

SOVEREIGN HOUSING ASSOCIATION

ERECTION OF 5 NO DWELLINGS AND 2 NO FLATS ON LAND OFF GAY CLOSE, WELLINGTON

Grid Reference: 314418.120828

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to the prior signing of a Section 106 agreement to secure:

1. Two units of affordable housing
2. Contributions, towards the provision of community leisure facilities as follows:
 - a. £1454 per dwelling towards the provision of active outdoor recreation
 - b. £2688 per 2+ bedroom dwelling towards children's play provision
 - c. £1118 per dwelling towards community halls
 - d. £194 per dwelling towards the provision of allotments.

Recommended Decision: Conditional Approval

The proposal will provide affordable housing in a sustainable location in the centre of Wellington. It is considered not to have an unacceptable impact upon visual or residential amenity or the local highway network and is therefore acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), Policy DM1 and CP4 of the emerging Taunton Deane Core Strategy and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Site Plan
(A4) Layout Plan
(A2) DrNo 790/06 Floor Plans and Elevations units 6 -7
(A2) DrNo 790/05 Floor Plans and Elevations Units 4-5
(A2) DrNo 790/04 Floor Plan and Elevations Units 1-3
(A2) DrNo 790/03 Rev A Site Plan as Proposed

(A4) DrNo 790/08 Refuse Vehicle Turning Diagram
(A2) DrNo 790/02 Site Plan- Existing
(A4) DrNo 790/01 Location Plan
(A3) DrNo 790/07 Block Plan
(A4) DrNo 790/01A Location Plan

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

3. Prior to the commencement of any other development on site, the parking and turning area at the northern end of the site shall be laid out, surfaced and brought into use in accordance with drawing 790/03 rev A and shall thereafter be retained as such.

Reason: To ensure that the existing parking provision is retained for existing neighbouring residents and that adequate facilities are available for the traffic likely to be attracted to the new development in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

4. Prior to the occupation of the development hereby permitted, the parking area to the south of the site and footpaths giving access to the development shall have been laid out, surfaced, brought into use and shall thereafter be retained as such.

Reason: To ensure that adequate facilities are available for the traffic likely to be attracted to the new development in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

5. Prior to their installation, 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 existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

6. Prior to the commencement of the development hereby permitted, full details of the means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that there is no increased risk of off-site flooding, in accordance with the National Planning Policy Framework.

Notes for compliance

1. The Local Highway Authority have noted the following points:
 - The highway works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Area at Burton Place, Taunton, TA1 4DY. Tel No 0845 345 9155,, He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
 - The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advanced Payments Code.
 - Where works have to be undertaken within or adjoining the public highway, a Section 50 license will be required. These are obtainable from the Street Works Co-ordinator on 01823 483135.
 - The applicant should be aware that a street lighting unit may require relocating in order to accommodate the proposed works. The applicant should contact the Highway Lighting Manager on 01823 483011 to discuss its possible relocation.

PROPOSAL

This application seeks full planning permission for the erection of 7 dwellings. The development would take the form of a terrace of 3 no. 2 storey dwellings accessed from a parking area to the north of the site; and 2 no. semi detached 2 storey dwellings and a detached 2 storey block of 2 no. flats accessed from Gay Close to the south. A parking area for 10 cars would be provided along this length of Gay Close.

The existing parking area to the north would be reconfigured such that 3 spaces were provided in addition to the 9 existing. Across the whole development 13 additional parking spaces would be provided.

The development is proposed by a registered housing provider and it is their proposal that it would be 100% affordable housing.

SITE DESCRIPTION AND HISTORY

The site is a broadly flat grassed area between two existing parking courts to the north and south of the site. There are a number of small trees within the site. To the west, a chain link fence forms the boundary to the rear gardens of dwellings on Priory. The dwellings themselves have windows facing the site around 30m from the boundary. To the east, a mix of chain link fences, timber fences, hedges and brick outbuildings form the rear boundaries to numbers 12, 14 and 16 Gay Close. These dwellings have ground and first floor windows facing the site between 10 and 15m from the site boundary.

