

TAUNTON DEANE BOROUGH COUNCIL

DEMOLITION OF PUBLIC HOUSE, PUBLIC TOILETS AND 10 No. PREFAB CONCRETE (PRC) COUNCIL HOUSES AND ERECTION OF 26 No. DWELLINGS (12 No. 1 BED, 9 No. 2 BED, 4 No. 3 BED AND 1 No. 4 BED) WITH ASSOCIATED PARKING AND LANDSCAPING ON LAND AT THE WEAVERS ARMS AND OAKEN GROUND, ROCKWELL GREEN, WELLINGTON

Location: WEAVERS ARMS, 102 ROCKWELL GREEN, WELLINGTON, TA21 9BY

Grid Reference: 312603.120271

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to –

- A) The applicant entering into a S106 agreement to secure 25% of the dwellings as affordable housing and a contribution of £12,264 towards children's play facilities.

Conditional Approval

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:

(A1) DrNo 3456/PL16 Proposed Possible Photovoltaic Positions in Elevation

(A1) DrNo 3456/PL15 Proposed Possible Photovoltaic Roof Plan

(A1) DrNo 3456/PL14 Rev G Proposed Boundary Treatment

(A1) DrNo 3456/PL13 rev E Proposed Site Levels

(A1) DrNo 3456/PL12 Topographical Survey

(A1) DrNo 3456/PL11 Proposed Street Scenes

(A1) DrNo 3456/PL10 Proposed Bungalows (Plots 24, 25 & 26)

(A1) DrNo 3456/PL09 Proposed Plots 22 & 23

(A1) DrNo 3456/PL08 Proposed Plots 20 & 21

(A1) DrNo 3456/PL07 Proposed Plots 18 & 19

- (A1) DrNo 3456/PL06 Proposed Plots 16 & 17
- (A1) DrNo 3456/PL05 Proposed Plots 14 & 15
- (A1) DrNo 3456/PL04 Proposed Plots 9-13 (4 Bed House & Flats)
- (A1) DrNo 3456/PL03 Proposed Plots 1-8 (Flats)
- (A1) DrNo 3456/PL02 Rev G Proposed Site Plan
- (A1) DrNo 3456/PL01 - Location & Block Plan

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

3.
 - (i) Prior to the commencement of the construction of any dwellings, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, and details of any trees to be retained, 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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Prior to their installation, details and/or 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 ensure that the proposed development does not harm the character and appearance of the area.

5. Prior to its implementation, full details of the proposed western boundary treatment to plots 18-23 and plot 26 shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the plots to which they relate and shall thereafter be maintained as such.

Reason: In the interests of the amenities of neighbouring residents.

6. The developer shall undertake all the recommendations made in The Bat

Consultancy's Bat Survey report dated June 2015 and provide mitigation for bats as recommended.

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.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To ensure that the Favourable Conservation Status of Bats is maintained.

7. The surface water and foul drainage strategy shown on Hydrock drawing C151169-C001 rev B contained in the Drainage Strategy Statement shall be fully implemented prior to the occupation of any of the dwellings hereby permitted and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent any increase in off-site flood risk.

8. Prior to the occupation of the dwellings to which they relate, the parking spaces shown on the plans hereby permitted shall be laid out, surfaced and made available for use by the property to which it relates and shall thereafter be maintained as such.

Reason: To ensure that adequate parking provision is made for the traffic likely to be attracted to the site.

9. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over both the entire eastern and northern site boundaries frontages. Such visibility splays shall be fully provided before any dwelling hereby permitted is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of Highway Safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no fences, gates walls or other means of enclosure shall be erected forward of the front elevation or side flank wall of exposed corner plots of the dwellings hereby permitted other than that expressly authorised by this permission without the

further grant of planning permission.

Reason: In the interests of the visual amenities of the area.

10. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of a line drawn 2.4m back from the nearside carriageway edge on the centre line of the proposed access located adjacent to the junction of Oaken Ground with The Well and extending to a point on the nearside carriageway edge 25m on both sides of the proposed access. Such visibility shall be fully provided before any dwelling hereby approved is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of Highway Safety.

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 has negotiated amendments to the application to enable the grant of planning permission.
2. 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.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).
3. The western boundary to plots 18-26 contains a number of established trees and shrubs which provide a high level of amenity to the neighbouring residents. It would be beneficial to retain as much of this vegetation as possible and details should be included in the landscaping scheme.

