

MAPLE TREE PROPERTIES LTD

**DEMOLITION OF DWELLING AND ERECTION OF 4 NO. DWELLINGS WITH ASSOCIATED PARKING AND 1 NO. GARAGE AT MILANWIL, MOUNTWAY CLOSE, BISHOPS HULL (AMENDED SCHEME 05/11/0032)**

Grid Reference: 321112.124621

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Subject to the receipt of amended plans detailing the relocation of a bedroom window and additional hedge planting to the front of plot 4 - Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

**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 01 Location Plan  
(A4) DrNo 02 Block Plan  
(A4) DrNo 25 Location Plan - Pattern of Development  
(A4) DrNo 27 Proposed Block Plan  
(A2) DrNo 23 Rev C Proposed Site Plan  
(A2) DrNo 19 Rev A Ground Floor Plan & Elevations Plots 1 & 2 Scheme 'A'  
(A2) DrNo 16 Rev A Existing Topography Survey  
(A2) DrNo 28 Rev A Ground Floor Plan & Elevations of Plots 3 & 4 and Garage Block

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been 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.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

5.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

6. The access and area allocated for parking and turning shall be hard surfaced before the dwellings hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the

dwellings hereby approved, details of which shall be submitted to and approved in writing by the Local Planning Authority beforehand.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

7. The area allocated for access, parking and turning on the submitted plan (Drawing: 23 Rev C) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

8. 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), there shall be no extension, addition or outbuilding, including alterations to the roof, without the further grant of planning permission.

Reason: To protect the character of the area and residential amenity of neighbouring properties, in accordance with Policy S1(D) of the Taunton Deane Local Plan.

9. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report, dated January 2011 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 wildlife 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 bearing in mind these species are protected by law in accordance with PPS9.

## **PROPOSAL**

The proposal comprises the demolition of an existing bungalow and redevelopment of the site with two semi-detached two storey dwellings and two semi-detached bungalows. The two storey dwellings have been designed with a pitched roof to match the adjoining two storey dwellings on Mountway Lane. The bungalows have been designed with a hipped roof to match the existing bungalows within Mountway Close.

The proposed dwellings will be constructed in render and brick with concrete tiles.

Parking for the new two storey properties and one of the bungalows will be served by parking spaces (2 per dwelling) to the rear of the two-storey dwellings and a single garage and parking space to serve one of the proposed bungalows (Plot 3).

A new access is proposed off Mountway Close to serve the bungalows and parking spaces. The four properties have enclosed private gardens.

The proposal is an amended scheme to application 05/10/0044. The amendments include: -

- The introduction of parking spaces to the rear of the two storey dwellings.
- Relocation of the vehicular access, and in turn revising the position of the two-storey dwellings.
- Alterations to the fenestration of the two-storey dwellings, mainly the removal of the integral garage.
- Alterations to the fenestration of the bungalows.

A further application (05/11/0032) was submitted and refused. The amended scheme proposed a three bay garage block, where parking is now proposed, and was not considered acceptable.

## **SITE DESCRIPTION AND HISTORY**

The site is currently occupied by a bungalow set at the end of Mountway Lane. The dwelling is set back from the two storey dwelling of 11 Mountway Lane and forward of the bungalow at 1 Mountway Close. The site has a long rear garden, substantially larger than the bungalows within Mountway Close. Parking is provided to the front of the dwelling. There is an existing 1.8m fence boundary to the rear and side of the site; to the front is a low wall and hedge with some small trees.

### Planning history

05/10/0044 – Demolition of dwelling and garage and erection of four dwellings, garages and associated external works at Milanwil, Mountway Close, Bishops Hull (as amended). The proposal was granted conditional approval on 25<sup>th</sup> March 2011.

05/11/0032 - Demolition of dwelling and garage and erection of four dwellings, garages and associated external works at Milanwil, Mountway Close, Bishops Hull (amended scheme to 05/10/0044). Refused on 17th August 2011.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Views awaited.