The parking courts to the north and south have some garages within them, but

otherwise are generally defined by the rear boundaries of neighbouring existing dwellings, either brick walls or timber fence enclosures.

The site appears to be used informally as a footpath, with a clear trodden line crossing it. There is a further formal path from the end of the northern parking area to the front of 12 Gay Close.

Planning permission was granted in April 2008 under application reference 43/07/0003 for the erection of 6 dwellings on this site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Initially expressed concerns about the width of footpaths and abilities for refuse vehicles to access the site and turn.

Amended plans have been received, which the Local Highway Authority have verbally confirmed address their concerns: The car parking area adjacent to plots 1 – 3 has been amended to take into account existing parking facilities whilst providing parking for plots 1 – 3 and still retaining the ability to allow service vehicles to turn. This manoeuvre is shown within drawing number 790/08, and is now considered to be acceptable.

The proposed bank of 10 parking bays has been amended to reflect previous comments and is now shown to have a length of 5.5 metres.

The proposed amendments have addressed previous concerns. The proposals are now considered to be acceptable, subject to conditions requiring details of the road design to be submitted, wheel washing facilities to be installed, surface water to be disposed of so as not to discharge onto the highway, a network of cycleway and footpath connections to be constructed within the development site, a condition survey of the existing public highway to be carried out, and a construction environmental management plan to be submitted.

WELLINGTON TOWN COUNCIL – Recommend that permission be refused for the following reasons:

- This development would result in the loss of amenity land removing much needed green and open space.
- The development would generate additional traffic and parking on the surrounding highways.
- There is a possibility of overlooking from the new development.

Following consultation on the amended plans, the Town Council have reiterated their previous objection and added that the amendments do not solve the parking problems identified. They also raised concerns that rights of way may be obstructed and that the single point of access into the Priory estate could present a safety issue if emergency services could not access dwellings.

WESSEX WATER – New water supply and waste water connections will be

required.

A public combined sewer is shown on record plans within the land identified for the proposed development. The applicant should contact Wessex Water for advice. No building is permitted within 3m of a sewer without agreement from Wessex Water.

COMMUNITY LEISURE – In accordance with Policy C4, contributions of £1,454 per dwelling should be made towards the provision of facilities for active outdoor recreation and £2,688 should be made towards children's play provision. £194.00 per dwelling should be sought for the provision of allotments and £1118 per dwelling towards the provision of community halls.

Representations

8 letters of concern/objection from residents of 7 different properties have been received making the following points:

- The residents of 6 Gay Close will not be able to park at the rear of their property. Parking is very limited and increased traffic would make a very quiet area into a nightmare.
- The grassed area is sometimes used for putting out bins for collection.
- Query whether there would be enough room for refuse lorries, fire engines and ambulances to turn.
- Query how close new dwellings would be to 6 Gay Close. There may be noise and disturbance.
- The dropped kerb is used for disabled buggies.
- There is insufficient space for the new dwellings and cars that will be generated. Most families now have more than one car. Existing parking will be taken away.
- Children enjoy playing in the green area. There would be a loss of greenery.
- There are many young children in the area who play outside safely, increased vehicles would make it very dangerous for children.
- The new dwellings will overlook 16 and 20 Gay Close. The new dwellings would be overlooked by the Priory flats.
- There will be more traffic into the Priory Estate which only has one very busy access route.
- The public footpath from Gay Close to the garages would be lost.
- There will be an increase in flooding in Gay Close.
- The development would appear unsightly.
- There would be discomfort between the existing and future residents due to the small area.
- People park outside the 'run in' to 20 Gay Close even though they have been asked not to.
- Existing houses would be devalued.

In response to the amended parking layout plans, 7 further letters have been received, including two from the same household, but raise no new issues. One questions whether the amendment really provides sufficient space for refuse and recycling lorries to turn.

PLANNING POLICIES

W1 - TDBCLP - Extent of Wellington,
STR2 - Towns,
STR4 - Development in Towns,

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)	£9,513
Somerset County Council (Upper Tier Authority)	£2,378

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£57,081
Somerset County Council (Upper Tier Authority)	£14,270

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the design and layout, the impact on neighbouring residents and highways.

