

FREEMANTLE CAPITAL PARTNERS (WELLINGTON) LTD

Demolition of buildings and replacement of with rebuild and extension of 3 Cornhill to create 4No. flats, erection of 34No. dwellings and conversion of 4 - 6 Cornhill into 4No. dwellings with associated access roads, car parking, landscaping and associated works on land to the north of Fore Street, Wellington

Location: LAND ADJOINING NORTH STREET CAR PARK, FORE STREET,
WELLINGTON

Grid Reference: 313798.120573

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval subject to a legal agreement to secure appropriate equipment on the nearest play area to the site.

Recommended Conditions (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 P2944/100 Existing Site Plan
- (A1) DrNo P2944/101 Existing Floor Plans
- (A1) DrNo P2944/102 Existing Elevations
- (A1) DrNo P2944/103 Proposed Site Plan - Ground Floor
- (A1) DrNo P2944/104 Proposed Site Plan - First Floor
- (A1) DrNo P2944/105 Proposed Site Plan - Attic Floor
- (A1) DrNo P2944/106 Proposed Site Plan - Roof Plan
- (A2) DrNo P2944/107 Units 1 - 6 : Proposed Plans & Elevations
- (A2) DrNo P2944/108 Units 7 - 14 : Proposed Plans & Elevations
- (A2) DrNo P2944/109 Units 15 - 23 : Proposed Plans
- (A2) DrNo P2944/110 Units 15 - 23 : Proposed Elevations
- (A2) DrNo P2944/111 Units 24 - 27 : Proposed Plans & Elevations
- (A2) DrNo P2944/112 Units 28 - 31 : Proposed Plans & Elevations
- (A2) DrNo P2944/113 Units 32 - 34 : Proposed Plans & Elevations
- (A2) DrNo P2944/114 Units 35 - 42 : Proposed Plans
- (A2) DrNo P2944/115 Units 35 - 42 : Proposed Elevations

(A2) DrNo P2944/116 Site Sections & Strip Elevations
(A1) DrNo P2944/117 Proposed Site Plan : Drainage Strategy
(A3) DrNo P2944/118 Bin Store Details
(A3) DrNo P2944/119 Cycle Store Details
(A3) DrNo P2944/120 Existing Site Plan : Demolition
(A4) DrNo P2944/121 Location Plan
(A1) DrNo 1305-01 Rev B Landscape Strategy Proposals

(A1) DrNo 1305-02 Planting Proposals
(A1) DrNo 1305-03 Hard Landscape Proposals

(A1) DrNo P2944/103 Proposed Site Plan - Ground Floor
(A1) DrNo P2944/104 Proposed Site Plan - First Floor
(A1) DrNo P2944/105 Proposed Site Plan - Attic Floor
(A1) DrNo P2944/106 Site Plan - Roof
(A2) DrNo P2944/107 Units 1-6 Proposed Plans & Elevations
(A2) DrNo P2944/108 Units 7-14 Proposed Plans
(A2) DrNo P2944/109 Units 15-23 Proposed Plans
(A2) DrNo P2944/110 Units 15-23 Proposed Elevations
(A2) DrNo P2944/111 Units 24-27 Proposed Plans & Elevations
(A2) DrNo P2944/112 Units 28-31 Proposed Plans & Elevations
(A2) DrNo P2944/113 Units 32-34 Proposed Plans & Elevations
(A2) DrNo P2944/114 Units 35-42 Proposed Plans
(A2) DrNo P2944/115 Units 35-42 Proposed Elevations
(A2) DrNo P2944/116 Site Sections & Strip Elevations
(A1) DrNo P2944/117 Proposed Site Plan - Drainage
(A1) DrNo P2944/120 Existing Site Plan - Demolition
(A4) DrNo P2944/121 Location Plan
(A2) DrNo P2944/122 Units 7-14 Proposed Elevations

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

3. No development of the new build dwellings (plots 1-34), excluding demolition of existing structures on site, 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.

4. No demolition or alteration to numbers 4 - 5 Cornhill shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to and agreed in writing with the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the demolition or alteration of the existing buildings.

Reason: To help record the archaeological heritage of the district.

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ethos ecology's submitted report, dated July 2018 and include:
 - a. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - b. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 - c. Measures for the retention and replacement and enhancement of places of rest for the 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 resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.

Reason: In the interests of highway safety.

7. Prior to the occupation of the new build development (plots 1-34) hereby permitted, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented in accordance with the details agreed within the travel plan.

Reason: To encourage travel by means other than the private car.

8. The proposed estate roads, footways, footpaths, cycleways, sewers, drains, vehicle overhang margins, junctions, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The approved details shall be implemented such that each dwelling is served by a properly consolidated surface, at least to base course level, prior to its occupation. The scheme shall be completed prior to occupation of

90% of the new build dwellings (plots 1-34) hereby permitted.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site and in the interests of the visual amenities of the area.

9. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety.

10. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety.

11. Prior to first occupation of the development hereby permitted access electric vehicle charging points will need to be available to all dwellings. They shall be

in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable a sustainable form of development.

12. The works to 4 – 5 Cornhill hereby permitted shall be carried out such that the buildings are capable of occupation prior to the occupation of 50% of the new build dwellings (plots 1-34).

Reason: To ensure that the works to Cornhill are carried out to secure the enhancement and improvement of Cornhill, in the interests of preserving the character and appearance of the conservation area.

13. The applicant shall ensure that all construction vehicles leaving the site are in such a 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 construction commencing, and thereafter maintained until the use of the construction on-site discontinues.

Reason: To prevent the discharge of debris onto the highway, car parks and footpaths surrounding the development in the interests of pedestrian and highway safety.

14. 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 extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, shall be added to the building(s) other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

Notes to Applicant

1. 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.

