

MCCARTHY AND STONE RETIREMENT LIFESTYLES LTD

REDEVELOPMENT TO FORM 42 LATER LIVING APARTMENTS WITH COMMUNAL FACILITIES AND ASSOCIATED LANDSCAPING AND PARKING AT THE FORMER WELLINGTON MEDICAL CENTRE, BULFORD, WELLINGTON

Grid Reference: 313927.120411

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposal would result in residential development on a site allocated for town centre uses to such a degree that it would prejudice the development of the site for the allocated uses. The proposal is, therefore, contrary to retained policy W11 (Town Centre Uses) of the Taunton Deane Local Plan.

There is an identified need for additional floor space for town centre uses in Wellington and the site provides the only opportunity in the town centre to meet such needs. The loss of the allocated site to residential use would leave the Local Planning Authority incapable of meeting the town's predicted retail needs on sites that would preserve the vitality and viability of the town centre. Accordingly, if the development were to proceed, future retail expansion could not be provided in a sustainable manner in accordance with the sequential approaches advocated by the National Planning Policy Framework and Policy CP3 (Town and Other Centres) of the Taunton Deane Core Strategy. Therefore, the proposal would not provide sustainable development, failing to comply with Strategic Objective 3 (Town and other Centres) of the Taunton Deane Core Strategy. The development would not improve the economic, social and environmental conditions in the area and, therefore, conflicts with Policy SD1 (Presumption in favour of Sustainable Development) of the Taunton Deane Core Strategy and the National Planning Policy Framework.

- 2 There is no mechanism in place to secure an appropriate contribution towards the delivery of affordable housing or community facilities in the locality. The proposal is, therefore, contrary to Policy CP4 (Housing) of the Taunton Deane Core Strategy and retained Policy C4 (Standards of Provision) of the Taunton Deane Local Plan. Accordingly, it does not cater for the needs of the residents of the proposed development and does not improve social conditions in the area, contrary to Policy SD1 (Presumption in favour of Sustainable Development) of the Taunton Deane Core Strategy.

PROPOSAL

This application seeks full planning permission for the erection of 42 'Later Living'

apartments and communal facilities. The apartments would be arranged over 2-3 storeys. The applicant, McCarthy & Stone, requires that the building format comprises a number of self-contained apartments specifically designed for the frail elderly, linked by heated corridors from a secure entrance. Communal facilities include a residents' lounge, guest suite, battery car store, laundry room and refuse store, all accessible without leaving the building. They require, therefore, that the building is of a singular mass and footprint with level access.

The proposed design splits this 'singular mass' into various component sections on a stepped building line, seeking to break up the form of the building. Projecting and recessed gables, together with some dormer windows would be provided to the 2nd floor apartments such that some were partly contained within the roof structure, reducing the eaves level. A large glazed section would mark the main entrance to the property in the centre of the north-east elevation, whilst a large corner window would emphasise the eastern corner of the site adjacent to the site entrance.

The building would primarily be finished in red brick under a slate roof, with UPVC windows.

SITE DESCRIPTION AND HISTORY

The site comprises the former Wellington Medical Centre, which has been disused since the facility relocated to a new building in Mantle Street. The site is broadly flat, although it is raised slightly in the centre. Otherwise, the site drops gently to the north towards the rear of the existing properties on Fore Street.

To the east, a low brick wall – around 1.5m in height – separates the site from the South Street car park, and beyond that, the Baptist Church and other buildings on South Street. To the north, the site widens to an existing parking area, which also contains a number of accesses to the rear of properties on Fore Street. To the West, an overgrown wall and some fencing separates the site from the rear of existing dwellings on Bulford. These properties have fairly short gardens and the boundary wall is generally low. There are a number of large trees within the site along this boundary.

The southern boundary of the site is open to Bulford and it is here that the site access is provided – at the eastern end of the southern boundary, adjacent to the car park. There is also a strong tree presence along this boundary, with mature trees protected by Tree Preservation Orders. Other trees sit between the medical centre building and the access drive.