Principle

The site is within the settlement limit for Wellington, so the development is considered to be acceptable in principle. Policy CP4 of the emerging Core Strategy states that developments of over 5 dwellings should provide affordable housing at a rate of 25% of the development. This particular development is proposed by a registered provider and is grant aided. It is, therefore, intended that the development will be 100% affordable. However, the planning permission will run with the land and in order to guarantee the required provision of affordable housing, the applicant has agreed to enter into a Section 106 agreement to secure two of the dwellings as affordable in perpetuity.

In accordance with Policy C4 of the Taunton Deane Local Plan, which is retained by the Core Strategy, the Community Development Team have sought contributions towards the off-site provision of children's play facilities, outdoor recreation and sports pitches, community halls and allotments. The applicant has agreed to pay the required contributions and this should be secured via a Section 106 agreement.

Design, layout and impact on neighbours

The proposed layout of the site is fairly cramped, being tight up on its boundaries and close to existing neighbouring residents. The layout has been designed such that the relationships between existing and proposed dwellings are acceptable in terms of window to window distances for overlooking – the rear elevations of Priory are 30m distant and 4 and 6 Gay Close are around 18m on a 45 degree angle, for

example. Within the site, the rear elevation of plot 1 is very close (around 11m) from the proposed side elevation first floor windows to plot 4.

However, the existing resident's gardens will be overlooked by the proposed development at a considerably shorter distance than the customarily accepted rules of thumb. The rear elevation of the proposed unit 3 would be sited 3.35m off the boundary with this neighbour, 12 Gay Close. However, this relationship is very similar to that which was previously considered acceptable when permission was granted for the previous scheme in 2008. Compared to that, it is not considered that the overlooking caused by the development to this neighbour is significantly more harmful.

Units 4-7 also have first floor windows facing towards the rear of 12-16 Gay Close, although these will be small and high-level and will, therefore, not result in significant overlooking. Windows to the west of units 6 and 7 will provide light to the main living room and bedroom of the first floor flat. These windows would be only 4m from the boundary with 39/40 Priory and that garden space will, therefore, be overlooked by the development. However, as noted above, the dwelling itself is some 35m from the rear face of the proposed dwellings and the chainlink boundary provides some visibility of the garden from passers by in the current situation. 39/40 Priory are also flats and the garden spaces are, therefore, no altogether private in any case. Therefore, it is considered that the loss of privacy would not be severe enough to warrant refusal of the application.

Highways and parking

The proposed development would build on some of the existing parking area to the rear of Gay Close. However, the existing parking spaces would be rearranged so that the existing provision was retained. In addition, 13 spaces would be provided for the 7 dwellings and the Local Highway Authority has not objected to this level of parking. An amended plan has been received addressing previous concerns that refuse lorries and emergency service vehicles may have difficulty turning in the rearranged space. In light of these amendments, the impact on the local highway network is considered to be acceptable.

The Local Highway Authority has recommended a number of conditions. However, given the small scale of the development proposed, and distance from major roads, it is not considered necessary to require wheel cleaning facilities or a construction environmental management plan. Condition survey's and repairs to damage are more of a civil matter between the developer and Local Highway Authority than something that should be subject to a planning condition. Drainage could be dealt with within a site-wide drainage strategy. The request for a network of cycleway and footpath connections is rather strange, since the development will not be able to provide any more than is shown on the submitted plans. The requirement to submit further details of the road construction is not considered necessary in this case, if the road is ultimately to be adopted, then the Highway Authority would have to approve such details through their Section 38 adoption agreement. Conditions are recommended, however, that the parking areas are provided prior to occupation.

Other matters

The receipt of the new homes bonus is noted, however, your officer's consider that this matter carries very limited weight in this case.

Conclusions

The foregoing considerations indicate that there are a number of compromises in terms of the internal site layout and the proposed relationships with existing neighbouring residents. However, this development will deliver 100% affordable housing in a sustainable location in central Wellington and this is considered to carry significant weight. With regard the standards that were set in terms of the previous 2008 planning permission, it is considered that, on balance, the development is acceptable. 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.

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