

43/10/0013

MR W BERRY

**DEMOLITION OF BUNGALOW AND ERECTION OF THREE DETACHED, 1.5 STOREY DWELLINGS WITH ADJOINING SINGLE GARAGES AT 37 BUCKWELL, WELLINGTON**

314236.120757

Full Planning Permission

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**SITE DESCRIPTION AND HISTORY**

The site lies at the junction of Priory and Buckwell in Wellington and currently comprises an existing detached bungalow and its curtilage. The bungalow sits back from the site frontage raised up behind a hedgerow. The existing access is derived from Buckwell and while this is the main road frontage, the site is also prominent in the street scene when travelling south down Priory. Here, on the western side of Priory is a group of 13 garages set around a gravel/concrete parking courtyard. These garages are set at a lower level than the application site, such that the flat roofs are approximately level with the site. There is an existing hedgerow along this eastern site boundary and a mature beech tree which dominates the view.

The western site boundary is formed by a 1.6 metre high concrete post and close boarded fence. This forms the boundary of the site with the adjoining neighbouring residential property, which also fronts Buckwell. Opposite the site, on the south side of Buckwell, is a two storey dwelling, set raised up from the road level. To east, on the opposite side of Priory are further two storey dwellings, but these do not front towards the application site and the eastern side of Priory, opposite the site is dominated by their rear boundary fences set high above a brick retaining wall. Dwellings in the area are constructed from a variety of materials.

**PROPOSAL**

This application seeks full planning permission for the erection of 3 detached dwellings. Each dwelling would be 1.5 storeys high and would have an attached single garage. The dwellings would extend back across the site in a linear layout, with vehicular access from the existing driveway to the rear of the properties. Small rear gardens would be provided in this location, with the dwellings facing east, looking across the top of the garages to Priory. The existing mature tree would be removed.

The application is accompanied by a wildlife survey which finds as follows:

Bats – there were no signs of bats in the bungalow although it was considered that the building contained potential roost sites for crevice dwelling bats. There was some evidence of bats in the western timber garage but it was likely that it was probably used as a night feeding perch. Two species of bat were detected during the dusk survey.

Reptiles and amphibians – there were possible habitats on site suitable for reptiles.

Badgers – A badger excavation (probably an outlying sett) was found beneath the timber garage in the northeast corner of the plot.

Birds – due to the time of survey, no active nests were found, however it was concluded that the site provides nesting potential for a variety of bird species.

The application is also accompanied by a tree survey in respect of the mature beech tree on the site. It concludes that despite the impressive stature when viewed from a distance, there are numerous defects apparent on closer inspection. There are structural abnormalities and wounds which have failed to heal, probably as a result of previous arboricultural operations. The crown is too dense, resulting in rubbing and there is abnormal crown dieback (premature leaf drop). Foliage was sparse for the time of year. It is also noted that most boundary hedging is over mature and of poor quality.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – The proposal is located within the settlement limit for Wellington, within 150m of the town centre, therefore, there is no highway objection in principal.

The Estate Roads team have made a number of comments relating to the Advance Payments Code, the need to prevent surface water discharge to the highway and regulations determining works to the public highway.

The proposal derives access from Buckwell which is an unclassified highway. The area outside the property is not controlled by the Highway Authority. The access would need to be retained in its current position as best practice indicates that there should be no access for vehicles onto junction radii as this can lead to confusing signalling and manoeuvring.

Parking would appear to be at a premium in this area and, therefore, it should be ensured that sufficient on site parking and turning is provided to enable vehicles to enter and leave in a forward gear. The Somerset Parking Strategy sets out that for a three bedroom unit, a maximum of 2 parking spaces should be provided per dwelling. Therefore, the provision of a garage and space in front is considered to be sufficient and in line with this guidance. On the basis that the space from the face of to the boundary of the application site to the west measures 12m to allow a vehicle to park in front of the garage and turn this would be considered acceptable.

It is essential that adequate visibility splays are provided, therefore land ownership/control across the site frontage is key to this development. There is currently visibility over this land and it needs to be ensured that it can be provided in perpetuity. The applicant has entered into a deed of covenant with the owners of 35 and 36 Buckwell to provide visibility across these frontages in addition to serving notice on these properties. The Local Planning Authority must determine whether this affords sufficient control.

The private garden areas shown are to be enclosed by planting of traditional hedges to the west of a height of approximately 5ft. To the rear of dwelling B and C this hedge is to be splayed on each side of the access to the garages to provide

improved visibility. I would seek the same splay for plot A.