There have been various applications for extensions and alterations to the medical centre and its car park. Planning permission was granted in 2004 and 'renewed' in 2008 for the redevelopment of this site and the adjoining car park to provide a supermarket and car park. The permissions were not implemented.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Formal comments awaited. Verbally have commented that the development is unlikely to have a significant impact on the local highway network; subject to minor alterations to the access boundary wall, sufficient visibility is provided at the access; the level of parking is appropriate and a travel plan should be submitted.

WELLINGTON TOWN COUNCIL – Supports the granting of planning permission.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – As far as we are aware, there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

BIODIVERSITY – A wildlife survey found the following:

Birds – The site contains a number of trees and shrubs for nesting birds. Clearance works should take place outside the bird nesting season and the development should include some bird boxes.

Reptiles – The site is isolated, but there are small patches of suitable reptile habitat. The site should be checked for reptiles immediately prior to clearance.

Bats – None of the trees on site had potential for roosting bats but they do provide foraging potential. The subsequent survey of the building found no evidence of bats using the building. There is, therefore, no objection to the demolition of the building, although it should be dismantled with caution as a precautionary measure.

LANDSCAPE LEAD – Tree survey and proposed management works acceptable. Tree protection during construction fine.

My main concern is the loss of mature trees 2-7. These trees especially 2 and 4 have considerable amenity value. If they have to be removed for planning reasons, I recommend that they are replaced with semi-mature trees in the car parking island to the north-east of the proposed building. Details of landscaping not submitted.

HOUSING ENABLING – The affordable housing requirement for this scheme is 25% of the total number of units. In lieu of on site affordable housing provision the commuted sum is £623,970.

The commuted sum money is ring fenced and must be used to provide affordable housing in the locality. The commuted sum money should be paid upon completion of the sale of the land.

DRAINAGE ENGINEER – Notes that the drainage survey indicates that surface water from the roof area goes to soakaways. In their recommendations, they propose that porosity tests are carried out to ascertain if the underlying strata would accept infiltration flows.

However, in the application form, it seems to indicate that the preferred method of

disposing of surface water flows is to public sewers. This is not ideal and the developer should consider SUDS techniques to deal with surface water especially as the impermeable areas have increased.

Therefore, a condition should be applied to any planning permission given that details for discharge of surface water should be submitted.

PLANNING POLICY LEAD – The site forms part of the Bulford allocation (Town Centre Uses) under policy W11 of the adopted Taunton Deane Local Plan (2004). Permitted uses will include retailing, food and drink, offices, leisure, entertainment and healthcare facilities. Residential uses may be acceptable as part of a mixed use scheme.

Whilst the status of the Local Plan may be regarded as of limited weight due to its age, the Bulford site falls within the boundary of Wellington town centre, as defined on the Proposals (Inset 3) Map accompanying the adopted Taunton Deane Core Strategy (2012).

Policy CP3 of the Core Strategy advocates the promotion and enhancement of (Wellington) town centre(s) including retail, leisure, cultural and office development and reiterates a sequential approach for such town centre uses.

Over the Plan period the Roger Tym Retail and Leisure Study (2010) requires provision for an additional 7,550 sq.m. (gross) comparison and 700 sq.m. (gross) Class A3,4 and 5 retail space. Whilst there is no additional requirement for convenience floorspace the site lies within the town centre boundary, adjoins the primary frontage and would thus be a sequentially preferable site if proposals arose.

The site has had the benefit of planning permission for retail use in the recent past (most recently in 2008) for 2,580 sq.m. gross convenience foodstore. To my mind the Bulford site is suitable for comparison or convenience retail use, the previous consents not being implemented due to the inferred end user eventually utilising a new unit already under construction. The site falls within the town centre, retail would be consistent with policy CP3 of the Core Strategy and is an allocation for such a use in an adopted Plan. However, I consider that to remain viable the allocation would require consideration in a comprehensive manner, especially as the Local Plan policy/text requires retention of existing car parking in full.

The NPPF reaffirms that the development plan remains the starting point for decision making. Paragraph 17 states that every effort should be made to objectively identify and meet the housing and other development needs of an area, promote mixed use developments and meet local service needs. Paragraph 23 states that town centres should be defined whilst the needs for retail and other main town centre uses are met in full and are not compromised by site availability.

