

43/15/0139

WELLINGTON (SOMERSET) THEATRE TRUST COMPANY LTD

ERECTION OF 1 No TWO BEDROOMED BUNGALOW AND 1 No TWO BEDROOMED HOUSE ON LAND TO THE REAR OF 7 MARTINS CLOSE, WELLINGTON (AMENDED SCHEME TO 43/15/0029)

Location: 7 MARTINS CLOSE, WELLINGTON, TA21 8BU

Grid Reference: 313691.120268

Full Planning Permission

Recommendation

Recommended decision: 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:

- (A3) DrNo 001 V3 Location Plan
- (A4) Site Plan
- (A3) Boundaries Planting and Access
- (A3) Dr No 003 NE & SE Elevations
- (A3) Dr No 002 SW & NW Elevations
- (A3) Dr No 005 First Floor Plan
- (A3) Dr No 004 Ground Floor Plan
- (A3) Dr No 008 Sections (2)
- (A3) Dr No 007 Sections (1)
- (A3) Dr No 006 Roof Plan

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

3. No wall construction 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. The parking spaces hereby permitted shall be surfaced in permeable materials (not loose stone or gravel) and/or provision shall be made for the disposal of surface water within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as such.

Reason: To reduce the risk of off-site flooding in accordance with Section 10 of the National Planning Policy Framework.

5. The area allocated for parking on the approved plans shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

6. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of occupation of either of the approved dwellings.

(ii) For a period of five years after the completion of the 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 other 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.

7. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest. Removal of vegetation off site should be undertaken in a precautionary manner to minimise potential impacts on all wildlife.

Reason: To ensure that wild birds building or using their nests are protected and the Authority will require evidence that no breeding birds would be adversely affected before giving any approval under this condition bearing in mind that all wild birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

8. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme.

Reason: To ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

Reason for pre-commencement: To prevent any ground works from being undertaken that may harm any archaeological remains.

9. Notwithstanding the provisions of Article 3 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 first floor to the bungalow and no addition or extension to the dwellings shall be carried out without the further grant of planning permission.

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

10. Notwithstanding the provisions of Article 3 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 outbuildings shall be erected out without the further grant of planning permission.

Reason: To prevent over development and to ensure that the proposed development does not harm the amenity 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 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 birds are protected under the Wildlife and Countryside Act 1981 (as amended).

3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

4. **Water Supply and Waste Connections**

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

Proposal

The proposal comprises the erection of two dwellings; one two storey and one single storey, connected together, but not linked. The single storey building takes a similar form to a semi-circle with a raised middle section, providing light to a void, the roof is angular and help accommodate its shape. The two storey building has been designed with a pitched roof, with solar panels on one side of the roof, and on one side of the section connecting the two dwellings. Both buildings are proposed to be finished with timber cladding and a plastic coated metal profiled sheet roof.

Access to the dwellings will be from two separate points.

Site Description

The site is an overgrown piece of scrub land to the rear of Wellesley Cinema. The site adjoins onto residential boundaries and a parking/turning area at the rear of the cinema. The main access to the site is currently via Bulls Row, though there is a secondary access to the rear of the site from Martins Close.

Relevant Planning History

43/15/0029 - Erection of 1 no. 2 bed dwelling and 1 no. 1bed dwelling with live work unit to serve it on land to the rear of 7 Martins Close, Wellington. Application withdrawn 22 June 2015.

Consultation Responses

WELLINGTON TOWN COUNCIL -

Recommended that permission be refused for the following reasons:

- The proposal is an overdevelopment of the site.
- The design of the proposal is not in keeping with the surrounding area.
- The development would increase the amount of traffic in the area creating problems with access.

SCC - TRANSPORT DEVELOPMENT GROUP - See Standing Advice.

Section 6 Parking and Turning Requirements:-

- Parking provision, and parking space and garage dimensions in accordance with SCC Parking Strategy.
- SCC Parking Strategy seeks 2 parking spaces for a 2 bed dwelling.
- Parking spaces should measure 4.8m x 2.4m and garages 6m x 3m.

DRAINAGE ENGINEER -

I note that surface water is to be discharged to soakaway. These should be designed and constructed in accordance with Building Research Digest 365 and made a condition of approval.

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BIODIVERSITY -

Recommend condition regarding no removal of vegetation that may be used by nesting birds nor works to or demolition of buildings or structures that may be used by nesting birds between 1st March and 31st August.

LANDSCAPE - Comments as per previous application 43/15/0029.

Interesting design but I consider that the size of the building is too large for such a restricted site.

Site visit revealed that the majority of trees on site have already been felled.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - None received.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - None received.

Representations Received

Four letters of **objection**: -

- Dwellings not in keeping with area and not traditional.
- One dwelling fits more comfortably.
- Loss of privacy.
- Loss of trees.
- Highly visible without trees.
- Shared access will make access to properties difficult.
- Increased traffic.
- Highway safety.
- Traffic noise.
- Object to large vehicles using Bulls Row.
- Visibility poor onto Mantle Street.
- Reassurance that Bulls Row will only be used by one dwelling.
- Lane (Bulls Row) not adopted and should be left in same condition as now.
- Use of Tylor Place to provide a one way system - In via Bulls Row and out via Tylor Place.
- Water supply and water pressure concerns from two new dwellings.

