON

Grid Reference: 313440.120358

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the receipt of further information regarding sections and finished floor levels, surface water drainage and the Drainage Engineer being satisfied by the proposals Conditional Approval

In transport terms the site is located in a sustainable location, close to facilities and public transport links in Wellington town centre. With the provision of secure bicycle storage, it is not considered that the proposal would give rise to significant additional pressure on local on-street parking facilities. The proposal has been acceptably designed and would not impact unreasonably upon the amenities of nearby residential properties. The proposal is, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

RECOMMENDED CONDITION(S) (if applicable)

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A4) DrNo 12/152/1000 Location Plan
(A3) DrNo 12/152/500 Existing Site Plan
(A3) DrNo 12/152/100a Proposed Details
(A3) DrNo 12/152/101b Proposed Details
(A3) DrNo 12/152/501a Proposed Site Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the occupation of the dwelling hereby permitted, full details of proposed facilities for the secure storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented before the dwelling hereby permitted is occupied and shall thereafter be retained as such.

Reason: To ensure that adequate cycle parking facilities are available for the proposed dwelling, in order to encourage travel by modes other than the private car and reduce the impact on on-street provision parking in the vicinity in accordance with Policies S1 (General Requirements) and M5 (Cycling) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.

4. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

5. The development hereby permitted shall not be commenced until details of a strategy to protect birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Acorn Ecology Ltd's submitted report, dated 30th May and 13th June 2012 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for birds and reptiles shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage in accordance with Policy EN3 of the Taunton Deane Local Plan and guidance contained in the National Planning Policy Framework.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning

(General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions or additional windows shall be added to the dwellings hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of neighbouring residents in accordance with Policies S1 and S2 of the Taunton Deane Local Plan and Policy DM1 of the Taunton Deane Core Strategy.

7. Before the development hereby approved is first occupied, an information pack should be compiled and provided detailing local bus services and other sustainable transport facilities in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage future occupiers of the site to travel by means other than the private car in accordance with Policy S1 of the Taunton Deane Local Plan and Policy DM1 of the Taunton Deane Core Strategy.

Notes for compliance

PROPOSAL

This application seeks full planning permission for the erection of 3 dwellings. The dwellings would be in a terrace, set perpendicular to the existing terrace of Trinity Row and parallel to existing dwellings on Mantle Street. The dwellings would be two-storey with brick front elevations and rendered rear and side elevations. Sheds would be provided in the rear gardens to accommodate cycle storage. A small tree would be lost to accommodate the development. The dwellings would have windows facing to the north and south. The dwellings would be accessed via Trinity Row.

SITE DESCRIPTION AND HISTORY

The site comprises a small area of land, which is largely overgrown except for a small area in the southeast corner that is hard surfaced and provides access to a garage at the southern end of the site. Part of the eastern part of the site is given over to a vegetable garden for one of the neighbouring dwellings.

To the south are the rear gardens of 73 and 75 Mantle Street, which extend for approximately 25-27m off the rear faces of these dwellings. The garden of 73 Mantle Street borders Trinity Row and is separated from it by a c.1.4m brick/stone wall. Between this garden and the site access to a garage that sits between the site and the rear garden of 75 Trinity Row.

To the east, at the southern end of the site, is an area of private garden, partly used for the parking of a single vehicle, although it is not clear which dwelling the area relates to. Further north along the eastern boundary, the site adjoins the rear gardens of 3, 4 and 5 Court Terrace. The site steps out around the rear garden of number 4 and then extends back to the north site boundary where trees separate it

from Court Fields School. The western site boundary is formed by trees and a hedge separates the site from the long rear garden of 77 Mantle Street that extends for around 67m from the rear face of the dwelling to the boundary with Court Fields School.

Trinity Row is a terrace of 6 dwellings accessed by a narrow access between 69 and 73 Mantle Street. The access is part concrete footpath and part grass, although vehicles may use the access from time to time to access the parking area, garage and application site, as described above.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – The proposal is for three number two bedroomed dwellings located in Trinity Row, Wellington. Trinity Row is not classified as highway, but connects to the highway at its junction with Mantle Street. Access to the site at the end of Trinity Row would not be possible by vehicular traffic, given its narrow and partially unpaved nature.

On site observations confirm that Mantle Street is heavily parked throughout the day, with available on-street parking at a premium. On this basis, it would be difficult to support any planning application which increases the level of on-street parking in this location.

