

43/09/0058

MR C CHEUNG

ERECTION OF SINGLE STORY EXTENSION, CONVERSION OF ONE OUTBUILDING TO FORM ADDITIONAL DWELLING, AND EXTERNAL DOOR TO POTATO ROOM OMITTED (AS AMENDED BY DRG NO. T7/3 REV 4 RECEIVED 24 JULY 2009) 29/31 NORTH STREET, WELLINGTON

313784.120678

Full Planning Permission

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PROPOSAL

As originally submitted, the proposal comprised: the erection of a modest single-storey rear extension (potato-room); and the conversion and extension of two rear outbuildings to form two additional residential dwellings. This has since been amended several times however, and the latest proposal comprises: the same single-storey extension (but with a door omitted to avoid any overlooking); and conversion of only one outbuilding to form one additional dwelling. The conversion relates to a single-storey outbuilding, and the applicant has categorically advised that there will be no increase in height of the roof line. There would also be a modest single-storey extension to its northern gable.

A wildlife survey has been submitted.

Pedestrian access would be from North Street via a shared existing pedestrian access, and there is vehicular access to the rear via lodge Close.

SITE DESCRIPTION AND HISTORY

29/31 North Street is currently a take-away with living accommodation above and to the rear.

Planning application 43/09/0011 was withdrawn in April 2009. This was a similar scheme but incorporated significant extension to the outbuilding on the western boundary such that 3 no. dwellings were proposed.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP - The proposed development is located within the town centre and is therefore in close proximity to services, facilities and public car parks and I have no objection in principle. I would not insist upon on-site parking for this particular development in this location, however any parking area proposed should be fully accessible and of an appropriate size

Recommend a sheltered and secure cycle store.

WELLINGTON TOWN COUNCIL, 28 FORE STREET - Object. Recommend that permission be refused because the scale of the development would result in an adverse impact on adjoining properties.

WELLINGTON COMMUNITY OFFICE -N/A.

WESSEX WATER - Recommends Note

NATURE CONSERVATION & RESERVES OFFICERS - Country Contract's carried

out a protected species survey of this application site on 17 July 2009. Findings were as follows:

BATS: The only signs of bat usage were one pipistrelle bat dropping found in one of the outbuildings. However it was noted that there were a few locations in the outbuildings that could be exploited by crevice dwelling bats. Bats were detected flying over the garden area but none of the bats were considered to have emerged from the surveyed outbuildings. No bat roost was found, however because of the bat activity in the vicinity and in accordance with PPS9 I would like to see bats accommodated in this development.

BIRDS: No bird nests were noted at the time of survey, but a disused blackbird's nest was found in the ivy covering the wall on outbuilding 2.

Suggested Condition 4.

SOMERSET WILDLIFE TRUST - Don't normally comment on minor planning applications, but I need to highlight something. I'm aware of a number of small bat roosts in Wellington in residential houses-not an uncommon occurrence as I'm sure you are aware. There is a fair bit of early evening bat activity in the area around this application, indicating a roost in the immediate vicinity. I was alarmed to read in a supporting letter submitted by the applicant in response to concerns raised by a resident that he considers bats to be a "pest" and is employing the services of a pest control agent to deal with them. I hope this is a misunderstanding, but it raises some interesting questions. Is the applicant aware of a bat roost in his property? Has he attempted to eradicate them? His letter suggests both, and could potentially land the applicant and his pest control adviser in trouble, unless this is merely a case of crossed wires. I hope it is the latter, but I have to pass this information on to Natural England, in case a contravention of protected species legislation has occurred.

Either way, it would be prudent to establish whether this property is being used by bats as a roost prior to determining their planning application.

NATURAL ENGLAND - Requests that the recommendations of the ecological survey report and those of TDBC's Nature Conservation and Reserves Officer be used in determining the application and attaching conditions.

It is very important that the applicant be made aware that wildlife such as birds (breeding or otherwise) snakes and bats are not considered "pests" and there is legislation and associated laws protecting certain wildlife species within the UK.

Representations

9 letters of objection have been submitted on the following grounds: the height and close proximity of the potato room will result in loss of light; the working hours of the potato room will cause noise problems; the increase in ridge height of the conversion would also cause loss of light, and the proximity of the building would result in loss of privacy; the party wall of the converted building would not have the appropriate load bearing capacity; snakes and other wild life would be harmed by the proposal; the proposal should be refused in terms of overcrowding, overshadowing, and overdevelopment; vehicular access through Lodge Close would put elderly and disabled lives in danger; the building to be converted is not in a good state of repair and is dangerous;the proposal is contrary to PPS3; the design and access statement is inaccurate; overlooking will result; the development would be out of character with the area; guttering and downpipes would overhang the neighbour; and inadequate parking arrangements would prejudice road safety.

1 letter of support has been submitted.

PLANNING POLICIES

EN23 - TDBCLP - Areas of High Archaeological Potential,
EN14 - TDBCLP - Conservation Areas,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

The most contentious element of the application as originally submitted has been omitted, namely the conversion and extension to the outbuilding on the western boundary.

Neither vehicular access nor car parking is at issue because parking provision can be waived on sites such as this in central Wellington. In addition the CHA raise no objection.

It is not considered that the single-storey extension in the form of the potato room could be resisted in terms of loss of light, particular when having regard to permitted development rights which allow either the applicant or his neighbour the right to construct a wall fence or other means of enclosure up to 2 metres in height without requiring planning permission.

The Nature Conservation Officer raises no objection in respect of impact on wildlife, subject to imposition of conditions.

The appearance of the site together with the character of the Conservation Area should be enhanced by the general refurbishment and building.

Finally, whilst the submitted drawings of the conversion indicate a modest increase in ridge height, (0.4 of a metre), the applicant has categorically advised that there will be no increase, and he is to submit a more accurate drawing to demonstrate this. Accordingly the neighbour would not be unduly affected in terms of light loss.

The proposal, as amended, is considered acceptable.

RECOMMENDATION AND REASON(S)

Recommended Decision:

That subject to the receipt of satisfactory amended drawings which demonstrate that there will be no increase in height in respect of the conversion, Conditional Approval be granted.

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main buildings. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

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. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with 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.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To safeguard visual and residential amenity in accordance with Taunton Deane Local Plan Policy S1.

4. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats and resting birds 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 reports, dated July 2009 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when bats, and nesting birds could be harmed by disturbance.
3. Measures for the enhancement of places of rest for bats.

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. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect bats from damage bearing in mind the law protects these species.

5. The development hereby approved shall not be brought into use until a fully sheltered and secure cycle rack facility has been provided within the site in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority.

Reason: To safeguard road safety in accordance with Taunton Deane Local

Plan Policy S1.

6. Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

Reason: To avoid environmental amenity or public health problems in accordance with Taunton Deane Local Plan Policies S1 and EN26.

Notes for compliance

1. The development is located within a sewered area, with foul and surface water sewers. According to our records, there is a combined public sewer (foul/surface) crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

The developer should also be aware of the importance of checking with Wessex Water 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 or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

2. 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 bats and, nesting birds 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 this development proposal.

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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