Proposal

This application seeks full planning permission for the erection of 34 dwellings and the conversion, alteration and extension of 4 - 5 Cornhill to provide four town houses. At the south west half of the site, three terraced blocks will be sited perpendicular to the existing buildings on Fore Street. Units 1 - 6, 7 - 14 and 15 - 23 will front onto new private driveways and back onto an existing pedestrian path leading to Fore Street. Units 15 - 23 will back onto an access running from Fore Street to the Wellington Silver Band building. At present, this access terminates at the Silver Band building and is understood to be a vehicular as well as pedestrian access. This access is currently gated at the Fore Street end and is closed at night. In both cases, the existing walls fronting these lanes will be kept intact. Small private amenity areas will be provided to the rear and these would also include a parking space at the front for each of these 23 dwellings. The site will be accessed by vehicular traffic from the North Street Car Park via a shared surface roadway, with new private streets providing access to the front of the dwellings and the associated parking spaces.

Towards the western end of the site, the shared surface roadway from the North Street car park will lead to three terraces. Units 24 - 17 and 28 - 31 will back onto commercial properties in North Street (a tyre depot and cycle shop) and will front onto the new private drive. Beyond that, a further terrace of three dwellings will be sited in the centre to the south. From here, a pedestrian link into Cornhill will be provided, via a new path to the south of no. 3 Cornhill. This will provide a new link from North Street car park to the west to Cornhill.

The listed Cornhill properties, which are in a poor state of repair, will be altered and converted into four town houses. Numbers 4 and 5 are listed buildings and the required internal alterations to these properties are the subject of associated listed building consent application (43/18/0098/LB).

A small public open space will be provided behind the Cornhill properties.

Site Description

The site comprises numbers 4 - 5 Cornhill at its eastern extent and an area of 'backland' in the centre of Wellington. This area is bordered by existing properties on Fore Street and North Street. To the east of the site lies the North Street car park. The site is currently unkempt and overgrown and contains a number of dilapidated structures. A large Willow Tree, subject to a Tree Preservation Order, is a prominent feature when viewing the site from the North Street car park.

The site is currently accessed via a number of points: An existing pair of wooden gates forms the only vehicular access from the North Street car park. Adjacent to this is a passageway that leads from the car park to Fore Street. Further to the east, there is a further pedestrian access adjacent to 17 Fore Street that leads to a large stone building, currently owned and used by Wellington Silver Band (the "Silver Band Building" and "Silver Band access"). This access also provides access to the rear of properties on Fore Street, including a mews of terraced dwellings behind number 15. The ground floor of the Silver Band building and adjacent ground to the east, within the site, is in retail use.

Relevant Planning History

Outline planning permission and listed building consent was granted on 2012 for the demolition of existing structures and the erection of 30 dwellings and the conversion and extension of no's 4 - 5 Cornhill to provide 4 shops and 6 apartments. This was subject to a Section 106 agreement to secure an off-site financial contribution to children's play equipment. The permissions have now lapsed but are a material consideration in the determination of this application.

Three applications were submitted for residential development in 2007. Together they proposed the erection of 78 apartments in 5 blocks arranged across the site. Permission was refused for all 3 applications on the general grounds that the form of the development had poor regard for the existing townscape and conservation area; the proposals did not adequately provide for the comprehensive development of the area, including the properties in Cornhill; that there was no provision for affordable housing or contributions towards leisure facilities; the scale of the development was out of character with neighbouring properties and was, therefore, un-neighbourly and cramped; and that further ecological assessment was required.

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - (Original Comments)

For clarity, in terms of traffic impact it is the view of the Highway Authority that the proposed development is unlikely to have a cumulative impact on the public highway network that can be considered severe.

The proposal site lies just north of Fore Street in Wellington town centre. The proposed access point is via an existing access off North Street which serves a car park. It is to our understanding that the proposed development will remain private. The Highway Authority has no intention to adopt the internal aspects of the site.

Parking

It is noted that the proposed parking number is noticeably below the Somerset Parking Strategy (SPS) optimum standard. Consideration is taken given the sites proximity to local transport network links, public car parks and the previous consent of the site. However, the Local Planning Authority should note that there is greater potential for vehicles to park on the nearby highway with this proposed parking figure.

It is important that sustainable methods of travel are made available to future residents of the proposed development whilst also considering the shortfall of proposed vehicle parking as noted above. The proposed cycle parking is currently below the SPS optimum standard and it would appear no motorcycle parking is proposed. It is required the applicant provides safe, secure and sheltered cycle parking in line with the SPS and motorcycle parking that identifies with the SPS.

Access

It appears that the swept path analysis is based upon a 10.6m refuse vehicle. The swept path of an 11.4m refuse vehicle should be used. On the information provided

to date it is unclear whether a 10.6m refuse vehicle can safely manoeuvre within the internal layout and enter the public highway in a forward gear. Drawing Number: TR03 would appear to show vehicle confliction with a brick wall within the plans. It has to be demonstrated to ensure all vehicles are able to enter the public highway in a forward gear.

It is therefore recommended that the applicant provides a further swept path analysis, based upon a 11.4m refuse vehicle or contacting the local waste management company to establish which type of vehicles are likely to service the development and, given that the site is to remain private, whether they are satisfied to serve the proposed development. The applicant should be mindful of recommended distances over which refuse bins can be transported by operatives/residents as set out within 'Manual for Streets'.

Internal Layout

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 Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).

However, given the constraints of the site, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road(s) should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

Full contact details of the management company responsible for the future upkeep of the site will need to be submitted to SCC together with a schedule outlining what the management company will be responsible for.

As part of a S106 obligation, it will be requirement that a condition survey of the existing public highway will need to be carried out jointly between the developer and the Area Highway Service Manager, and agreed prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer to the satisfaction of the Area Highway Service Manager prior to occupation of the development. It is recommended that contact be made with the Area Highway Service Manager to arrange for such a survey to be undertaken.

The developer will be held responsible for any damage caused to public highways by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra- ordinary traffic' on public highways. Photographs shall be taken by the developer's representative in the presence of the SCC Highway Supervisor showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.

Despite the site is to remain private, the lack of footways throughout the site causes slight concerns bearing in mind the number of dwellings proposed and associated use of motor vehicles.

Private surface water will not be permitted to discharge onto the publicly maintained

highway. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to SCC.