Recommends that conditions are imposed requiring a properly consolidated and surfaced access, the gradient to be less than 1 in 10, the provision and maintenance of visibility splays, estate roads to be laid out in accordance with full details to be agreed, surface water shall not discharge onto the highway, the parking area to be kept clear from obstruction, garages shall only be permitted for the parking of vehicles.

*WELLINGTON TOWN COUNCIL* – Recommends that permission is refused on the grounds that it is overdevelopment and because of highway concerns that accessing and exiting the site would be difficult because of the number of properties proposed and because it was near to a junction.

*HERITAGE AND LANDSCAPE OFFICER* – Given the poor condition of the beech tree, I accept that it should be felled. The proposals are therefore acceptable subject to landscape details. I recommend a semi-mature tree be planted at the entrance to the site to help replace some of the loss of tree amenity provided by the beech tree.

*WESSEX WATER* – No objection. The development is located within a sewered area with foul and surface water sewers. It is proposed of to dispose of surface water to soakaway. The developer will need to agree points of connection to Wessex Water systems and should check potential uncharted sewers with Wessex Water.

*NATURE CONSERVATION & RESERVES OFFICERS* – Country Contracts have carried out a wildlife survey including a dusk bat activity survey.

I agree with the surveyor's assessment that the redevelopment of the site could result in the potential loss of bat roosting sites and so support the recommendation for the provision of new bat roosting sites both before and at the end of the development. A precautionary approach is required in the demolition of the building.

I support the recommendation that further surveys are needed between May and September to determine reptile presence. Should reptiles be found then a suitable mitigation scheme is required to protect them.

I agree that the badger sett needs to be monitored over a six-week period to establish if it is active or disused. If the sett is active a licence will be required from Natural England to allow exclusion of the badgers before the garage is dismantled.

Recommends that wildlife is protected and accommodated in this development. Suggests conditions that further surveys for reptile and badger monitoring are carried out prior to the commencement of the development, and that a strategy to protect and enhance the development for wildlife is submitted.

## **Representations**

WARD MEMBER objection has been received from the ward member, Cllr. Ross Henley, stating "...I believe that three dwellings on this site is over development and could also lead to increased parking problems as well".

3 LETTERS OF OBJECTION have been received raising the following issues:

- The proposed development has a linear format, perpendicular to the existing neighbouring bungalows. Such a format cannot be described as in keeping with the surroundings.
- The proposal is backland development of high density.
- All other dwellings in Buckwell have direct road frontage.
- Buckwell is not a quiet cul-de-sac, rather it is a much used short cut from the High Street to Priory.
- The existing access is to be used with modification to the width and gradient. This is not suitable for more than one bungalow.
- Visibility would not be good for vehicles existing the development due to parked cars and visibility is poor for vehicles turning into Buckwell from Priory.
  
- There is no dedicated turning point, so if there is a vehicle parked outside each of the three garages, then a fourth would be obliged to reverse out onto Buckwell. Visitors will have to park on the already busy road.
- In order to accommodate 3 properties, property A has had to be positioned in front of the building line and concertinaed in order to fit into the curtilage of the site.
- The retaining wall along the eastern side of the site will have to be substantial once the gradient has been reduced, this is likely to be an eyesore.
- Properties A and B will have little privacy due to the need for access to property C.
- The Protected Species Survey recommends that further analysis of bat, reptile and badger activity is undertaken. This should be done prior to a decision being taken.
- The tree surgeons report is inconclusive about whether the tree should be felled. It would be better to reduce it in size and remain. It is unfortunate to fell it just to accommodate the development.
- The proposal represents over development of the site. A single additional dwelling on the site would seem more reasonable.

## **PLANNING POLICIES**

EN23 - TDBCLP - Areas of High Archaeological Potential,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
EN3 - TDBCLP - Local Wildlife and Geological Interests,  
M4 - TDBCLP - Residential Parking Provision,  
STR1 - Sustainable Development,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit for Wellington and, therefore, development is acceptable in principle. The main issues in the consideration of this application will be the impact on neighbouring property; the design, layout and landscaping and their impact on the character of the area; the impact on the highway network; and the impact on wildlife.

### **Neighbouring property**

The proposed site layout is such that the rear elevations of each of the dwellings will face the neighbouring property 36 Buckwell. This dwelling is considered to be the most affected by the proposal, sharing a common boundary with it. The dwellings have been designed such that first floor rear elevation windows are either obscure glazed, serving bathrooms, or are rooflights set at a high level to prevent overlooking. The scale of the dwellings, being 1.5 storey is low, and as they are set some 9 from the boundary of number 36, they are not considered to be overbearing on this dwelling.