The Core Strategy is an up to date plan. Housing requirements for the Wellington area have been exceeded. This site (or part of) is not required for housing although as part of a mixed use proposal it could afford an acceptable design solution.

The Bulford Local Plan allocation is an obvious site to assist in meeting the projected retail requirement over the Plan period and should thus be retained for this purpose, consistent with local and national policy. Piecemeal loss of this allocation

would not only reduce the retail capacity of this site, it could also result in the remainder of the allocation being unviable for such a use. Loss to residential would not assist vitality or viability of Wellington town centre. The consequence would be out of town retail proposals, impacting on town centre trade and attraction, resulting in transport movement in conflict with the principles of sustainable development whilst impacting on the town centres vitality and viability.

In conclusion, the site is not required to meet a residential need nor would residential use promote vitality and viability of the town centre. However, I would support a comprehensive (including flexibility in accommodating a mixed retail/residential use) development of the Local Plan Bulford W11 site for primarily retail use, consistent with policy. This proposal does not achieve this.

Moreover, in its present form the proposal would prejudice the Councils ability in meeting the NPPF's requirements to identify and not prejudice availability of town centre sites to assist in meeting identified retail need over the Plan period. This would thus be contrary to Core Strategy policy CP3 and SP3/Vision 3 which seeks to promote limited expansion within the town centre to widen its attraction as a place to shop (ie vitality and viability).

Consequently it would not meet the 'presumption in favour of sustainable development' in relation to plan-making or decision-taking set out in the NPPF and therefore also run contrary to policy SD1 of the Core Strategy.

To meet identified retail need, the loss of this site would thus result in out of centre proposals which would result in an increased need to travel, contrary to policy CP1 and CP6 of the Core Strategy and generally, national policy.

HERITAGE LEAD - The Design and Access Statement, clearly states that the design, is a response to the functional requirements of the applicant and hence is one of a "singular mass and footprint" and goes on to say that "the proposals should be designed to respect the overall architectural style and heritage of the surrounding area, whilst optimising the development potential...". As such, the proposal has not drawn any reference from the historic or local distinctiveness of the surrounding buildings, other than the occasional inclusion of certain details. The form takes no account of burgage plots and does not step down from the buildings on Fore Street. The roofscape is complex and includes hips, neither of which are characteristic of the town. Proposed corner features, visually implies that the building is not adequately supported. NW elevation particularly poor - predominantly roof! Square openings largely shown, which contradicts the submission in the D and AS.

The submission needs updating to correctly reflect current policies.

Concern re. proposed use of concrete tiles, plastic windows, Trespa panels and possibly choice of brick.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – No comments received.

WESSEX WATER – There are no issues with the foul drainage proposals.

In terms of surface water, there is a need for attenuation as detailed in the site proposals plan and would accept the proposal of 10l/s for a 30 year storm event. However, would also wish to see the storm flow directed the short distance from the edge of the site to the existing 525mm dedicated storm water system in South Street. This would limit flow rates in the existing foul sewerage system and alleviate existing flooding issues in South Street rather than increasing them.

Provide guidance on new water connections.

ECONOMIC DEVELOPMENT – I would wish to resist the loss of retail space in Wellington town centre and in this location in particular, especially if it were to compromise the comprehensive redevelopment of the site – i.e. for a larger foodstore.

I acknowledge, however, that the development proposed will have economic benefits to the town centre, notably by providing accommodation for people able to spend locally.

Representations

1 letter confirming NO COMMENT to make.

9 letters raising NO OBJECTION, making the following observations:

- This will be a great improvement.
- The outlook from the rear of 54 Bulford would be a great improvement.
- School children will have to find somewhere else to congregate.
- The proposal seems sensible and proportionate in design and scale.
- The development should be named after Hope Terrace, a row of 16 back to back dwellings that occupied the site for around 100 years until the 1960s.
- There should be a one-way system around the site with lay by's and a slope to the town shops, busses and banks.
- It makes good sense to develop the site for local people.
- The site is in an ideal location, with shops and transport so close.
- The site is presently an eyesore and the proposals would be an enhancement.
- If the development proceeds, the South Street car park should be enhanced, so that the residents have a better outlook. A nice garden could be laid out for the Bulford residents to enjoy. Trees could be planted within the car park.