The entrances to the private drives located to the south-east of this road should ideally be constructed 5.0m in width to allow for two-way vehicle passing. The width of the entrance to the private drive between units 8 and 23 only measures 4.2m. This would help avoid any unnecessary vehicle queuing within the private road that runs south-west/north-east through the site.

If it is the intention to light the site the developer will need to energise the lights via a private power source and not one being used by SCC.

It is noted a pedestrian access will be provided onto the unclassified, no through Cornhill Road to the east of the site. The applicant should consider pedestrian safety for all users when entering Cornhill from the proposal site.

It should be noted that any retaining wall structure owned by others within 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary will need the design details checked and approved by the Somerset County Council Structures Section.

Travel Plan

A Travel Plan Statement was submitted as part of the application. This has been reviewed and there are a number of issues identified, that will require addressing to achieve an acceptable Travel Plan (TP) that will require securing via a S106.

The key points that require addressing are:

- The TP should state that it will be registered on iOnTRAVEL prior to approval and that the iOnTRAVEL system will be used for the duration of the Travel Plan from registration and approval through to implementation and monitoring.
- There is no mention of TP Fee in the travel plan. The fee should be stated in the travel plan. For a development of this size, the fee is £700 plus VAT to be paid in full to SCC prior to commencement of the development.

The site Audit will require the following:

- Include photos of the site and surrounding area.
- Include information on local cycle routes including (off road routes).
- Include details and times of all bus services in a tabular format with key commuter times included. Full timetables can be included in an appendix.
- Give details of comfort of use of pedestrian/cycle routes (how busy, widths of paths etc).
- Details of nearest facilities with walk/cycle times including schools, doctors surgeries etc.

The action plan will require the following:

- The action plan should be in tabular format showing the measure, who is responsible for implementing it and when it will be implemented.
- Measures from Table 3.1 should be included along with the action plan in section 3.5.

- There is reference to a £500 voucher for sustainable travel but it's not clear what this can be redeemed against or if it's available to all dwellings. Please clarify as vouchers should be made available to all dwellings.
- Green travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property for a period of five years from each occupation, to aid with uptake of smarter travel choices in accordance with SCC Travel Plan guidance 2011.

The TP must state the following:

- The TPC will be responsible for implementing the TP and reporting against the travel plan targets and action plan entered via www.iontravel.co.uk. The TPC function will be fulfilled from the construction of the development, to occupation and for the agreed monitoring period (5 years after 80% occupation).

The following should also be noted:

- The TP must also state the amount of time per week that the TPC will have to manage the TP (please refer to Table 3.2 of the SCC TP guidance for guidelines) and give a commitment to getting the TPC qualified further to training provided by ACT Travelwise. The TPC should be given a budget to implement TP initiatives.
- Physical measures and features are not shown clearly in the figures provided in the Travel Plan. The TP shall include clear figures showing the location of proposed measures/features, and demonstrate that they are being considered in the planning of the development.
- A commitment to electric vehicle charging points has not been included in the TP. This is an SCC policy requirement. For this development, it would be appropriate to provide Electric Vehicle Charging points.
- Cycle parking has been mentioned but appears to be below SCC standards at the 3 bed dwellings as lockers for 2 cycles are being proposed. No motorcycle parking is referred to in the TP. This should be in line with the SPS.
- A Travel Plan Management Fund (to cover promotional events) should be provided and an appropriate fee to be agreed.
- The TP should state that a S106 agreement will be used to secure the TP. The S106 agreement should contain a Travel Plan schedule and the agreed TP should be appended to the agreement.

Conclusions

With the above information in mind, there is no objection to the principle of the proposal however it is advised the applicant addresses the following prior to the Highway Authority recommending suitable conditions.

- Demonstrate a suitable swept path analysis of an 11.4m refuse vehicle.
- Update the submitted Travel Plan as advised above (secure via s106).

- Clarify cycle and motorcycle space numbers and policy compliance.

Revised Comments (November 2018)

Refuse parking

In our previous comments (dated 9 November 2018), Drawing No: TR03D appeared to show swept path vehicle conflict with a wall. The applicant has since provided revised drawing TR03E of the swept path analysis which now appears to have removed the conflict.

The applicant has also provided evidence of contact with the local Waste Management Company regarding what private companies may be able to serve the site. The Waste Management Company have also advised the applicant/developer to incorporate larger vehicles for the site for any avoidance of doubt. To reiterate, the Highway Authority has advised that the applicant consider/provide a swept path analysis based upon larger vehicles that have been proposed by the applicant to date. The Highway Authority would require that all associated vehicles have the capacity to enter the public highway safely, in a forward gear from the proposed development.

Cycle and Motor Cycle Parking

The applicant has not proposed any motorcycle spaces to accommodate the proposal, however has suggested that a number of spaces could be provided if necessary in North Street carpark. The Highway Authority would welcome this, however the LPA should weigh up any potential loss of parking spaces to the public car park within the planning balance.

The applicant has proposed 80 cycle spaces to accommodate the proposal. The Somerset Parking Strategy (SPS) states 1 cycle space per dwelling should be provided. Whilst it would be difficult to sustain an objection on the current number of cycle spaces, the Highway Authority still maintain that cycle parking should be provided in line with the SPS where there appears scope to do so (and considering the limited car parking at the site). It is noted however, that no cycle parking has been indicated on the current plans, the applicant needs to demonstrate how suitable cycle parking will be accessible to any future residents, subject to planning being granted. Cycle parking should be safe, secure, sheltered and easily accessible.

Travel Plan

The applicant has not provided any amendment to the Travel Plan as advised and has suggested that a Full Travel Plan can be secured via a S106, that could be submitted in full and agreed prior to first occupation of any dwelling. The Highway Authority consider it necessary however, given the nature of the site and the necessity of providing sustainable travel that a suitable Travel Plan be submitted to and approved in writing that will be secured under the S106 agreement prior to the commencement of any works. The LPA should note that this is a larger scheme than past consented scheme 43/11/0083 where our recommendations for the previous application (43/11/0083) was for a suitable Travel Plan to be agreed in full

prior to the commencement of the development and therefore our view on this remains.