*BISHOPS HULL PARISH COUNCIL* - Views awaited.

*NATURE CONSERVATION & RESERVES OFFICERS* - No further observations, previous comments from application 05/10/0044 as follows: -

Site is short distance from River Tone and surrounded by residential properties, many with large properties.

- Bats - no bats or indication of bats in the building. Gaps on wall hanging tiles to gable ends could be potentially exploited by bats as bats have been recorded within the vicinity. Precautionary approach to demolition of building.
- Reptiles - surveyor considered site does not offer suitable habitat for reptiles or amphibians.
- Birds - Common birds observed during survey. Vegetation on boundaries provides nesting sites and should be retained.
- Badgers - no badger setts found on site, surveyor aware of badger activity in vicinity. Precautionary measures recommended.

*HERITAGE AND LANDSCAPE OFFICER* - Subject to protection of retained vegetation during construction and/or new planting, the proposals are acceptable.

### **Representations**

THREE LETTERS OF OBJECTION: -

- Additional traffic will make lane worse and dangerous for existing residents and pedestrians; extra traffic will mean more noise, pollution from dust and fumes; 8 vehicles for residents and visitors is overkill in once quiet secluded area.
- Proposal will set precedent.
- Over-development; 4 dwellings over the top for such a small plot.
- Demand of services (water, electricity etc) would increase by approximately 37.5%; Can services cope? Have investigations been undertaken? Where would supplies come from?
- Building fronting onto Mountway Close should be set back so Mountway Close not overshadowed.
- Mountway Lane and Mountway Close should be resurfaced on completion of construction; Construction vehicles should not block or access Mountway Lane.
- Laburnum and Cherry tree should have Tree Preservation Order.
- 1.8m fence should be constructed to north and east boundary to minimise view of property and provide privacy.

### **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

M4 - TDBCLP - Residential Parking Provision,

STR4 - Development in Towns,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit and, in any case, the principle of the development has been established by the previous grant of planning permission. The main issues in the consideration of this application are the design of the proposal, impact on the character and appearance of the area, residential amenity, wildlife and highway safety.

### Design

The two storey dwellings adjoining, and facing onto Mountway Lane, have been designed with a traditional pitched roof to reflect the other two storey dwellings in the area. The dwellings are set lower than the adjoining property and have a slightly lower ridge height. The integral garages that were previously approved have been removed in this amended scheme, improving the appearance of the front elevation of the dwellings. Each dwelling has an enclosed rear garden (measuring 9m x 6.8m and 9m x 6m). This is considered an acceptable amenity space for the three bedroom properties.

The two semi-detached bungalows have been designed with a hipped roof to reflect the design of the bungalows within Mountway Close. Both bungalows have an open garden to the front, with enclosed rear gardens. The rear gardens measure approximately 7m x 8.5m (plot 4) and 8m x 7m (plot 3).

The proposed bungalows have amended fenestration including the resiting of the entrance door of Plot 3 to the side of the dwelling.

### Character and appearance

The two storey dwellings have moved further away from the boundary of the adjoining property in Mountway lane; now proposed with a 4m gap that was previously 1.8m. This distance separates the proposal from the Mountway Lane and the dwellings no longer have such a close relationship with Mountway Lane and encroach further into Mountway Close, which itself consists of a group of bungalows. The new location slightly harms the character of Mountway Close and the street scene at this point, however this alone is not considered to be sufficient to warrant refusal of the application.

The proposed bungalows continue the curved pattern of development within Mountway Close and as with the previous application are not considered to harm the character of the area at this point.

The introduction of parking spaces within the centre of the site is not considered to harm the character and appearance of the site. The proposal differs to the previous refusal which proposed a permanent garage block within the site.

