

43/13/0030

MR J HILL

DEMOLITION OF INDUSTRIAL SHED AND ERECTION OF TWO SEMI-DETACHED HOUSES AT 11 BURGAGE, WELLINGTON AS AMENDED

Grid Reference: 313788.120721

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. There would be no significant adverse impact upon highway safety visual or residential amenity and therefore the proposals are considered to comply with Policies DM1 (General Requirements), SP1 (Sustainable Development Locations), CP4 (Housing), and CP8 (Environment) of the Taunton Deane Core Strategy and guidance contained within 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:

(A3) DrNo 12027-05 Block Plan
(A3) DrNo 12027-06 Site Plan As Existing
(A2) DrNo 12027-02C Proposals

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 ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. 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 or addition (including dormer windows) to the dwelling houses hereby permitted without the further grant of planning permission.

Reason: To ensure an appropriate level of amenity space is retained for the enjoyment of future occupants in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 window/dormer windows shall be installed within any elevation or part of the dwelling houses hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

6. 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) the bathroom windows to be installed in the South West elevation of the dwelling houses hereby permitted shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained in perpetuity.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

7. The access and parking area shall be hard surfaced before the dwelling houses hereby permitted are first occupied. The hard surface shall be made of porous material, 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 dwelling houses. Thereafter the parking spaces shall be kept clear from obstruction and not used other than for the parking of domestic vehicles in association with the dwelling houses hereby permitted..

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The development hereby permitted shall not commence (including demolition)

until the applicant has undertaken a bat emergence survey of the site carried out an appropriate time of year (mid April - end August). The results of the survey should inform the wildlife strategy required by Condition 09 of this permission.

Reason: To maintain the status of bats and their habitats. Bats, their roosts and habitats are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Core Strategy Policy CP8.

9. The development hereby permitted shall not be commenced until details of a wildlife strategy to protect and enhance the development for bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's preliminary bat appraisal dated April 2013 and an up to date emergence survey 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 bats and nesting birds could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for bats and nesting birds;
- Details of any external lighting.

Once approved the works shall be implemented in accordance with the approved details and timing of the works and thereafter the resting places and agreed accesses for bats and nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roost and nesting boxes resting places and related accesses have been fully implemented

Reason: To protect and accommodate bats and nesting birds and their habitats from damage bearing in mind these species are protected by law.

10. Prior to implementation, details of the means of storing bicycles on the site shall be submitted to and approved in writing by the Local Planning Authority. Once approved the facilities shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and shall thereafter be retained for those purposes in perpetuity.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

11. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving,

walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
3. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
4. You are advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development.
5. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
6. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease

immediately and advice must be obtained from the Governments advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

The application, as amended. seeks planning permission for the demolition of an industrial shed and erection of a pair of semi detached two bedroom dwellings at Burgage, Wellington.

Combined, the two dwellings will have a footprint of 9.5m x 7.5m with height to eaves and ridge of 5.0m and 7.1m respectively. The dwelling houses will be finished externally in painted render, concrete roof tiles, timber doors and uPVC or timber windows; both units will have a small porch canopy to the Northeast doorway. Both plots are to be served by rear court yard gardens measuring approximately 4.7m x 2.1m; the southeast plot will be served by two end on vehicle parking bays whilst the northwest plot will be car free. Bicycle storage sheds are provided to the rear courtyards.

SITE DESCRIPTION AND HISTORY

The application site is located along Burgage within the centre of Wellington; it currently comprises a dated industrial building that is of concrete block walls with brick piers and corrugated roof sheets. At present the building is subdivided into garages that are let by the owner to members of the public for various uses, inclusive of storage and parking. To the South, East and West of the building are residential properties, to the North is a range of smaller garage units. The lane known as Burgage is an "urban footpath"; the lane is not a classified highway.

There has been a varied planning history to the site, which has been the subject of three previous planning applications, which are outlined below:

43/89/0101 - erection of a bungalow with access thereto - refused planning permission

43/90/0049 - erection of bungalow with access thereto - refused planning permission and appeal dismissed.

Both of the above applications had concerns with overdevelopment and amenity although highway safety was not a reason for dismissing the latter appeal.

43/97/0006 - erection of bungalow with access thereto - planning permission granted subject to conditions.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP -

It should be noted that from the submitted block plan drawing that the applicants red line drawing does not meet the publicly maintained highway, so technically the proposal does not have a permitted means of access to the highway. Clarification will be needed with regards to the ownership of this section of land and whether the applicant has a right of access over this land.