PROPOSAL

This application seeks full planning permission for the erection of 26 dwellings on land at Oaken Ground, Rockwell Green.

On the south west corner of the site, 8 one-bedroomed flats are proposed in a single two-storey block wrapping around the corner of Oaken Ground and Popes Lane, the main road through Rockwell Green. Parking would be provided to the rear. The dwellings would be set back slightly from the pavement edge behind a metal fence.

On the south east corner, would be 4 more one-bedroom flats, attached to a 4-bedroom dwelling facing the length of Oaken Ground that runs north towards Northside.

10 no. 2 and 3 bedroom semi-detached then extend to the north, all facing Oaken

Ground. At the southern end, parking is provided alongside the dwellings, to the north, it is provided to the front.

On the northern part of the site, fronting Northside, 3no. disabled adapted bungalows would be provided. Parking spaces would be provided to the north of these including 5 visitor spaces which the applicant has stated could be used by other, existing, local residents on a first come-first served basis.

SITE DESCRIPTION AND HISTORY

The site currently comprises the Weavers Arms public house, 10 Taunton Deane owned dwellings and a disused public toilet block. The public house sits on the corner of Oaken Ground and Popes Lane and has a small parking area/beer garden to the rear. Adjoining this to the south (fronting Oaken Ground) is a small parking area, public toilet block and electricity sub-station.

The 10 existing dwellings occupy the eastern part of the site, running along the western side of Oaken Ground. The dwellings are two storey semi-detached and set back from the road frontage which is characteristic of the area as a whole. To the north, a hedgerow forms the boundary with Northside, a wide cul-de-sac which leads to a pedestrian access back through to Popes Lane. There are 4 bungalows on the opposite side of Northside.

Off the northwest corner, a row of 4 terraced two-storey cottages face the site, separated by a footpath that gives access to the dwellings. The front elevations are approximately 2m from the site boundary, separated by a footpath that gives access to these dwellings and their detached private gardens beyond. These private gardens extend to the south along the western side of the application site, separated from it by a mix of timber and wire fences and established garden planting.

A number of other buildings back onto the western boundary of the site, including the gable end wall of another row of cottages accessed from Popes Lane.

There is no relevant planning history to this site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Comment as follows:

Traffic Impact Comments

The traffic impact of the development will be limited although the proposed parking level is below the optimum provision stated in the SCC Parking Strategy. However, the proposed development is largely compliant with policy. The main points being:-

Access to part of the development will be via the existing pub access between Popes Lane and Oaken Ground, 14 car parking spaces will be provided in this south western corner of the development. There will also be access to individual

properties on Oaken Ground and on Northside.

- The application proposes to provide 46 parking spaces, SCC Parking Strategy states that for a residential development of this size would need to provide 49 car parking spaces with 6 additional visitor spaces. However, it is not considered that this would cause a highway safety issue as the highway is wide and parking currently appears to occur in this area.
- 14 cycle spaces will be provided at the south western corner and in individual sheds within the individual property curtilage.
- Turning space is sufficient within the car park in the southwest of the development with a minimum of 6m provided to reverse into.
- Pedestrian facilities will be provided via the in situ pedestrian infrastructure on Oaken Ground. Manual for Streets suggests a minimum of 2m unobstructed width should be provided for pedestrian footways.
- The development is in a sustainable location with bus stops located within 150m of the site on Popes Lane running services to, Taunton, Wellington and Bridgwater.

Flood Risk Assessment Comments

To response to the Drainage Strategy Statement, Ref. R/152269/003.02 dated May 2015, prepared by Messrs Hydrock Consultants Ltd and submitted in support of the above proposals. I would comment on the contents and conclusions in this report as they relate to existing and prospective public highway areas as follows:

It is evident that existing hard-standing areas within the development land discharge run-off out onto the public highway (Oaken Ground) and the redevelopment provides the opportunity to prevent such discharge happening in the future, thereby ensuring that the existing highway drainage system will correctly serve to collect run-off from the highway only. As such all driveways and parking areas should be designed so as not to discharge run-off towards the highway and it may therefore be necessary to install interceptor drainage.

The report suggests that it may be appropriate to use permeable paving for some vehicular areas and if so the designer needs to ensure that such areas are designed so they do not compromise the structural integrity of any adjacent public highway areas and also be set with levels that fall away from the highway.