- Hope that most of the mature trees, including the two walnut trees at the front of the site on Bulford can be retained.
- There is inadequate parking in Bulford and more elderly residents are now driving, so sufficient facilities must be provided.
- Access to the rear of properties on Fore Street must be maintained.
- There must be sufficient parking provided for the residents.

7 letters of SUPPORT have been received, making the following comments:

- The development should be completed sooner rather than later.
- The adjoining South Street Car park should not be developed as it is a vital resource in an ideal location.
- There is nothing in Wellington that is purpose built to meet the needs of the elderly who are desperate for assisted living.
- The level of support offered to residents by McCarthy & Stone is excellent.
- McCarthy & Stone have agreed to plan another Red Oak to replace an existing 'in memory' tree that will be felled.

PLANNING POLICIES

EN14 - TDBCLP - Conservation Areas,
 EN23 - TDBCLP - Areas of High Archaeological Potential,
 W11 - TDBCLP - Town Centre Redevelopment Sites,
 W1 - TDBCLP - Extent of Wellington,
 STR2 - Towns,
 STR4 - Development in Towns,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the design of the proposal and the provision of affordable housing and contributions to community facilities. The impact on the local highway network, neighbouring property and wildlife must also be considered.

Principle

Located in the centre of Wellington, the site forms part of land (along with the South Street car park) allocated for 'Town Centre Uses' under policy W11 of the Taunton Deane Local Plan. The policy indicates that permitted uses will include "retailing, food and drink, offices, leisure, entertainment and health care facilities". The following criteria suggest that residential will only be permitted as part of a mixed-use scheme. Policy W11 is retained by the Core Strategy.

This proposal is for a purely residential development on part of the allocation, leaving the remainder of the allocation (the public car park) unaffected. However, without the medical centre site included, it is considered that the remaining car-park is incapable of any meaningful development for the allocated purposes, both due to the constraints that development of the medical centre site would place on the remaining site in terms of built form and developable area; and because the car parking facilities (which the policy intends to retain) would be lost as a consequence. It is, therefore, considered that the proposed development is in direct conflict with Policy W11. Permission should, therefore be refused unless material considerations indicate otherwise that the development is acceptable.

The material considerations suggested by the applicant revolve around the requirement for the allocation, its likely deliverability, and the public aspirations for the site. These are discussed below.

Requirement for the allocation

It is suggested by the applicant that the retail allocation is out of date, having been conceived based upon the Local Plan evidence base and not yet updated by the forthcoming site allocations development plan document. They say that the site has now been allocated for town centre uses for 10 years and has had two planning permission's for retail use, yet any development has failed to materialise. It is also suggested that in allocating the site, the Council were, essentially, envisaging that a food store would be constructed on the site, but that this need has subsequently been accommodated elsewhere – i.e. Waitrose on the High Street allocated site.

The most recent retail capacity study, conducted by Roger Tym and Partners in 2010 accepts that Wellington no longer has any need for additional convenience retail floor space. However, it indicates that, over the plan period, there will be a requirement for an additional 7,550 square metres of comparison retail floor space in the period up to 2028 – as indicated by Policy CP3 of the Core Strategy. The study confirms that 1,500 square metres are required in the period up to 2016. Even if the applicant is correct that this need may be overstated, there will still be some need in the short and medium term.

The applicant draws support for the lack of need for further retail development from the number of vacant units within the Town Centre (6 at the time of their survey). It is suggested that whilst this floorspace is available, there is clearly no need for any additional retail development in new locations. Your officers accept that there may not be a need for additional retail capacity today and in the current market. However, the Core Strategy seeks to plan for the needs of the town over the entire plan period, including increased demand in future times of economic growth and accommodating the needs of the significant additional numbers of residents that will live in the town as a consequence of the large housing growth proposed. Although the NPPF strongly encourages providing for development *now*, it is fundamentally bad planning to fail to plan for the identified need for additional capacity within the plan period, especially where there simply is no obvious alternative site.