Conclusion

With the above and our previous comments dated 15 October 2018 in mind, if the LPA are minded to grant planning permission for the development proposed, the Highway Authority recommend that a suitable Travel Plan is agreed in writing, in full and secured via a S106 prior to commencement of works at the site (please also note the S106 obligations below). The Highway Authority would also recommend the following conditions be attached.

- 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 commencement, and thereafter maintained until the use of the site discontinues.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.
- The development hereby permitted shall not be first occupied until an agreed number vehicle parking spaces for the development have been provided and, in a position, approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- Prior to first occupation of the development hereby permitted access electric vehicle charging points will need to be available to all dwellings. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the

approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice; • A scheme to encourage the use of Public Transport amongst contractors; and • Measures to avoid traffic congestion impacting upon the Strategic Road Network.

S106 Obligations

- Green travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property for a period of five years from each occupation, to aid with uptake of smarter travel choices in accordance with SCC Travel Plan guidance 2011
- There is no mention of TP Fee in the travel plan. The fee should be stated in the travel plan. For a development of this size, the fee is £700 plus VAT to be paid in full to SCC prior to commencement of the development.
- The TP should state that it will be registered on iOnTRAVEL prior to approval and that the iOnTRAVEL system will be used for the duration of the Travel Plan from registration and approval through to implementation and monitoring.
- The TPC will be responsible for implementing the TP and reporting against the travel plan targets and action plan entered via www.iontravel.co.uk. The TPC function will be fulfilled 3 months prior to first occupation and for the agreed monitoring period (5 years after 80% occupation).
- Cycle parking in accordance with Somerset County Council Travel Plan Guidance 2011 – a minimum of 1 space per bedroom. Cycle parking needs to be safe, secure, sheltered and accessible.
- A Travel Plan Management Fund to be submitted and agreed.
- A condition survey of the existing public highway will need to be carried out jointly between the developer and the Area Highway Service Manager and agreed prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer to the satisfaction of the Area Highway Service Manager prior to occupation of the development.

Note

The applicant will be required to secure an appropriate licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works

starting.

(Final Comments): With reference to the above application and the drainage detail proposals attached the Highway Authority would like make the following observations on the surface water management proposals as they relate to the both the existing public highway and the internal access roads serving the development.

1. The design of the pavement foundation for the internal access roads should take into consideration that the subsoil will be saturated due to the presence of the soakaways.
2. Soakaways should be located a minimum of 5 metres from any structure.
3. Positive drainage measures must be provided in all the internal access roads to collect surface water run-off and discharge to either soakaways or the existing drainage network on site. Surface water should be prevented from discharging onto the adjacent car park as this could eventually. With the above in mind it is advised that condition 2 is imposed in the event of planning permission being consented.

WELLINGTON TOWN COUNCIL - It was recognised that the principle of residential development of this site had previously been established. However, the concerns regarding conflicting traffic movements were shared by the Council.

HERITAGE - The development of the site at North Street lies within the Wellington Conservation Area which is a heritage asset at Risk. The development is required to be of a high quality on order to preserve the historic integrity of the Conservation area and enhance the historic designation. The area of development constitutes a large part of the Conservation Area which is currently neglected, overgrown back-land development. The scheme would save two listed buildings and other buildings of merit in the Conservation Area. The development should be contingent on the works being carried out to the listed buildings and the other designated heritage assets.

I am satisfied with the layout of the scheme following pre-application discussions, although remain concerned with the two blocks on the north of the site which I feel are problematic in regard to the topography of the site and the neighbouring properties and also the loss of boundary historic walls.

Following on from advice received at pre-app from TDBC and Historic England the applicants have improved the layout to the site including improvement to the rear (setting of the listed buildings) by removing parking provision and moving the neighbouring block further from the rear of the buildings. The layout of the blocks also respects the line of the burgage plots in line with the historic development of the town.

There remains a significant amount of demolition in the proposals within the Conservation Area. The loss of fabric will have a negative impact on the character

of the Conservation Area. Walls have been retained where possible and the inclusion of the historic wall within the design is a positive factor.

HISTORIC ENGLAND –

Significance

The proposed development site is located within the centre of Wellington Conservation Area, currently identified as a Conservation Area *at Risk*. The site is bound by the historic routes of Fore Street, Cornhill and North Street and retains a back-land character, being made up of the rear plots of the principle buildings along the aforementioned streets. A number of these properties are listed at grade II, while many of the others have been identified as buildings that provide a positive contribution to the conservation area.

The site is located within Zone 1 of the conservation area appraisal's identified character areas. The area had formed the medieval core of Wellington but underwent extensive growth and redevelopment in the 18th and 19th century through the commercial expansion of the town. Although many of the early buildings were lost, vestiges of the medieval layout remained through the survival of the burgage plots.

These can still be seen through the delineation of the boundary walls and ancillary buildings that reinforce the town's urban grain.

The proposed site is overgrown but does contain vestiges of the former burgage plots and ancillary buildings. The principle character is green and lush reflecting its former use as a garden but also contains a number of functional buildings reflecting its role as an ancillary space to the principle buildings. This sense of hierarchy is still clearly read from the publically accessible car-park that borders the site. The sense of privacy and intimacy of these rear plots is also appreciated in views from the car-park due to the sense of enclosure created by the surrounding buildings and strong boundary line.

Background

Consent was granted in 2012 for the redevelopment of the site. Historic England commented on the scheme at the time and raised a number of points that required further consideration. Our main concern was the demolition of the ancillary buildings and loss of boundaries that would result in the erosion of the character and appearance of the area.

Impact

The demolition of the ancillary buildings and the boundary walls that delineate the former burgage plots will result in significant harm to the conservation area through the erosion of a surviving feature of the settlement's early development. This is an important feature in terms of the archaeology of the settlement as well as the resulting impact on the surviving townscape and urban grain.

If the case can be made for the demolition of these buildings, further consideration needs to be given to the layout, massing and design of the proposed development to ensure that it preserve or enhanced the character and appearance of the conservation area.