It is noted that a storage tank is proposed to be located in the frontage of Plots 20-23 adjacent to the back edge of the footway running along the western side of Oaken Ground. It is imperative that this storage tank is watertight such that it will not introduce water into the ground adjacent to the structure of the public highway. Further, the design and positioning of the tank should be such that any future excavations within the public highway do not increase the risk of compromising the structural integrity of the tank or its watertight surround.

Travel Plan Comments

A detailed TPS has been submitted. The site is located within easy reach of local facilities and amenities and good bus links. There are only a few issues (most of which are minor) that need to be addressed:, these being:-

- Electric vehicle charging points have not been included
- The Travel Information Pack and the Residential Travel vouchers should be provided up to 3 tenures within the first 5 years of the development.
- Further details are required regarding cycle and motorcycle parking.
- The amount of time and budget that will be given to the TPC in order to fulfil their role needs to be stated in the TPS.

Summary

In light of the above, the Highway Authority does not consider there to be any grounds to recommend refusal of the application on either traffic impact grounds or highway safety, subject to minor changes to the TP as detailed above, confirmation that the comments made on FRA have been taken on board by the developer and confirmation that a 2m footway is to be provided on both Oaken Ground site frontages as this is not clear from the submitted plans I have available.

It will be also be necessary to provide a 2.4m deep parallel visibility splay across the same site frontages (measured from the carriageway edge) with no obstructions to visibility in this area greater than 900mm above adjoin road level and this should be shown on amended plan along with the aforementioned 2m footway.

The applicant should also be advised that a Section 278 Agreement will be required to enable the construction of the new widened footway as well as the multitude of new access points to be formed and any dropped kerbs no longer required to be replaced with full height kerbs as considered appropriate by the Highway Authority (and any other ancillary works such as drainage etc...) – this being the subject of a suitably worded negatively planning condition which can be provided at a later time once the issues raised above have been dealt with satisfactorily and approved by the Highway Authority as part of a final consultation response.

Subsequent to this formal response, the highway authority have confirmed that the existing 1.8m wide footway is sufficient and that amendments to the travel plan are not necessary given that the increase in dwellings is only 16.

In light of concerns raised by local residents and the Town Council, the Highway Authority have been asked to comment on the potential displacement of existing on-street parking provision. They have commented as follows:

“I think we have made our views clear on the parking to be provided as part of the new development (i.e. that 55 spaces is sufficient in this case). I have also checked our road records and the area I think you are referring to forms part of the adopted public highway and such any parking that occurs at the present time is on informal / ad hoc basis only and subject to change at any time.

With regard to any wider issues associated with on street parking that may or may

not exist elsewhere, I believe it would be unreasonable to attribute these in some way to the proposed development firstly because the parking level proposed meets the appropriate requirement set out in our parking strategy and secondly that any existing residents in the vicinity of the application site (without off street parking being available to them) would themselves need to ensure that when they park their vehicles, they do so in safe manner having regard to the highway code, any other relevant legislation and any parking restrictions (eg Traffic Regulation Orders) that are in place”.

WELLINGTON TOWN COUNCIL - Councillors discussed the layout of the development, resident amenity space and impact on the area. Concerns around traffic and parking in the area were raised.

Recommend that permission be granted subject to properties with the in-line parking spaces have their parking re-distributed to prevent overcrowding and parking on the road.

WESSEX WATER - The applicant has undertaken pre planning discussions with Wessex Water with the submission in general conformity with our requirements;

separate systems of on-site drainage with existing sewers re-used or sealed as

appropriate. Detail to be agreed with Wessex Water through Water Industry Act mechanisms.

HOUSING ENABLING - Supports the application as the development will provide a wide range of affordable homes reaching 'lifetime homes' principles to meet the current housing need.

The affordable housing should meet at least Code for Sustainable Homes Level 3, or meet any subsequent standard which may supersede at the date of approval of the full application or reserved matters application.

BIODIVERSITY – The Bat Consultancy carried out an Extended Phase 1 Habitat Survey of the site in January 2015.
Findings of the report are as follows

Birds .

A single bird's carcass was found within the loft of property no 4 and signs of an old nest that had been removed from the external corner of the same building.
Vegetation throughout the site holds some suitability for nesting bird species
I support the recommendation to carry out an inspection for active bird nests prior to any vegetation clearance and demolition, if works are carried out between March and September.

Reptiles .