Given the current, up-to-date assessment of need, it is not accepted that the retail allocation is out of date because the most recent studies confirm that the need still exists. Even if it were accepted that the policy was out of date (presumably on the basis that the site allocations DPD has not yet been prepared) then the NPPF confirms that the site should be considered in accordance with the policies within the NPPF taken as a whole and the 'presumption in favour of sustainable development' whereby development should be allowed to proceed unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In terms of NPPF guidance, there may arguably be a tension between two consecutive paragraphs in relation to this proposal. Paragraph 22 indicates that "planning policies should avoid the long term protection for sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for

alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”. It could be argued that this guidance applies to ‘employment’ uses rather than retail uses. Indeed, allocations for main town centre uses are not mentioned in the paragraph, but are clearly referred to in paragraph 23 requiring positive planning and site allocation for such uses. At this point, it should be noted that the site has not remained undeveloped for 10 years as suggested by the applicant. Although it has been allocated since 2004, it housed the medical centre until 2010. Despite the 2004 permission, therefore, development simply could not be implemented.

On the contrary, paragraph 23 clearly states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. “Local Planning Authorities should ... allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. *It is important that the needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.* Local Planning Authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites” (my emphasis). In retaining the W11 allocation, the Council is fully complying with this guidance, having regard to the recent evidence from the retail capacity study.

In terms of taking the NPPF as a whole, it is clear that ensuring the vitality of town centres is of key importance in the policy. Although the spirit of paragraph 22 could be extended to other (non-employment) uses, it is considered that, given the lack of direct reference in paragraph 22 to town centre uses, and the specific requirements to plan positively and ensure adequate land for such uses in paragraph 23, the NPPF as a whole indicates that greater weight should be placed on securing the vitality of town centres through the provision of sufficient sites for town centre uses. Indeed, paragraph 22 itself, does clarify the need to have regard to “relative need for different land uses to support sustainable local communities”. As the population of Wellington expands, through the delivery of additional housing in accordance with the Core Strategy, the retail demands would grow and the site will be required. The NPPF makes clear that sustainable development is achieved through a plan-led system that allocated sites based upon the need to provide a mix of uses for communities. The loss of the site for town centre uses would mean that such demands could not be accommodated and the development is, therefore, not sustainable. It is, therefore, considered that there is a need for the allocation.

Deliverability of the allocation

The applicant suggests that the site is not suitable for development for comparison shopping due to its backland nature without any frontage on the main shopping streets and without good links to the High Street. As such, it is argued that the site could not form a viable comparison retail location.

It is true that the site may have been envisaged as suitable for convenience retailing in the form of an additional supermarket and that such need has been met through the provision of the new Waitrose supermarket on the High Street site. The retail capacity study demonstrates that there is no need for further convenience retail floorspace and this is borne out through the non-implementation of planning

permission for such a use on this site.

It may also be true that the site is not in an 'ideal' location for certain forms of retail development, having no street frontage in the main shopping areas. It does, however, contain one of the main town centre car parks and, therefore, footfall at the site is high and may also be attractive in its own right for larger, bulkier goods retailers. In addition, such car parking facilities will necessarily be retained as part of any development, contributing to the attractiveness of the location. Thus, whilst the site may not be attractive to a speculative developer for an arcade of small shops (for example) there is no reason or evidence to suggest that it may not be attractive to a single comparison floorspace user as the retail demand in the town expands over the plan period.

Public opinion and aspiration

The applicant claims that there is no public desire for additional retail provision in Wellington, whilst there being support for supported living accommodation and objection to development of the South Street car park. This conclusion is reached following a survey conducted in the town over the summer. However, your officers consider that the questions in the survey were biased and its conclusions are unsurprising and not relevant to consideration of the purpose of the retail allocation as a whole. In particular, it asked for opinion on the redevelopment of the medical centre site for supported housing and the redevelopment of the South Street car park as two discrete developments, rather than giving anybody the opportunity to comment on a comprehensive development of the site as a whole.