The site is located within the development limits of Wellington and centrally placed for access to amenities and services required by potential occupants. There is also good access to public transport service routes to access places farther afield such as Taunton. There are public car parks nearby and therefore the location is considered highly accessible.

The County Parking Strategy recommends that one cycle parking space is provided per bedroom, and therefore each property should provide at least two cycle parking spaces. In addition, these spaces should be secure and easily accessible by the potential occupants and these details require clarification.

The development will be car free as there is only access on foot or along which route bicycles may be wheeled, and when taking all of the above considerations into account the highway authority has no objection.

Conditions are recommended that details for cycle parking are submitted for approval and that a travel information pack detailing local bus services and other sustainable transport facilities is prepared for the dwellings.

WELLINGTON TOWN COUNCIL – Verbal - Objects as overdevelopment of the site to an unacceptable degree; no parking would exacerbate the on street parking problems within Mantle Street.

WESSEX WATER - New water supply and waste water connections would be required. General advice provided regarding connection and protection of Wessex

Water assets during construction.

DRAINAGE ENGINEER – No surface water disposal details have been given. Therefore until such time as the necessary information has been provided, object to the proposal.

BIODIVERSITY – No signs of bats were found in the buildings and trees are unsuitable for roosting. It is likely that bats may forage within the site, so external lighting should be kept to a minimum. There was no evidence of nesting birds, however there is potential for birds to nest in the buildings and vegetation on site. Works should take place outside the nesting season.

There is potential for the site to support reptiles. A reptile survey should be undertaken between March and September and if found on site, a strategy to prevent harm and translocate them is required.

Conditions are recommended.

Representations

5 letters of OBJECTION have been received raising the following issues:

- Access is very limited, The intended properties have no access or parking facilities. The lane is a grassed pathway and is unsuitable for regular use/large vehicles.
- Parking in Mantle Street is already severely restricted and below capacity for local residents. Last year the opening of the new Health Centre led to the loss of some 20 street parking spaces.
- There is no access for emergency vehicles.
- Query whether drainage capacity is sufficient.
- The development would compromise the legacy of this intact Victorian Area. It is a vital part of the town's heritage and should be valued, conserved and preserved as such.
- More people would have to walk past 5 Trinity Row, reducing privacy.
- The rear gardens of 3 Court Terrace and 77 Mantle Street and their neighbours would be overlooked.
- The development would be 7m high only 20 feet from the rear door of 3 Court Terrace. Being to the south and west, it would deprive these neighbours of sunlight.
- Construction would cause disruption to Mantle Street and Trinity Row residents.
- It is not necessary or fair to impose new development onto this area when so much development is occurring at the edge of town.
- If development has to take place, it should be less obtrusive, such as a low level bungalow, with some space for screening.
- The plans indicate a tree between the new build and 3 Court terrace – there is no tree and none could ever be planted in that location.
- Surrounding properties would be devalued.

PLANNING POLICIES

W1 - TDBCLP - Extent of Wellington,
STR2 - Towns,
STR4 - Development in Towns,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,
M5 - TDBCLP - Cycling,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£3,237
Somerset County Council (Upper Tier Authority)	£809

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£19,423
Somerset County Council (Upper Tier Authority)	£4,856

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the settlement limit for Wellington, where development is acceptable in principle. The main issues in the consideration of this application are the design and impact on the character of the area; impact on neighbouring property and impact on the highway network.

Design and impact on the character of the area

The site is situated in a part of Wellington where the strong historic Burgage Plot Form of Mantle Street is interspersed with alleys and footpaths which push development back perpendicular to the main street. Rookery Terrace to the east and Trinity Row itself are examples of this. At some point, the plots to the rear of 73 and 75 Mantle Street have been truncated, a garage being constructed at the rear of 75 and the present application site having been marked out as its own entity. Further to the north the rear gardens of 3-5 Court Terrace intrude into the former plot that is once likely to have formed part of 73 Mantle Street. Trinity Row then provides access to the site and the cumulative impact is one that has fragmented these historic plots and eroded the historic grain of this part of the town.

The provision of 3 dwellings parallel to Mantle Street and spanning 2 former Burgage Plots is somewhat at odds with the historic grain as it cements the erosion that has

already been identified above. However, the site is not within the conservation area and, coupled with the existing fragmentation of this historic grain, it is considered that the positioning of the dwellings carries little weight in the decision making process.

In terms of detail, the proposed dwellings are similar in form and scale to those on Trinity Row and, subject to clarification over the facing brick and tile, will be compatible in design terms with these immediately neighbouring properties. Sufficient external amenity space is available for the dwellings proposed and as such the design and layout of the dwellings is considered to be acceptable.