Two further letters of representation: -

- No objection with following assurances from agent: no construction traffic or plant over my property; laying of geo-mesh as only alteration to access along 7 Martins Close; no cost incurred to myself or my tenant of 7 Martins Close.
- Support application if - Bulls Row not used by heavy machinery during construction; if lane dug up, surface repaired and re-instated as present, or better; request highways look at splays at Mantle Street.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,
M4 - TDBCLP - Residential Parking Provision,

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

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/West Somerset Council	£2158
Somerset County Council	£540

6 Year Payment

Taunton Deane Borough/West Somerset Council	£12949
Somerset County Council	£3237

Determining issues and considerations

The site is within the settlement limit for Wellington. The development is therefore considered to be acceptable in principle and is within a sustainable development location as defined within policy SP1 of the Core Strategy. The main issues in the consideration of this application are the impact on the character of the area, the impact on the local highway network and the impact on neighbouring residents.

Design and character

The immediate surrounding area of the site comprises various building types; larger three storey buildings within Tylor Place; two storey terrace within Bulls Row; two storey semi-detached properties within Martins Close and the individual building of the Masonic Hall. As the site sits on its own it is not considered that it has to conform with any of the particular styles previously mentioned. As such, the contemporary design of the two dwellings; designed as a two storey building, linked to a single storey building, is considered to be acceptable in this location. The proposed use of timber and plastic coated profiled steel roof are also acceptable and are not detrimental to the visual amenity of the area.

Heritage

The proposed dwellings are sited outside of the Conservation Area, where the boundary runs along the rear of Cinema. Given the above comments the proposal is considered to have regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "special attention

shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

As the site is within an Area of High Archaeological Potential, a standard condition will be attached to this approval to request an Archaeological Survey to be submitted prior to any work commencing.

Amenity

The side of the single storey buildings closest to the properties of 7/8 Martins Close is sited 2m from the rear boundaries of the properties, and at the closest point 31m to the rear of 7 Martins Close (32.5m to no 8). The design of this dwelling has a raised section in the middle providing a full height void; this section of the dwelling is sited 9m from the boundary of nos. 7 & 8. Within the side elevation of the dwelling there are no windows and windows within the raised section provide light to the void and do not serve any habitable rooms. The raised section is also sited 12m from the rear boundary of the closest property within Tylor Place.

The bedroom window within the North East elevation serves a bedroom and faces towards a property in Bulls Row 22.5m away; first floor North West windows look onto a piece of land to the rear of the Cinema and are sited at an obscure angle to 5-10 Tylor Place, which is still 25m away. The windows within the South West elevation at first floor level are the closest to any property; 1 Tylor Place is sited 12.5m away, though this property is not directly in front of the proposed dwelling and the angles between the two dwellings would not allow any loss of privacy.

The dwellings can therefore be constructed without any detrimental overlooking or loss of privacy.

There is not considered to be any detrimental loss of light or shadowing from the proposed dwellings.

Highways

The proposal provides 2 off-road parking spaces for each dwelling, 1 garage space and 1 off road parking space. Turning is provided within the site for both dwellings.

One dwelling will have access derived from Bulls Row; an existing single width no-through road that is accessed off Mantle Street and serves properties in Bulls Row and Twyford Place, as well as providing access to the Masonic Hall and the rear of Wellesley Cinema. Given the amount of use already along Bulls Row, one additional dwelling is not considered to lead to a significant increase in traffic or any detrimental harm to highway safety.

The second dwelling is served by an access between 6 and 7 Martins Close, having to cross over the drive of 7 Martins Close. This access and track are in place to serve the rear of Wellesley Cinema, though the access is not used on a regular basis. Whilst the sharing of part of the drive of 7 Martins Close is not ideal, this is an existing access that can be utilised at any time. Furthermore, the traffic generated from the two bedroom dwelling is not considered to be significant to Martins Close

and Bulford Lane.

Wildlife

Since the first submission the site has been further cleared with the felling of 6 Sycamores and 1 Ash tree and an updated Ecological appraisal has been submitted and does not differ significantly to the original findings. The main findings from the report found no reptiles and that there is vegetation that could offer potential nesting and foraging. As such, a condition will prevent the removal of vegetation, and the demolition of buildings, between the 1st March and the 31st August.

Other matters

The site is not within a floodplain and any surface water should be disposed of within the site. A condition will request permeable paving/surfaces or details of disposal of surface water within the application site.

The majority of trees have been removed from the site and the Landscape Officer has not raised an adverse comment with regards to trees/landscaping and a condition in respect of new planting is proposed.

Conclusion

It has been shown that the development of the site is acceptable and would not have any unacceptable impact upon the character of the area, local highway network or the amenities of neighbouring properties. As such, it is considered to be acceptable 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.

Contact Officer: Mr D Addicott