It cannot be denied that there is public support for the proposed development and this is clarified by the striking level of support/lack of objection to the proposed development. However, this is considered to be influenced by a general liking for the McCarthy and Stone brand/product and a dislike for the current state of the medical centre site, rather than a rigorous consideration of the contribution that the site and allocation may or may not make to the town in the medium term, which is the fundamental issue for consideration here. Given the number of vacant units in the town centre at the present time and over recent years, it is unsurprising that the public at large do not consider there to be a need for additional retail development but again this is not influenced by the need for comprehensive town planning to ensure that the future needs of the town are met over the plan period. It is considered, therefore, that little weight should be attributed to the public opinion and level of support for the scheme.

Conclusions surrounding the principle of the development

Despite the present non-delivery of any retail scheme on the allocated site, this was not considered to be due to the lack of need, rather an alternative being readily available at that particular time. It is considered necessary to preserve the allocation in order to meet the projected retail demand for Wellington over the plan period. Failure to maintain the allocated site would mean that there simply are no town centre, or even edge-of-centre, sites available for retail in Wellington, with the consequent pressure that could then arise for out of town retail development.

Your officers are not suggesting that this site is not suitable for residential

development. Indeed, it is in a well accessible location where residents would have convenient access to facilities for most of their day to day needs. However, loss of the site for retail would prejudice the long term viability and vitality of the town centre and would mean that Wellington is incapable of expanding its town centre retail offer in order to meet the predicted demand over the plan period. Such is not sustainable development as defined in the National Planning Policy Framework.

Design and impact on the character of the area

The design and access statement is based on a thorough assessment of the character of the area. It notes a varied townscape that has developed broadly in line with the prevailing architectural trends of the time. As such, the townscape is easy to read and date from a historic perspective and contributes to the rich architectural heritage of Wellington. In particular, it is noted that the Wellington School site – adjoining the site to the south – represents an excellent representation of architectural history, with both its large and small buildings being true reflections of the architectural style prevailing at the time of their construction.

It is of great surprise, then, that the design solution arrived at for the site is not representative of today's trends in architecture. Rather, in its original submission, the approach taken was to take the functional 'singular mass and footprint' requirements of the developer and add to it architectural features from all buildings surrounding the site. In its original form, therefore, the proposed building showed a stepped building line (influenced by the 1960s Bulford development); gabled roof features (from the Wellington Community Hospital); hipped roofs (from the Wellington School 'Northside' building opposite); feature corner window detailing (also from Northside); arched windows and a large central glazed section (from the Baptist chapel). None of the features chosen were copies as such (the arched windows for example were much shallower than on the Baptist chapel and some spanned two window openings) and the result was a confusing mix of styles and details that lead to a rather incoherently designed building that lacked its own identity. One major problem of this initial design ethos is that, in seeking to replicate architectural features found in the locality, the building was drawing influence from much smaller buildings. Some design features such as horizontal string courses in a different brick, can work on smaller buildings, but when translated to a large building fight against the bulk and draw attention to its width and scale.

Following discussions with the architect, things have moved on, and whilst the fundamental design principles have not changed, the architectural detailing is being simplified with concentration instead on key features of the local vernacular – principally a red brick facade under a slate roof, with gabled detailing – both to the main roof sections and projecting elements. At the time of writing the report, fully revised designs are not available, but it is expected that by the time of the committee meeting, the design will have moved on sufficiently to a point where an acceptable solution is reached that does not detract from the character or appearance of the adjoining conservation area or the settings of nearby listed buildings.

The development of the site will result in a reduction in the number of trees along the western boundary and the removal of trees on the eastern side, between the existing building and site access. Whilst those on the western side are in need of significant management, those on the east are better specimens, some protected. The trees on the site frontage to Bulford will be retained by the development and the Landscape

Lead is satisfied that those on the eastern boundary can be felled, provided there is a replacement planting scheme including semi-mature trees.