Habitats present within the site were considered to be of limited value for reptiles. However I support the proposal to carry out precautionary management. Grass and stump clearance should be carried out under the supervision of an ecologist

Amphibians .

Frogs and toads may be present beneath garden sheds. The proposal is to capture and remove any amphibians from the site under the supervision of an ecologist

Badger .

The surveyor did not find any signs of badger on site

Bats

The buildings did hold some features that may be used by roosting bats, however evidence of bats was not observed during the internal and external inspection of the buildings in January. I agree that bats can be well hidden in the winter months so I support the recommendation to carry out a summer surveys. These surveys should be carried out now May to September.

Further to previous comments, a further bat survey has been undertaken by the Bat Consultancy in June 2015.

Two common pipistrelle roosts of 1-2 bats were found behind the fascia and behind the window frame of building 9/10.

In addition a common pipistrelle bat was thought to emerge from building 7/8.

I agree that an EPS licence is required to demolish the buildings. Demolition should take place between September to November following exclusion of bats from the properties. I support the proposed mitigation. A bat box should be erected on site prior to demolition. The construction of the NW property which will contain the new bat roosting features should be complete by the month of May in the following year

LEISURE DEVELOPMENT – In accordance with Local Plan Policy C4, provision for play should be made for the residents of these dwellings.

An off-site contribution of £3,066 for each additional 2 bed+ dwelling should be made towards to the provision of children's play. The contribution to be spent on play equipment, within the vicinity of the development.

A contribution to public art should be requested, by commissioning and integrating public art into the design of the buildings and the public realm.

SCC - FLOOD RISK MANAGER - The approach to reduce runoff from this brownfield site is welcome and given the confined nature of the site, the proposals for attenuation on site are acceptable.

The surface water drainage system appears suitable for adoption by Wessex Water and confirmation that they are willing to adopt should be sought.

If it is not to be adopted by WW a maintenance plan, for the life of the development, will be required.

SCC – ARCHAEOLOGY As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

Representations

Ward Councillor (Cllr J Reed): While appreciating that this build will provide much needed housing I do think we need to be aware that we do not create problems for resident home owners in the area. For example car parking for three bungalows and their visitors does not really require eleven spaces.

Some of these spaces should be available for home owning residents who otherwise will have nowhere to park. Also could one less bungalow be built in the row of three that back on to 87 Rockwell Green as it is far too near their boundary and looks like could be an invasion of privacy.

8 letters of OBJECTION

- The proposed parking for the bungalows leaves an unsatisfactory arrangement for existing residents.
- The residents of Popes Lane have nowhere to park due to double yellow lines. They park around Oaken Ground and this provision will be removed by the development. Quality of life for existing residents will be reduced as a consequence.
- The cul-de-sac of Northside is used by 7 existing dwellings with no parking provision. This currently generates a need for 10 cars which would be left with nowhere to park. Allotment holders also use this area for parking during the day. This parking has been available to local residents for over 20 years.
- The area for the bungalows should become a public car park to alleviate the existing problems reduce congestion on Popes Lane to allow the bus service to continue. 1 less bungalow would alleviate many problems.
- The proposed off-street parking will remove existing on-street parking for the residents opposite.
- People already park on pavements in the locality causing obstructions for pedestrians including children accessing the school.
- Congestion is extreme and there is traffic mayhem at school times.
- The gardens for 84-87 Rockwell Green would become unusable during the build process. It is unclear where the boundaries to these properties would be.
- The development will be overbearing on 84-87 Rockwell Green – the boundary fence will reduce light into living rooms, the new dwellings would be

too close the boundary.

- The development would be unacceptably overbearing on 87 Rockwell Green. The proposed boundary fence would prevent maintenance of a 250 year old shed, which is continuously required.
- The development would result in the loss of the wildlife corridor along the western site boundary.
- Only 16 properties would be gained, and 12 of these would be 1 bed flats. It would cheaper to replace the exterior of the existing properties in brick.
- Renovations carried out 10 years ago are a waste of money if the existing properties are really in such poor condition.
- More time is needed to find alternative accommodation.
- No compensation is being offered for the inconvenience, disruption and dust that will be caused during development.

2 letters of concern

- Query whether any parking spaces would be allocated to the existing dwellings 84-87 Rockwell Green.
- The proposed tandem parking arrangements will encourage parking on the street and car shuffling – parking should be provided along the entire frontage instead.