The linear nature of the structures does look to follow the existing strong grain held within the conservation area, although could better respond to the former bargage plots. We would encourage the buildings to be set back from the main range of buildings along Fore Street, many are listed and consideration will need to be given to their setting.

In terms of scale and massing of the new development, this responds to the sense of hierarchy within the site. The new build remains subservient to the principle structures.

We were not wholly convinced by the end ranges of the blocks containing units 7 – 14 and units 15 - 23. However, these are within the footprint of the overall depth of the range and could be accommodated if the design is appropriate.

In terms of the design approach, the proposal is for domestic ranges of terraced housing. The character of the area is back-land, articulated with ancillary and functional structures with a connection to the garden. The scheme needs to reflect these qualities within the design and we are not convinced at present that this has been achieved due to the overtly domestic appearance and the hard landscaping associated with the associated car-parking.

Part of the heritage benefits offered by the scheme, is the repair of the grade II listed pair of cottages (4 & 5 Cornhill - List Entry Number 1344794). As it is grade II listed, we do not wish to offer detailed comments but would highlight the need for the new works to sympathetically respond to surviving internal features in order to allow the conversion to be sensitively achieved. This includes chimney breasts and staircases.

We are pleased that the walls along the boundary of the current passageway are being retained without any further interventions. Where we consider further thought will need to be provided is the entrance into the site from the car-park. The area has retained a sense of intimacy and privacy due to the back-land character and the sense of enclosure from the surrounding buildings and boundary walls. Therefore the approach to the point of access into the site needs careful consideration in order to respect the character of this area. It needs to create a clear transition from the open and public character of the car park to the more intimate sense of place within the proposed development site. At present this has not been demonstrated and raises concern.

Policy and Position

As the application affects a conservation area, the council has a statutory requirement to pay **special attention** to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72(1), Planning (Listed Buildings and Conservation Areas) Act 1990).

In our view the demolition of the outbuildings and structures including walls within the site will result in harm through the loss of the evidence they provide for the development of the settlement of Wellington and the positive contribution they make to the urban grain, the sense of hierarchy within the town. The council need to be satisfied that the justification for the loss of these structures has been clear and convincingly demonstrated (Para 194, NPPF).

In terms of the proposed development, this needs to preserve or enhance the character and appearance of the area as required under national legislation as well as the NPPF (Chapter 12). We consider that further attention should be given to the overall design approach to address their overly domestic appearance and to reflect the greater ancillary and functional quality of the area. This needs to be balanced against the requirement for a robust landscaping scheme that will help retain some of the positive qualities of the site through its role as garden.

The other issue that needs addressing is the point of arrival. There needs to be a clear distinction and change of character at the point of access from the car park. The site holds a sense of intimacy and privacy, which needs to be retained within the design.

At present, we have concerns that the development is unable to satisfy the majority of the requirements of Para 127, NPPF through the current design response. Consequently, it will be unable to meet the requirements of Para 200 in terms of preserving or better revealing the significance of the asset.

Further steps should be taken within the design approach to address the points raised above and to ensure that the scheme responds positively to the conservation area.

This should look to address the requirements of Para 190, NPPF, where conflict between development and the conservation of the heritage asset is identified steps should be taken to avoid or minimise the harm identified.

The current scheme in our view will result in harm to the character and appearance of the conservation area. This harm needs to be considered against the public benefits of the scheme, which should demonstrably outweigh the harm identified (Para 196, NPPF). Public benefit can include conservation gains and we would encourage ways in which elements of the surviving buildings and structures could be reused within the scheme.

Recommendation

Historic England has concerns regarding the applications on heritage grounds. Harm will be caused by the loss of the ancillary structures within the back-land area. Consequently, any new development should look to enhance or preserve the character and appearance of the conservation area. At present, we are not convinced that the development through the design of the new builds, the landscaping or the access responses to the significance of the asset: an area characterised by gardens, functional utilitarian structures and a sense of intimacy and privacy.

DESIGN REVIEW PANEL - Summary of key recommendations:

- The Panel is generally very supportive of the project's aspirations;
- The site may provide a desirable place to live and residential development in this location is encouraged;
- Further consideration should be given to assessing the wider context and a Conservation Area Appraisal should be provided:

- The buildings appear overly monolithic;
- It would benefit the scheme to look less suburban;
- The site should become a predominantly pedestrian area;
- Consider creating three different character areas within the site;
- The massing and form should be traditional although contemporary materials can be used;
- The bay windows on the gable ends should be re-considered;
- The gardens look very small;
- The scheme should have more of a mews character with good quality, well detailed hard surfaces;
- The external spaces should be tightened up to create both narrow and wider gaps to create character and identity.

ENVIRONMENT AGENCY - No comment.

BIODIVERSITY - The application is for the demolition of buildings and removal of garden vegetation with replacement and rebuild at Cornhill, Fore Street, Wellington

Biodiversity

Ethos carried out an ecological assessment of the site dated July 2018. The findings were as follows:

Hedgehog -The site was dominated by dense bramble which provided moderate potential for hedgehog

Badger - There was no evidence of badger on site.

Bats - The rear gardens form a small area of scrub and scattered trees which could provide limited foraging potential for bats.

The surveyor found no evidence of bats in the nine buildings on site. It was considered that the structures all offered negligible potential for roosting bats.

Birds - Two structures (6 and 7) on site were occupied by pigeons.

Vegetation on site offered potential for nesting birds.

I support the recommendation to erect bird boxes on site.

Reptiles - The dense scrub on site was densely overgrown with limited basking opportunities for reptiles. Disturbance could be avoided by using a suitable working method.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ethos ecology's submitted report, dated July 2018 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 retention and replacement and enhancement of places of rest for the 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 resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note

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.

TREE OFFICER - the existing trees are not of particularly high quality, being either smallish fruit trees, self-sown sycamore, cherry and one severely declining weeping willow. They would not constitute a serious constraint to development. However, the area has nevertheless been a reasonably green 'oasis' for some time, and some of the trees have been included in two Tree Preservation Orders – TD914 and TD1006. These trees have provided some amenity value in this urban area close to the car park and well-used footpath to the High Street. I therefore think that more effort should be made in the design of the development's layout to allow for some serious replacement tree planting, particularly around the car park and footpath area, so that the area is not just buildings and hard landscaping.