The sizes of the gardens are considered comparable with other properties within the area. While the majority of properties sited to the north in Mountway Lane have long rear gardens, other properties have smaller gardens. No 5 and 7 Mountway Lane are

set back from the lane with a large off road parking area to the front and smaller rear gardens. Nos 1, 3, and 4 Mountway Close also have comparable sized gardens to the proposed development.

### Residential Amenity

The two storey dwellings are not considered to harm the residential amenity of the area. Plot 2 will project beyond the rear of the neighbouring property (11 Mountway Lane) by 2m. As Plot 2 is set away from the boundary at an angle, this projection is not considered to cause any undue harm the neighbour. There are no windows within the side elevation of Plot 2. As such, there is also not considered to be any undue overlooking from Plot 2.

Plot 1, at its closest point, would be 17m away from the neighbouring property of 1 Mountway Close. Given the angle of the plot to this neighbour, there is not considered to be any undue loss of privacy. The gardens of both plots would be enclosed by a high boundary, preventing any overlooking from within the gardens and from any ground floor windows.

Plot 3 is sited to the rear of the neighbouring garden of 11 Mountway Lane. Given the distance of the proposed dwelling to the rear of the neighbouring property, there is not considered to be any impact on their amenity. The window within the side elevation will serve a bedroom. The boundary fence will partially screen these windows.

Plot 4 is sited 2m from the side boundary and 4m from 1 Mountway Close. This property has two side windows serving the bathroom and the bedroom. Both windows face onto the side of 1 Mountway Close that has windows within the side elevation. The agent has proposed to move the side bedroom window to the front of the dwelling, avoiding any future impact on residential amenity. A new hedgerow, enclosing the front garden has also been requested to avoid any overlooking or disturbance to the occupiers of the bedroom. As such there is not considered to be any harm to the amenity of the neighbouring property.

### Wildlife

A wildlife survey has been submitted as part of the application. The survey indicates that there are no bats present on site, but the building does provide opportunities for roosting. As such, a precautionary approach is advised during demolition; no suitable habitat for reptiles or amphibians; common birds observed and vegetation on boundaries provide nesting sites, and should be retained; no badger setts within the site, though aware of activity within the vicinity. The report has suggested a number of recommendations, including the mitigation for nesting birds. The Nature Conservation Officer previously suggested a condition to ensure the recommendations of the report are undertaken.

As such, it is considered that implementing the suggested recommendations and by providing mitigation for any nesting birds, the proposal can be constructed without any undue harm to protected species.

### Highways

Comments from the Highway Authority have not yet been received. Notwithstanding

this, some of the Highway Authority comments previously received equally apply to this application. Previously it was recognised that there will be an increase in traffic movements from the three additional dwellings, but do not believe this issue significant enough to warrant refusal. Furthermore, the site can provide sufficient parking, as set out in the Local Transport Plan, and turning within the site.

Although the lane is an unadopted highway, conditions previously requested by the Highway Authority were considered reasonable, and would equally apply with this application.

The main issue arising is with regard to the use of the private lane and the use of the lane to allow commercial/trade vehicles to park and the repair of the lane, if damaged.

As access to 3 & 4, and parking for Plots 1 & 2, is off Mountway Close, which is private, and managed, by seven groups of residents, it is considered their responsibility as to whether access is allowed, and is a civil/legal matter that is not material to this decision.

Once Highway comments have been provided, and update will be issued.

### Landscape

The existing Fir tree, Cherry tree and planting within the site is considered to have limited amenity value and is not worthy of a Tree Preservation Order. Notwithstanding the above comments, a landscaping scheme should be provided to compensate any loss and to provide/retain suitable nesting sites for birds.

### Conclusion

The proposed development can be accommodated within the site without harming the character and appearance of the area or residential amenity. Car parking can be provided within the site preventing vehicles from parking on the highway and increasing risk to users of the Lane. Wildlife and landscaping have been assessed and conditions are recommended. The proposal is therefore considered acceptable.

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

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