The primary access onto North Street is considered substandard. The Highway Authority would not wish to see an intensification of this substandard access. The access does not provide suitable width to accommodate two-way vehicle flows neither does the access provide pedestrian visibility.

From on site observation and inspecting the submitted drawings, the site is shown as garages. The Design and Access Statement states that this area is currently used for vehicle parking, however, it is unclear whom it is provided for. Therefore, it is assumed that proposal for two dwellings will mean that off street parking provision would be unavailable to those whom park in this location. Again it is unknown to who the parking area is provided for at present, but I can comment that two new dwellings will generate 12-16 vehicle movements per day, according to TRICS database. Clarification is needed on the use of this parking area (who).

It is noted from the submitted Drawing No. 12027/02B that each plot is provided with two bedrooms. The proposal is not inline with the optimum standards indicated within the Somerset County Council – Parking Strategy as two parking spaces are required for each dwelling.

Within the Design and Access Statement, the proposal outlines that two spaces will only be allocated for one of the properties and that the other is to be provided within none (car free). Why make provision for one dwelling and not the other? The Highway Authority consider that provision for one dwelling with associated parking or two properties both designated as car free would be acceptable in this location.

In addition, as part of the newly adopted Parking Strategy, new residential dwellings need to provide a minimum of one cycle space/storage facility per bedroom. These are based on dimensions of 2m x 1m or show provision within the site to allow the occupiers of the proposed dwellings to use alternative sustainable modes of transportation.

Recommends that planning permission be refused for the following reasons:

The increased use of the existing substandard access which does not incorporate the necessary visibility splays, such as would result from the proposed development, would be prejudicial to road safety. As a consequence, the proposed development would be contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy.

The site cannot accommodate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear, which is essential to highway safety. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy.

The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal

is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy.

WELLINGTON TOWN COUNCIL - Councillors discussed concerns over vehicle movement in the area but with a similar development taking place nearby this seemed not to be an issue. Recommended that permission be granted.

WELLINGTON COMMUNITY OFFICE - N/A

DRAINAGE ENGINEER - No comment.

WESSEX WATER - Standard guidance notes provided.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST -

HERITAGE - No observations.

BIODIVERSITY - No objection. Conditions recommended for emergence survey and bat mitigation measures.

Representations

5 letters of objection received from local residents making the following planning related comments:

- This is overdevelopment of Burgage; problems already existing with parking and two further properties would only worsen matters;
- Access will be unsuitable for anything other than a transit van;
- Construction traffic and access is a concern and problematic; would impact upon car users and pedestrians;
- The building is attached to adjoining garage structures and walls;
- The lane is only suitable for one vehicle at a time;
- The proposed bin store will obstruct visibility when emerging from garage and of other road users, including children, also;
- Bats use the building for feeding and roosting and destroying this site will endanger their diminishing habitat;
- The privacy of Rainbow Cottage will be adversely affected by the close proximity to it of first floor windows;
- All windows of Rainbow Cottage are within 11 metres of the front elevation; front first floor windows should be rooflights as with recent adjacent development;
- The proposed second bedroom window will overlook Rosslyn as will the bathroom windows if they can be opened; request a covenant is a condition of any permission requiring obscure non opening windows;
- The rear wall is a part wall and the development will affect this;
- Asbestos will need to be dealt with appropriately during demolition to avoid health and safety impact upon neighbours;
- The previous permission for a one bedroom bungalow would be more suitable and less cramped than the two proposed.

PLANNING POLICIES

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP4 - TD CORE STRATEGY - HOUSING,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
NPPF - National Planning Policy Framework,

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)	£2158
Somerset County Council (Upper Tier Authority)	£540

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£12949
Somerset County Council (Upper Tier Authority)	£3237

DETERMINING ISSUES AND CONSIDERATIONS

The application site is located within the defined settlement limit of Wellington, within easy walking distance of services and employment opportunities that will generally be required on a day to day basis by prospective occupiers of the two dwelling houses. In such locations, the principle of new residential development, particularly on previously developed land such as this, is considered to be acceptable and for this reason the proposals accord with the broad aims of Core Strategy Policies SP1, CP1 and CP4.