PLANNING POLICIES

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,
CP4 - TD CORE STRATEGY - HOUSING,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP3 - TD CORE STRATEGY REALISING THE VISION FOR WELLINGTON,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

Community Infrastructure Levy

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

New Homes Bonus

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)	£21,745
Somerset County Council (Upper Tier Authority)	£5,436

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£130,471
Somerset County Council (Upper Tier Authority)	£32,618

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the settlement limit for Wellington and is, therefore, acceptable in principle. The site will be providing 100% affordable housing, although to ensure continued policy compliance and safeguard the Local Planning Authority's interests in the event that the site were sold to a third party, a S106 agreement is required to secure 25% of the dwellings as affordable. The development will result in the loss of a public house, but such provision still exists within Rockwell Green so this is considered to be acceptable.

The main issues in the consideration of the application are the impact on the character and visual amenity of the area, the impact on the highway network, the impact upon neighbouring property and the impact on wildlife.

Character and visual amenity

The area has a varied character. The main road through Rockwell Green contains a mix of 2 and 3 storey dwellings with limited set back from the highway. The proposed treatment of the corner site is considered to respect this character and will integrate well into the street scene. It is likely to provide a visual improvement over the somewhat ad-hoc arrangement of parking, hard landscaping and toilet block that is currently on the site. Being set close to the back edge of the footway, it will be more imposing than the existing public house, but this will not be detrimental to the character of the area.

Moving to the eastern part of the site, the existing character of the area is strongly of two-storey dwellings, set back from the highway. The set-back will be reduced slightly from that of the existing dwellings and across the frontages of the dwellings, running up Oaken Ground, 800mm railings will be provided to define the private space of the dwellings. This will be a change to the character of the area from the current completely open plan nature. However, railings are not completely solid and are considered to complement the design of the proposed development, they will not be intrusive in the street scene and will be acceptable.

It is recommended that restrictions on permitted development rights for fences and enclosures are imposed in order to maintain the openness, high quality and uniformity of the railings proposed.

The proposed dwellings will be finished in a mix of brick and render under tiled roofs which is representative of many of the surrounding dwellings. Final details should be approved by condition.

Highways

The proposed development will provide 55 parking spaces, which includes 9 visitor spaces. This complies with the County Council's optimum parking standards and as

Local Highway Authority, they have confirmed that this is acceptable. Some concern has been raised regarding the level of parking provision, especially given that the road gives access to Rockwell Green Primary School. However, in light of the Highway Authority's comments this is not a highway safety concern in this case and the parking provision is considered to be appropriate.

The main area of concern for local residents, particularly 84-87 Rockwell Green, off the northwestern corner of the development, is the loss of their existing ability to park on the street outside their homes. At present, approximately 10 cars are parked in this location on a regular basis. The Highway Authority have been asked to comment on the implications of the displacement of these parked vehicles to other locations on the highway network but have stated that they have no concern about this. The issue, then, is not one of highway safety but of inconvenience to the existing residents. It is not clear where the closest parking provision will be, but it is likely to be some distance from these dwellings. That said, nobody has a right to park on the public highway, so it is difficult to attach significant weight to this. Furthermore, at the present time, 10 cars can only be accommodated because they park end-on, partly on the footway. Whilst this practice appears to have been going on for many years it is, strictly speaking, illegal. This further reduces the weight that can be attributed to the displacement or loss of this parking.

On this matter, the applicant has stated that the 5 visitor spaces proposed on the site in this location will be available to the existing residents on a first come-first served basis, although it is not possible to safeguard this through planning conditions and relies upon the goodwill of the land owner to allow this practice to continue.

The proposed access to the parking area for the flats will provide adequate visibility and visibility at the junction of Oaken Ground and Popes Lane will not be restricted by the development which will be built closer to this junction than the existing buildings.

In light of the above, the impact on the highway network is considered to be acceptable.

Neighbouring property

The flats in the southeast corner will have a close relationship with the adjoining dwellings to the north. The closest dwelling does not appear to have any rear garden and has windows looking directly out over the proposed parking area. It will, therefore, be subject to noise and disturbance of people visiting the site. However, it is not considered that this would be significantly worse than if the public house use continued and it is considered to be acceptable. Garden areas lie to the north of the car park area and these would not be unacceptably overlooked by the new flats which would be a minimum of 18m from the boundary.