Provision of affordable housing and other contributions

The Housing Enabling Lead has confirmed that the development should provide for affordable housing on the basis of 25% of the development. The applicant proposes to deal with this requirement through a financial contribution to off-site provision rather than provision of units within the site. Your officers accept that, in this type of development, it is particularly difficult to provide the affordable housing provision on site. The nature of the housing, with supported living services and communal lounges and facilities carry a service charge that Registered Providers of affordable housing are unwilling to pay for. This means that, either, occupiers of the affordable units must be prohibited from accessing certain facilities or parts of the building; or open market residents must subsidise the affordable housing occupiers from their own pockets. The conflicts that could arise as a consequence are appreciable and, therefore, it is considered that an off-site contribution is acceptable.

The required affordable housing commuted sum has been calculated as £623,970. The applicant does not dispute this, but instead is arguing that the development cannot afford to pay such a large contribution without making the development unviable. The applicant has offered to pay £328,994 – around half the required contribution. In addition, contributions should also be made towards the provision of outdoor recreation facilities (excluding children's play) and community hall facilities in the area. Such would total around a further £93,000.

At the time of writing this report the applicant's viability assessment is not accepted by your officers. Independent viability assessment has been commissioned and the initial findings will be available for members at the committee meeting, however, at the time of writing it is considered that the development is unacceptable for these reasons.

Highways

The Highway Authority have verbally confirmed that the site access roads are capable of accommodating the increase in traffic from the proposed development. Limited on-site parking has been proposed on the basis that occupiers of the proposed development tend to be in the later stages of life and few of them drive, particularly in highly accessible locations such as this. It is accepted that the applicant has sufficient experience to know the likely traffic demand from its own developments and the level of parking provision is, therefore, acceptable. In any case, in this particular location, any additional demand for visitor or residents parking can easily be taken up by the directly adjoining South Street car park. Accordingly, the impact on the local highway network is considered to be acceptable.

Neighbouring property

The site adjoins two-storey residential development to the west. The closest of these fronts the main Bulford road to the south of the site, but it is side on to the site and is not considered to be adversely affected by the two-storey element that would

adjoin it at approximately 7.5 metres away.

Backing onto the site along the western boundary – getting progressively closer moving north, the closest dwelling would also be around 7.5m from the new building. This, however, would be a single storey section, side on to the existing dwelling, which would not result in an unacceptably overbearing impact. The main rear elevation of the 3-storey building, would be around 22m from the site boundary and approximately 30m from the rear elevation of closest dwelling. This distance is considered to be sufficient to prevent any unacceptable overbearing/overlooking concerns.

The ability to maintain access to the rear of the properties on Fore Street is a civil matter between these parties and the developer. These properties themselves are also of a sufficient distance from the application building to avoid any unacceptable overlooking, the sections closest to the development mainly being service yards/workshops and a beer garden. No other surrounding property is considered to be unduly affected by the proposal and, therefore, the impact on neighbouring property is considered to be acceptable.

Wildlife

A wildlife survey has been submitted, which indicates that wildlife will not be unacceptably harmed as a consequence of the development. Further survey work to establish the potential for bats to roost in the existing building concluded that there would be no adverse impact on bats. The impact on wildlife is, therefore, considered to be acceptable.

Conclusion

It has been shown that the site could be developed for housing without any adverse impact on neighbouring property or the highway network. It is likely that an acceptable design solution will be found by the time that the application is considered by Members, so this has not been shown as a reason for refusal at the time of writing. However, the development would result in the loss of land allocated for retail development in retained policy W11 of the Taunton Deane Local Plan, and leave Wellington incapable of meeting its forecast retail needs. As there simply does not appear to be any other town centre or edge of centre site available to meet such needs it is considered imperative that it is retained for such purposes. The failure and inability to plan positively for such needs, coupled with the fact that sufficient land has been allocated for residential development elsewhere in the town, means that the proposed residential development of the site is not sustainable development.

In addition, the development does not propose to provide sufficient contributions to affordable housing or community facilities, a further reason that the development is not sustainable.

With regard to these matters, the proposal is considered to be unacceptable. It is, therefore, recommended that planning permission is refused.

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

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