LANDSCAPE (original comments) -The existing garden vegetation provides a positive contribution to the conservation Area. Its complete removal will greatly impact on the character of the area mainly changing views from the public car park.

I would like to see additional landscaping proposed particularly near to the car park. Full landscape details are required.

Further Comments: This too flowery and more suburban rather than urban landscaping.

Regarding the hard landscape plan – this is unduly dominated by blacktop and where this is proposed for the highway for the access road and turning head this requires stone chippings to be less glossy in appearance. After the turning head area we are seeking a shared surface preferably in fibre deck gravel surface with a demarcated stone kerb and parking spaces picked out using a raised stone sett. Kerbing throughout the scheme should be natural stone. We do not wish to see

blocking paving rather car parking spaces picked out with a raised stone sett. Our preference is for pavements in flags of random length (not 450 x 450 slabs).

HOUSING ENABLING - It is noted from the Affordable Housing Statement, that an independent viability appraisal is to be submitted shortly. Housing Enabling are unable to comment on this application, until such time as the viability appraisal becomes available.

WESSEX WATER - No comment.

DRAINAGE ENGINEER - The proposed development will increase the impermeable area, and will result in an increase in surface water runoff.

The drainage proposals are to discharge surface water from retained buildings to an existing surface water sewer, and new buildings to soakaway. However, the storage has only been designed to accommodate the 1 in 100 year (+20% climate change). However, new climate change figures have been published by the Environment Agency, and 40% allowance is required.

The applicant should submit revised calculations on that basis, to ensure sufficient storage is provided.

In addition the applicant needs to provide further details of what will happen in an exceedance event, where the drainage system is overwhelmed. It should be demonstrated that surface water should be managed within the site, without resulting in flooding to properties, until such time as it can discharge back into the drainage system.

SOUTH WEST HERITAGE TRUST -

The site lies within the Wellington Area of High Archaeological Potential. I agree with comments from Historic England regarding the potential for medieval occupation in this area. The Heritage Statement has also identified the potential significance of the buildings.

For this reason I recommend that the developer be required to carry out a programme of archaeological investigation to include building recording and site investigation and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted.

"Programme of Works in Accordance with a Written Scheme of Investigation (POW)
Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried

out in accordance with the approved scheme."

SCC PUBLIC HEALTH -

- The proposed cycle parking provision is well below standard, a minimum of 101 spaces is needed;
- It is not acceptable to have cycle storage in the back gardens without access other than through the dwellings;
- Whilst the proposed car parking is below the maximum standard, it could be even lower in this urban location
- Some of the car parking spaces could be used for cycle parking;
- The developer should be considering car club provision;

LEISURE DEVELOPMENT - In accordance with SADM Policy C2 and Appendix D, provision for children's play should be made. The application proposes 42 dwellings of which 32 are 2 bed + dwellings. Developments of 20 or more 2 bed + dwellings trigger the provision of an on-site LEAP. However, on-site provision would not appear to be possible.

An off-site contribution for children's play of £3,263 per each additional 2 bed + dwelling should be made. The contribution should be index linked and spent on play equipment within the vicinity of the site.

SCC - CHIEF EDUCATION OFFICER - No Comment.

POLICE ARCHITECTURAL LIAISON OFFICER –

Layout of Roads & Footpaths - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The proposed use of physical or psychological features i.e. surface changes by colour or texture, rumble strips and similar features within the shared areas, parking spaces and private drive should help define defensible space giving the impression that the area is private and deterring unauthorised access. The proposed new pedestrian link between the Cornhill and private drive also appears to fit the above criteria.

Orientation of Dwellings – all the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection.

Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. More vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fencing and lockable. The plans indicate 1.8 metre closeboard fencing between rear gardens, 0.9 -1.8 metre walls around rear gardens

(the latter being the recommended height) and 450mm dwarf wall with railings to communal garden area of flats (which is appropriate to aid surveillance).

Cycle/Bin Stores – should be capable of being secured to prevent theft of pedal cycles and use of wheelie bins for arson or as climbing aids. I have some concerns regarding the location of the ‘cycles for flats’ in the pedestrian link adjacent to No. 2 Cornhill, as any cycles left here are potentially vulnerable to theft. I recommend these cycle hoops be relocated inside the communal garden. Both pedestrian entrances to the communal garden should also be gated to deter unauthorised access.

Car Parking – all parking appears to be on-plot parking spaces which, in the absence of garages, is the recommended option.

Landscaping/Planting - should not impede opportunities for natural surveillance and must avoid potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. Generally speaking, this recommendation appears to be complied with.

Street Lighting – all street lighting for adopted highways and footpaths, private drive and pedestrian links and car parking areas should comply with BS 5489:2013.

Physical Security of Dwellings – in order to comply with **Approved Document Q:**

Security – Dwellings, of Building Regulations, all external doorsets providing a means of access into a dwelling (incl. communal and flat entrance doorsets) and ground floor or easily accessible windows and rooflights must be tested to PAS 24:2016 security standard or equivalent.

Secured by Design(SBD) – if planning permission is granted, the applicant is advised to refer to the ‘**SBD Homes 2016**’ design.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No comment.

SOUTH WESTERN AMBULANCE SERVICE - No comment.

ENVIRONMENTAL PROTECTION CONTAMINATED LAND - No comment.

Representations Received

Eight letters of objection have been received from residents of Bishops Court and several local traders which are summarised as follows:

- Concern about the pedestrian link across the site from the corner of Bishops Court to the existing footpath serving Fore Street. Visibility at this corner is restricted and the new road should be of a smooth surface;

- There is no plan to show the existing public car park layout and how it will be affected by the proposed changes;
- The demolition of old and historically valuable should not be allowed as these buildings have been allowed to deteriorate; the replacement is cheap and unhistorical;
- The Cornhill buildings should not be converted into residential as there is a need for small retail units to serve independent traders;
- A right of way alongside the Wellington Silver Band building should remain closed off at one end for security purposes. It is not a public right of way and is used by vehicles as well as pedestrians.