The dwellings on the eastern part of the site would have rear gardens backing onto existing property to the west, much the same as in the current configuration. Whilst there will be some intensification of the number of dwellings here, it is not considered that this would cause unacceptable harm to the amenities of the adjoining residents. At the north end of the site, the private gardens of 84-87

Rockwell Green extend along the site boundary. There is currently a large amount of established planting along here, which provides a pleasant green environment for these small gardens. The proposals indicate the provision of a 1.8m timber fence along this boundary and it is not clear whether the trees and vegetation can be retained. That said, there is nothing to prevent the removal of the vegetation now, as the trees are not worthy of Tree Preservation Orders. The proposals will prevent overlooking, of the gardens and are acceptable. That said, the applicant has agreed to consider this boundary in greater detail, so a condition is recommended to this end. The retention of planting or provision of new can be sought through an associated landscaping scheme.

The greatest concern is the relationship of the proposed bungalows at the north of the site with the row of cottages (84-87 Rockwell Green) off the northwest corner. These cottages are extremely close to the site boundary and the western most bungalow would be sited only 1m from this boundary. These dwellings currently enjoy an open aspect, albeit looking out over neighbouring garden land and a somewhat overgrown, yet attractive green space. The dwellings themselves do not have much on-plot amenity space (the gardens being detached plots to the south) and some have none. The open front aspect is, therefore, considered to be important to their amenity.

The application originally proposed a 1.8m fence along the western site boundary giving access to these dwellings, which would have been sited just 2m from the front windows. This was not deemed to be appropriate and the applicant has agreed to retain the existing metal railings that currently form the boundary instead, where this adjoins the open frontage to the bungalows.

Whilst the dwellings proposed at the north of the site are only bungalows and the roofs have been hipped to slope away from the neighbours, the proposed east elevation wall would still be only 4m at its closest from 87 Rockwell Green, increasing to 8m from 86 Rockwell Green at the front of the bungalow. At the closest point, however, outlook from the front windows of 87 Rockwell Green is directly onto an existing brick built shed, which would significantly lessen the impact. The greatest impact would be from the other ground floor front window of no. 87, which would be approximately 6m from the new side elevation wall. However, with the retention of the railings, this property would retain some outlook and the impact is not considered to be so significant as to warrant refusal of the application. The impact on the outlook of 86 is less again as the majority of the outlook would be over the open frontage (albeit that this would be a car park) and the impact on 85 reduced further still.

The replacement of the 'green' outlook with a car parking area would impact upon the amenity of the existing properties. The parking layout has now been reconfigured to allow for a wider area at the westernmost end; which can be landscaped. The area is not large and will be less 'green' than the existing outlook, but it is considered to be appropriate.

Wildlife

Emergence surveys carried out over recent weeks have revealed that parts of the site are used by bats. The demolition works will, therefore, result in the deliberate

disturbance of some bat roosts and a licence will be required from Natural England.

However, before granting planning permission, Taunton Deane Borough Council as a 'competent authority' under the Habitats and Species Regulations (2010) must also be satisfied that the derogation tests for granting a license would be met.

In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

1. Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
 - (i) That there is no satisfactory alternative;
 - (ii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need for additional housing is in the public interest and it is clearly in the public interest to deliver this housing in the most sustainable way, at the most sustainable sites. The proposal is to re-use a previously developed site within the settlement limit and such is considered to be sustainable development. The development will also contribute significantly to improving and increasing the affordable housing stock in Wellington which is considered to justify the disturbance.

(ii) That there is no satisfactory alternative

The existing housing and public house are in a relatively poor condition and both would likely require significant intervention in order to secure a long term future. A proposal that did not involve the demolition of the existing buildings may still result in disturbance of the bat habitat yet it would not bring the added benefits of better quality, well designed accommodation fit for modern standards and an increased intensity of development on this well located and accessible site. It is not, therefore, considered that there is a satisfactory alternative.

(iii) That the Favourable Conservation Status (FCS) can be maintained

The proposed mitigation measures will ensure that the FCS can be maintained. This involves careful consideration of the timing of the works and provision of replacement bat roost (boxes). Such can be secured by condition.

Conclusions

The proposed development makes an acceptable use of a previously developed site. It is acceptably designed and would integrate successfully into the street

scene. The proposal would not cause unacceptable harm to other nearby property or the highway network and the Favourable Conservation Status of bats can be preserved. It is, therefore, considered that the proposal is acceptable and 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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