It is not considered that the proposal would impact unreasonably upon the amenity of any other nearby property, including the primary school that adjoins the site to the north.

### **Character of the area and amenity (design, layout and landscaping)**

As noted in the representations, it cannot be disputed that the prevailing character of the area is for dwellings to be sited fronting the highway. The planform of the application site is indeed perpendicular to Buckwell and, therefore, differs from the dwellings on this road. However, the site sits at a junction and therefore also has a visual frontage with Priory. In this view the garages will be in the foreground but, being flat roof single storey structures, they would appear subservient to the development, which would stand above. The collection of garages will no longer be the most dominant items in the street scene, rather the front of the new dwellings will take precedence and the dwellings would appear to have a frontage with Priory, albeit elevated.

In its original form, the proposal sought to provide a retaining wall around 2m high along the site frontage with the dwellings set up behind them. It must be considered that the eastern side of priory is formed by a high retaining wall with fences over that form the rear boundary of 64- 51 Priory and continues past Gillian Allen Court. However, as eluded to in the objections, it is considered that the application site is more dominant, being a corner plot, and the mimicking of such a feature would not be appropriate as it would lead to a very dominant feature in the street scene. Accordingly, the agent has agreed to reconsider the site levels and dwelling A will now sit lower on the site. This will lower the retaining structure by approximately 1m. At the time of writing, amended plans are being prepared, and Members will be updated at the meeting.

The scale of the dwellings has been chosen such that it makes a transition between the single storey dwellings on the northern side of Buckwell and western side of Priory to the two storey dwellings to the southern side of Buckwell and eastern side of Priory. Digging in dwelling A as per the pending amendments will help to create an appropriate scale of development in the street scene. Accordingly, they are considered to be compatible with their context in terms of scale.

The dwellings are considered to be well proportioned and designed. The proposed dormer windows sit comfortably on the roof. Precise materials have not been specified, nor has it been stated whether the dwellings would be rendered or faced with brick. However, there is variety in the surrounding area and it is considered that a variety of finishes could be successfully accommodated, subject to precise materials. Such details should be secured by condition. One of the objectors has commented that the crooked design of plot A is evidence that the site is over

developed. However, it is considered that this design allows an active road frontage to both Buckwell and Priory and is a good solution to the corner plot. It is accepted that the result is such that the front of the dwelling would come forward of the 'building line' for the north side of Buckwell, but due to the corner location, this is considered to be acceptable.

The proposal would result in the loss of a large mature beech tree, which makes a significant contribution to the amenity of the area. However, the detailed survey submitted indicates that the tree is in poor condition and on this basis, the Landscape Officer considers that it can be felled. A detailed landscaping scheme should be sought by condition and notes added that some semi-mature trees are expected to partially compensate for the loss the large tree.

The individual garden sizes are not large and are somewhat compromised by the proposed access drive. However, it is considered that they are adequate for the size of the dwellings proposed and will be usable for the future occupiers of the site. The use of hedgerows to form the boundaries will increase the amenity value of the gardens and will reduce the impact of the presence of the parking/access arrangements in the finished layout.

With regard to these matters, it is considered that the proposed development has been well designed such that it does not detract from the character and appearance of the area.

## **Highways**

The Local Highway Authority have raised no objection to the proposed development. They have noted that the visibility splays at the access are not in the control of the applicant, however, legal agreements are in place to ensure that the splays are maintained by these owners. In any case, the planning application site clearly includes this land and the condition would be enforceable against the owners of the visibility splays regardless of any private covenant. As such, it is considered that there is sufficient control to ensure the maintenance of visibility splays.

The Highway Authority have recommended a number of conditions including one requiring full details of estate roads, footways, cycleways, bus stops etc. This sort of condition is considered to be relevant to large residential developments, but is meaningless in terms of a small scale development accessed from a private drive. As such, it is recommended that such a condition is not imposed.

In terms of other matters, it is considered that the parking and turning facilities on the site are adequate, achieving the maximum parking provision allowed in the Somerset Parking Strategy. Subject to the imposition of other conditions, the access to the site and parking arrangements are considered to be appropriate.

## **Wildlife**

The submitted wildlife survey found that bats forage in the area although their habitats are unlikely to be directly affected by the proposals. It is possible that badgers and reptiles may use the site but further investigation is required. Since it is possible to relocate badgers and reptiles, these further surveys can be requested by condition following the grant of planning permission as there will be a solution that allows for development to proceed. However, in accordance with PPS9, it would be

reasonable to seek an enhancement of the site for wildlife potential. This can be required by condition.