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), the Taunton Site Allocations and Development Management Plan (2016), 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.

CP1 - Climate change,
 CP4 - Housing,
 CP5 - Inclusive communities,
 CP6 - Transport and accessibility,
 CP8 - Environment,
 DM1 - General requirements,
 DM4 - Design,
 DM5 - Use of resources and sustainable design,
 SD1 - Presumption in favour of sustainable development,
 SP1 - Sustainable development locations,
 SP3 - Realising the vision for Wellington,
 SB1 - Settlement Boundaries,
 ENV1 - Protection of trees, woodland, orchards and hedgerows,
 ENV2 - Tree planting within new developments,
 ENV4 - Archaeology,
 ENV6 - Wellington Burgage patterns,
 D7 - Design quality,
 D8 - Safety,
 D10 - Dwelling Sizes,
 D12 - Amenity space,
 C5 - Provision of Community Facilities,
 A5 - Accessibility of development,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

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 | £36,688 |
| Somerset County Council | £9,172 |

6 Year Payment

| | |
|-------------------------|----------|
| Taunton Deane Borough | £220,130 |
| Somerset County Council | £55,032 |

Determining issues and considerations

The Principle of Development

The site is in the centre of Wellington. The principle of development is acceptable due its location in the town centre which is sustainable in transport terms. A wide range of local facilities exist adjacent to the site with bus stops providing regular links to Taunton and beyond. The main issues in the consideration of this application are the impact on heritage assets; the detailed design and layout of the scheme; development viability and the impact on community facilities and infrastructure; the impact on the highway network; and impact on wildlife.

Heritage Issues

The site is centrally located within the Wellington Conservation Area which has been identified as being "At Risk" by Historic England. The site is overgrown but lies within the medieval town centre with remnants of old burgage plots, ancillary buildings and boundary walls. These contribute to the character of the Conservation Area and are defined as "heritage assets" (Annex 2 NPPF). A number of these existing structures and boundary walls will be demolished to enable the proposed development to proceed. The loss of these heritage assets will harm the positive contribution that they make to the area. The Council therefore has to assess the significance of these assets and satisfy itself that their loss can be justified under Paragraph 194 of the NPPF.

The Council is required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. NPPF 2018 guidance states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm or loss requiring clear and convincing

justification. Paragraph 195 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Finally, paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The site lies to the rear of a number of listed buildings on Fore Street. In addition, most of the site, particularly the western end, forms part of the historic burgage plots that formerly belonged to these properties. SADM Policy ENV6 seeks to retain the historic burgage patterns behind the Fore Street properties. The detailed layout proposes, at the western end, to site buildings within the historic and well defined burgage plots. This is welcomed by Historic England. The layout is such that the buildings would sit within the plots, extending in terraces perpendicular to the principle buildings on Fore Street. New access roads to the front of the dwellings would be driven through on this orientation, reinforcing the north-south pattern of development. Where the plot boundaries are already in the public realm, such as the accesses at Fore Street and to the Silver Band building, the historic walls will be retained. In the 2012 scheme, new individual pedestrian accesses to the new dwellings would have been punched through the walls. The historic walls along the pedestrian paths will now be retained unaltered. This is considered to pay good regard to the existing urban grain and character and appearance of the area.

Historic England has raised concerns about the overtly domestic appearance of the development, concerns which are echoed by the Design Review Panel. In particular, the design has been criticised for being too suburban and monolithic. The entrance to the site from the public car park was considered weak, particularly with regard to the gable ends. The treatment of the gable ends to Units 1-6, 7-14 and 15-23, as they front onto the new road and existing car park, has been the subject of much discussion. The gable elevations have been revised including facing the end of Units 1 - 6 in local stone. The elevations of the terraced blocks have been revised to show a greater degree of articulation and a slight variation in roof height. This goes some way to addressing Historic England and the Design Review Panel's concerns.

The development will result in the historic plots being severed from their host buildings in Fore Street permanently. Cross sections through the site have now been provided which illustrate the relationship between the new blocks and the listed buildings in Fore Street. There is no scope to set the new buildings further back into the site without compromising the development. Historic England acknowledge that the new build is subservient to the main structures. Despite the historic association with the backland burgage plots, the settings of the listed buildings on Fore Street are mainly derived from their relationship with the street and adjoining buildings. It is considered that this setting would be preserved by the development and it is acceptable in this regard.

Officers have concerns about the siting of Units 24 - 27 along the north boundary of the site. These dwellings will be sited between 1.5 to 6 metres from a tyre depot business. This is considered to be unacceptably close due to potential noise disturbance and poor amenity. The applicant has referred to the previous planning permission which had dwellings sited right up against the boundary. However, those

dwellings had no windows within the rear elevation, whereas the current proposal has dwellings with windows and small gardens abutting the commercial premises. Officers have been advised that if this block is removed from the scheme then the whole viability of the development is in doubt. This needs to be weighed against the overall benefits of delivering housing on this site.

Numbers 4 and 5 Cornhill are listed buildings and form part of the scheme. A separate listed building consent application deals with the physical changes to these buildings, which are generally considered to be acceptable. The rear of these properties will become much more important visually once the proposed new build is implemented, as the space will become public realm. The settings of the rear of 4 and 5 Cornhill will largely be retained and it is considered that they are preserved.

The large willow tree, subject of a Tree Preservation Order on the western part of the site is proposed to be removed as part of the development. This is regrettable due to its scale and visibility from the North Street car park. However, this tree is in poor condition and it is not possible to develop on the site with the tree in situ. In this instance, it is considered that the relationship of the site with the historic built environment is more important than the preservation of the single tree in this central area of Wellington's townscape. The opening up of new pedestrian and vehicular linkages through the town will significantly alter the way that this part of the town works, and the logic in the connectivity as proposed is considered to be important.