Notwithstanding the above, the pertinent issues to consider in addition to planning policy are the impact of the proposals upon visual and residential amenity and highway safety.

Visual amenity

The proposals will result in the removal of a block built unit that relates poorly to the appearance of the street scene along Burgage, which is characterised by narrow and cramped residential plots, generally of a traditional appearance finished in render and facing brick. The proposed dwellings are simple in their design and are considered to represent a significant improvement to the visual amenity along Burgage compared to the negative impact that currently results from the industrial unit.

It has been suggested that the proposals represent an overdevelopment of the site; whilst one unit would sit more comfortably here two units can be accommodated as the plans demonstrate. Whilst more amenity space would be desirable, such is a matter for prospective purchasers/occupants to consider. The grain of the area is relatively tight and the proposals are considered to reflect the form scale and layout of the area in general.

Residential amenity

Objection has been received from neighbouring residents concerned with the potential loss of privacy and overlooking of existing dwelling houses by occupants of the proposed development. There are no perceived issues regarding outlook or light. The original scheme was amended to remove bedroom windows from the rear elevation which original provided views directly into a bathroom velux roof light and garden of the property known as Rosslyn; the two first floor windows remaining to the rear serve bathrooms and will be fixed and obscured glazed to prevent any overlooking; such will be severed in perpetuity through a planning condition. The two first floor bedroom windows have been moved to the Northwest and Southeast elevations; here it is considered that the bedrooms will not result in any significant loss of privacy to neighbouring properties.

The primary impact of the development will be upon the dwelling house to the Northeast, which is known as Rainbow Cottage. The Northeast elevation of the development contains two first floor bedroom windows that will look out toward those windows within the Southwest elevation of Rainbow Cottage; the separation between the windows will be approximately 11.5 metres. Such a distance is below the normally accepted minimum separation between properties. The front windows to Rainbow Cottage appear to serve a landing and bedroom(s) although such cannot be confirmed at this stage.

The proposed bedrooms are unlikely to be used on a continual basis through the day and such are not commonly where one would spend most leisure time within a dwelling house. Whilst bedrooms will be used such is likely to be more infrequent than say a living room. Any prospective occupant would also need to actively attempt to look into the windows of the adjacent property and for privacy reasons of their own such is likely to be unlikely. Whilst there is the potential for conflict and overlooking here, such is not considered to be so significant an issue as to warrant the refusal of planning permission on its own.

Highway safety

Objections have been received from residents and the Highway Authority virtue of the nature of Burgage, its access onto North Street and the parking and turning provision, or lack thereof at the site. It has been suggested that the residential development of the site will result in a detrimental impact upon highway and pedestrian safety.

It should be noted that the existing building currently generates a number of vehicle movements through its private use for garaging and storage. One of the two dwellings will be served by parking spaces whilst the second will be a car free property. Car free development has been permitted previously along Burgage (43/09/0004) and has more recently been granted planning permission nearby on land off Mantle Street (43/12/0068). It is accepted that turning at the property will be awkward but such the case for most properties along Burgage. The lane does not support a significant number of properties and is relatively lightly trafficked when compared to most residential streets.

Permission has been granted historically for one dwelling with parking. Car free development in this location is considered to be acceptable and having regard to the existing use of the building, the vehicle movements associated with one dwelling are

not considered to result in such a significant increase in vehicle movements along Burgage and onto North Street to have a significant adverse impact upon highway safety.

Other Matters

Concerns relating to party walls are not material considerations to this planning application and do not themselves warrant refusal of the proposed scheme. Any inconvenience that may be caused from construction traffic is considered to carry very limited weight.

Bat droppings have been found within the building and therefore further survey work will be requested to ascertain the level of use; this together with mitigation can be agreed by way of condition but at this stage the proposed development is not considered to result in the loss of a habitat used by protected species.

Demolition of the building and the disposal of hazardous waste such as asbestos, if present, will be subject to rigorous health and safety regulations which the developer will need to comply with throughout works.

Conclusions

Wellington Town Council support the proposals, which represent an appropriate development and re-use for this previously developed site; the proposed dwellings will be located within the settlement and within easy reach of day to day services and employment. The impact of the proposed development, having regard to visual and residential amenity and highway safety, is not considered to be so detrimental as to outweigh the benefits of providing new residential development in this location. The proposals are considered to represent a sustainable form of development and it is therefore recommended that planning permission be granted subject to conditions.

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

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