### **Other matters**

The site is within an area of high archaeological potential. The comments of the County Archaeologist are awaited at the time of writing, but it is expected that it is likely that any concerns can be dealt with by a monitoring condition and watching brief. Members will be updated at the meeting.

### **Conclusions**

The site is capable of being developed without unreasonable impact upon neighbouring property, the character of the area, the highway network or wildlife. Accordingly, it is considered that the proposal is acceptable and it is, therefore, recommended that planning permission is granted.

### **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered to be acceptably designed, not impacting unreasonably upon the character or appearance of the area, neighbouring property, the highway network, or wildlife. It, therefore, accords with policies S1, S2, M4 and EN3 of the Taunton Deane Local Plan.

### **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) Drg No 1671-01 Block Plan  
(A3) Drg No 1671-02 Site plan  
(A3) Drg No 1671-03 Illustrative street elevations  
(A3) Drg No 1671-04 Dwelling A Floor Plans  
(A3) Drg No 1671-05 Dwelling A Elevations  
(A3) Drg No 1671-06 Dwelling B Floor plans  
(A3) Drg No 1671-07 Dwelling B Floor Plans  
(A3) Drg No 1671-08 Dwelling C Floor Plans  
(A3) Drg No 1671-09 Dwelling C Elevations  
(A3) Drg No 1671-10 Indicative section A-A

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

3. No development shall commence (including any ground works or site clearance) until reptile and badger monitoring surveys have been carried out and have been submitted to and approved in writing by the Local Planning Authority.

Reason: To establish the presence of reptiles on site and the use of the existing badger sett on site in the interests of protecting local wildlife interests in accordance with policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9.

4. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contract's submitted report dated September 2009 and the surveys required by condition 3 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 enhancement of places of rest for protected 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 approved scheme shall be permanently maintained thereafter.

Reason: To protect protected species and other wildlife and their habitats from damage given the loss of hedgerow, vegetation and potential resting places resulting from the development in accordance with Planning Policy Statement 9.

5. 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 or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy 13 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN23 of the Taunton Deane Local Plan and advice contained in Planning Policy Guidance note 16.

6. Prior to the commencement of the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out



and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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

7.
  - (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 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 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.

8. Prior to the commencement of the development hereby permitted, full details (including plans and sections) of the proposed access shall be submitted to and approved in writing by the Local Planning Authority. The details shall show:
  - (a) The proposed surfacing material of the access (which for the avoidance of doubt shall not be loose stone or gravel).
  - (b) That the gradient shall not exceed 1 in 10.
  - (c) That visibility splays shall be provided on both sides of all parking spaces to the nearside of the private drive based upon co-ordinates measuring 3m along the access drive by 3m along the edge of the parking space, except that this shall not apply to the northern side of the parking space for plot C.
  - (d) Provision for surface water drainage so that none is allowed to drain onto the highway.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site and in the interests of Highway Safety in accordance with policy M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

9. The first floor windows to be installed in the rear (west) elevations of the building shall be obscure 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) in accordance with details that

shall first have been agreed in writing with the Local Planning Authority prior to their installation and shall not be modified thereafter without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of nearby dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

10. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back from the carriageway edge on the centreline of the access and extending to a point on the nearside carriageway edge 43m to the west of the access, and to the edge of the junction to the east (as shown on the submitted plan, drawing no. 1671-01). Such visibility shall be fully provided prior to occupation of any of the dwellings hereby permitted and shall thereafter be maintained at all times.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site and in the interests of Highway Safety in accordance with policy M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site and in the interests of Highway Safety in accordance with policy M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

12. The garages hereby permitted shall not be used other than for the parking of domestic vehicles and not for further ancillary residential accommodation or any other purpose whatsoever.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site and in the interests of Highway Safety in accordance with policy M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

#### Notes for compliance

1. It is recommended that Wessex Water are contacted to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense. It is recommended that the point of connection to Wessex Water systems is agreed with them prior to the commencement of development.

2. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
3. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

4. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to any works commencing on site and thereafter maintained until the use of the site discontinues.
5. It is expected that the landscaping scheme required by condition 7 includes provision of at least 1 semi-mature tree in order to mitigate the loss of tree amenity caused by the felling of the mature tree currently on site.
6. The condition relating to wildlife requires the submission of information to protect species. the Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by the development proposal.
7. It should be noted that if the badger sett on site were found to be active then the developer would need to apply to Natural England for a licence. Natural England will only issue a licence with confirmation of planning permission and would restrict the works to the months of July to November inclusive.
8. 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.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

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