The case for the demolition of the ancillary structures and some boundary walls was accepted by the granting of the 2012 planning permission. Since that time, the condition of the buildings have deteriorated further. A revised Heritage Assessment has been submitted in response to Historic England's concerns, which gives a more robust assessment of the significance of the heritage assets on and adjoining the site. The three terraced blocks in the western part of the site will be sited in the same position as in the 2012 permission, to respect the burgage plots. The redevelopment of the site will result in the refurbishment of the listed buildings at 4 - 5 Cornhill which is a significant heritage benefit to the area. On balance, it is considered that the proposed development will result in less than substantial harm to the setting of the listed buildings and the wider Conservation Area. It will also result in public benefit from developing an untidy and neglected site. Accordingly, the proposal is considered to be acceptable in terms of its layout and impact on heritage assets.

Viability of Development

Under Core Strategy Policy CP5, affordable housing at a level of 25% is sought on sites of 5 or more dwellings. The application is accompanied by a viability assessment that indicates that it is not viable to provide affordable housing on this site. This is due in part upon the high costs of regenerating and repairing the listed Cornhill properties. These properties were in a poor condition at the time of the 2012 planning permission, when it was accepted that the site was not viable for affordable housing. Since that time, the buildings and ancillary structures on site have further deteriorated. The wider residential development can be viewed as providing an enabling development to allow the regeneration of the listed buildings. On this basis, it is accepted that the development as a whole would not be viable and that no contributions are being sought towards affordable housing.

It is considered, however, that the development of the new build element should be tied into the regeneration of the listed buildings by condition.

Community Facilities

Policy C4 of the SADM requires that contributions are made towards the provision of children's play and active recreation facilities in the locality. There is no requirement for contributions towards education provision on a development of this scale. As there is insufficient space within the site to provide a children's play area, an off-site contribution will be sought through a Section 106 Agreement.

Highway Issues

The only means of vehicular access to the site is via the North Street car park, which has entrances from both Fore Street and North Street. Egress is only available via North Street. The provision of 34 dwellings would create additional traffic loading on the junctions of the car park with the public highway, however, given the existing use as a town centre car park, with a high turnover of vehicles, it is not considered that the increased loading would have a significant impact on the local highway network.

The proposed access through the Council owned car park will result in the loss of 2 general parking bays and the relocation of 4 disabled parking bays and 2 general parking bays. In addition, it will also be necessary to reduce the width of a number of parking bays along an east/west alignment, to enable a 5 metre wide access to be achieved. Further information is being sought from the applicant on how the layout of the existing car park will be affected. However, the loss of these spaces and the creation of a private access across Council land is a matter to be agreed between the applicant and the Council's Assets team.

The area of greatest impact is likely to be the junction between the site and the car park, at the corner of the Fore Street. Visibility here is restricted by the high brick walls and the pedestrian route is heavily used. A number of residents of Bishops Court have raised concerns about the suitability of the proposed materials for those with mobility issues. The plans have been revised to show a smooth raised table which will link the end of the Fore Street path with the pavement opposite. The Highway Authority has raised no objection on this basis and, therefore, the arrangement is considered to be acceptable.

The existing access serving the Silver Band adjacent to no. 17 Fore Street will be opened up at the northern end to link into the new development. Concerns have been made by the Silver Band about security issues arising from making the path a through route. At present, the path is gated at night to prevent anti-social behaviour. Officers are of the opinion that the opening up of this path will lead to greater public surveillance. It will also improve the permeability of the site, providing a further link to the town centre.

The development proposes 41 car parking spaces to serve the 42 dwellings including those in the redeveloped Cornhill. This is well below the adopted parking standards. However, given the sustainable town centre location, the provision is considered to be appropriate. If additional parking is required, there is parking provision nearby in the public car park. Provision for cycle parking is shown with each dwelling having an enclosed cycle store within the rear gardens. This is not an

ideal arrangement as some 26 dwellings only have access to the cycle storage through the dwelling. No motorcycle parking is proposed. The applicant has suggested that motor cycle parking could be made available in the Council car park, but no details have been provided.

The proposed new estate road does not meet suitable standards for adoption. It is also not linked to the public highway (as access is required through the Council owned car park). The Highway Authority therefore do not wish to adopt the road. Revised details on the proposed surface materials have been submitted but require further refinement to achieve a high quality finish. This can be controlled by condition. For a development of this size, and where there is no direct point of access to the public highway, it is not considered reasonable to insist upon condition surveys of the local highway network.

In terms of the submitted travel plan, the Highway Authority has stated that there are a number of outstanding issues which have not been addressed as requested. Given that the site is well located in terms of public transport, and in light of the viability considerations detailed above, it is not considered necessary to insist upon travel vouchers to make this development acceptable in transport terms. The Highway Authority has advised that the travel plan can be secured by a Section 106 agreement. However, this was secured by by condition on the previous permission and is considered appropriate in this case.

Uses of Cornhill

It is proposed to repair the listed buildings for residential use. The previous permissions proposed that the ground floor of the Cornhill properties would be used for retail. Local traders have expressed concern that no retail use is currently proposed. The difficulty is that the retail units would have been very small and there were concerns over their future viability. The proposed residential use will be less intrusive in terms of the alterations to the fabric of the listed building.

Impact on Wildlife

A wildlife survey carried out in July 2018 found that the site may be used for foraging by bats. It may also be used by nesting birds and provides good habitat for reptiles. There was no evidence that bats were roosting within the existing structures on site. As the site appears to only be used for foraging, there would be no deliberate disturbance of the habitat caused by the development within the meaning of the Habitats Regulations 2010, and a licence from Natural England would not be required. Accordingly, it is appropriate to deal with the matter through the imposition of a planning condition. However, these impacts would be able to be mitigated provided that a suitable strategy was in place. This can be required by condition.

Conclusions

The proposal is considered on balance to be acceptable in terms of its design and impact on the character and appearance of the conservation area. The listed buildings 4 and 5 Cornhill will be preserved together with their settings and the settings of other listed buildings surrounding the site. It is considered that the viability of the development is marginal at best and that, in this case, the desire to undertake remedial works to the properties on Cornhill, thereby improving the character and

appearance of the town centre outweighs the need to provide affordable housing. It is recommended that planning permission is granted, subject to a Section 106 agreement to secure the financial contribution for children's play equipment.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Ms A Penn