Impact on neighbouring property

The dwellings will be close to the boundaries of 3 and 4 Court Terrace; and 73 to 77 Mantle Street and these dwelling will be most affected by the proposals.

Working from north to south, proposed plot 3 will be 9m from its boundary rear boundary with 4 Court Terrace. This will lead to some new overlooking of this garden, but due to the arrangement of the dwellings, it is not considered that it would unacceptably overlook the living accommodation within the dwelling itself. A 10m off-set from a rear boundary is often considered an acceptable 'rule-of-thumb', so the proposal is slightly short of this distance. The rear elevation of the dwelling proposes a bathroom and bedroom at first floor and with this arrangement, together with the 'side-on' impact to the garden, it is considered that the relationship between the two properties is acceptable.

The rear garden of number 3 Court Terrace would be closer to plot 3, but this would only be overlooked at an angle. The first floor of plot 3 has its bathroom closest to the neighbour, the bedroom being further away. In this context, the overlooking of this property would not be significantly greater than that already suffered from its neighbour 4 Court Terrace. The proposed dwellings would be set off the southwest corner of the 3 Court Terrace, so this dwelling and its amenity space could suffer some loss of direct sunlight in the early afternoon. However, this is not considered to be so significant as to warrant refusal of the application.

Further to the south, is a detached area of grass, currently used for the parking of a car. It is not clear which dwelling this belongs to, but it does not appear to be used as an external amenity space. This area of land will suffer a loss of afternoon sun, but given the apparently low use, it is considered that this impact is acceptable.

To the south, the dwellings would be around 6.5m off the rear boundary of 73 and 75 Mantle Street. This is clearly short of the general rule-of-thumb discussed above however, it must also be put into context. 73 and 75 Mantle Street have a long gardens – around 27m and, therefore, the window-to-window distances to these houses at around 35m are clearly acceptable. The garden of number 73, whilst only 6.5 from the proposed dwellings is also only 3m from the front elevations of 1-6 Trinity Row. In this context, it is not considered that the proposed increase in overlooking is significant enough to warrant refusal of the application. Number 75 is separated from the application site by an existing garage building. This garage, which has a pent roof sloping away from the site up to the rear boundary of 75 and this structure obscures views from the proposed dwellings over this garden area.

To the west, the proposed dwellings would be just 1m from the side garden of

number 77. However, no windows would face this dwelling and, being on the east side, it is not considered that the proposal would result in a significant loss of light to this garden area.

The above detailed considerations lead to the conclusion that the development could proceed without significant detriment to the amenities of the existing neighbouring residential dwellings. In this case, due to the length of proposed rear gardens, substantial extensions could be added without the need for planning permission. It is, therefore, considered necessary to remove permitted development rights for extensions in order to ensure that the amenities of the neighbours is protected into the future.

Impact on the highway network

The site is incapable of providing any vehicular access, let alone any on-site parking. There is significant local concern about the general lack of on-street parking facilities in the area, especially since the removal of a number of spaces to accommodate the access to the new Wellington Medical Centre. Additional dwellings may lead to greater pressure for on-street parking spaces and this is reflected in the Highway Authority's comments. However, they conclude that given the high accessibility of the site to the town centre and public transport links; the provision of secure bicycle parking will make the development acceptable in terms of its impact on the highway network. There appears to be no reason to dispute this opinion, so the impact of the development on the highway network is considered to be acceptable.

Other matters

The Drainage Engineer has requested further details of how surface water will be disposed of. It is unlikely that surface water disposal will be impossible to achieve and, therefore, his objection is likely to be overcome. The applicant's agent has been asked to provide additional information in this regard and Member's will be updated at committee.

The submitted wildlife survey found no evidence of protected species on site. However, it advised of the potential for reptile and bird habitat on site. Therefore, conditions should be imposed to require further survey work in respect of reptiles and that site clearance works take place outside the bird nesting season.

Conclusions

In transport terms, the site is in a sustainable location close to Wellington town centre. As such, it is close to services and public transport links and in light of the Highway Authority's comments, it is not considered that the additional dwelling would put significant additional pressure on parking provision in the immediate area. The proposed dwellings would be acceptably designed and would not have an adverse impact on the character or visual amenities of the area. It has been shown that any impact on neighbouring properties would not be sufficient to warrant refusal of the application and it is, therefore, recommended that planning permission is granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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