

HAUNCH LANE DEVELOPMENTS LTD & RAYGLOW SECURITIES LTD

**CONVERSION/ALTERATION/EXTENSION TO PROVIDE 4 SHOPS AND 6 APARTMENTS AT 2-6 CORNHILL, WELLINGTON.  
OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES AND THE ERECTION OF 30 DWELLINGS ON LAND ADJOINING NORTH STREET CAR PARK, WELLINGTON**

Grid Reference: 313815.12059

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Subject to

- A) the receipt of further information regarding the historic significance of some of the buildings to be demolished and agreement of the Heritage Lead that the demolition is justified and would preserve the character and appearance of the conservation area; and
- B) a section 106 agreement to secure the provision of £5750 towards improving children's play facilities in the area:

Conditional Approval

The proposed development is well designed in terms of its layout and scale and pays respect to the historic built environment of the centre of Wellington. It would not impact unreasonably upon the local highway network or the amenities of existing neighbouring property. The character and appearance of the conservation area would be preserved and, in some respects, enhanced and the listed buildings within and their settings would be preserved. The proposal is, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN23 (Areas of High Archaeological Potential), and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policies 9 (The Built Historic Environment), Policy 11 (Areas of High Archaeological Potential) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review; advice contained in Planning Policy Statement 5 (Planning for the Historic Environment) and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**RECOMMENDED CONDITION(S) (if applicable)**

1. Insofar as it relates to the works to no.s 2-6 Cornhill, the development hereby permitted shall be begun within three years of the date of this permission.

Insofar as it relates to the erection of 30 dwellings (new build plots 1-30),

approval of the details of the appearance and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S91 and S92 of the Town and Country Planning Act 1990 (as amended by S51 Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 09007-L.01.01 Rev A Location Plan  
(A3) DrNo 09007-L.01.02 Rev A Existing site plan  
(A1) DrNo 09007-L.01.03 Rev C Proposed Site Layout  
(A3) DrNo 09007-L04.01 Proposed elevations  
(A1) DrNo 09159-L04.02 Rev B Proposed Elevations  
(A1) DrNo 09159-L04.01 Rev B Existing Elevations  
(A3) DrNo 09159 L02.01 Existing floor plans  
(A1) DrNo 09159-L04.02 Rev B Proposed Elevations  
(A1) DrNo 09159-L02.02 Rev B Proposed Floor and Roof Plans

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

3. Full details of facilities for cycle parking shall be submitted to and approved in writing by the Local Planning Authority as part of the details submitted in respect of condition (1). The approved details shall be implemented prior to the occupation of the plot to which they relate and shall thereafter be retained as such.

Reason: In order to promote cycling amongst residents of the development in accordance with Policy M5 of the Taunton Deane Local Plan.

4. Full details of facilities bin storage shall be submitted to and approved in writing by the Local Planning Authority as part of the details submitted in respect of condition (1). The approved details shall be implemented prior to the occupation of the plot to which they relate and shall thereafter be retained as such.

Reason: In the interests of the character and appearance of the area and securing well designed facilities in accordance with Policies S1 and S2 of the Taunton Deane Local Plan.

5. No development shall take place until the applicant, or their agents or

successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN23 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 5.

6. No demolition or alteration to numbers 2-6 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 in accordance with Taunton Deane Local Plan Policy EN23.

7. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ecologic Environmental consultant's submitted reports; dated January 2011 and up to date bat surveys and include:
  1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
  2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
  3. Measures for the enhancement of places of rest for, breeding birds and bats.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

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

Reason: To protect and enhance the site for wildlife in accordance with Policy EN3 of the Taunton Deane Local Plan and advice contained within Planning Policy Statement 9.

8. Prior to the occupation of the development hereby permitted, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be based upon the principles set out in the

'Residential Travel Plan Statement'. 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 in accordance with Policy 39 of the Somerset and Exmoor National Park Joint Structure Plan Review.

9. 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 1-30) 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, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1 and S2 of the Taunton Deane Local Plan.

10. The works to 2-6 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 1-30).

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. The Council has accepted that the development is not capable of providing affordable housing or other community infrastructure contributions on the basis that the redevelopment of Cornhill is carried out, in accordance with Planning Policy Statement 3.

11. The ground floors of 2-6 Cornhill are hereby permitted for uses in the following Classes of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification): A1, A2, B1(a), D1.

Reason: To increase the likelihood that suitable uses can be found for the Cornhill buildings in the interests of securing the successful regeneration of Cornhill in the interests of the vitality and viability of the town centre, in accordance with Planning Policy Statement 4.

12. The ground floors of no.s 4 and 5 Cornhill may be used independently to each other or as one single unit in accordance with Condition 11.

Reason: To increase the likelihood that suitable uses can be found for the Cornhill buildings in the interests of securing the successful regeneration of Cornhill in the interests of the vitality and viability of the town centre, in accordance with Planning Policy Statement 4.

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 in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), The dwellings hereby permitted shall not be extended and no windows (other than those that may be approved under condition 1) shall be inserted into the rear elevations of plots 21-24, and there shall be no alteration or erection of any means of enclosure other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To preserve the amenities of neighbouring properties on North Street and to preserve the character and appearance of the conservation area in accordance with Policies S1, S2 and EN14 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes for compliance

## **PROPOSAL**

This application seeks outline planning permission for the erection of 30 dwellings and full planning permission for the conversional, alteration and extension of 2-6 Cornhill to provide 4 shops and 6 apartments.

The proposed new build development would see a residential development organised in two broad areas. Towards the eastern end of the site, 18 dwellings would be arranged in groups of 6 terraced properties running back perpendicular to the existing buildings on Fore Street. 3 terraces of 6 dwellings would be sited in this way, two of which would have front, pedestrian accesses provided from an access running to between Fore Street and the North Street Car Park to the side of Lloyds bank (hereafter referred to as the 'Lloyds Bank access') and one of which would have front pedestrian accesses from an access running from Fore Street to the Wellington Silver Band building (the 'Silver Band access'). In both cases, the existing walls fronting these lanes would be punctuated to form access to the dwellings, the dwellings themselves sitting a short distance back from the access paths. Small private amenity areas would be provided to the rear and these would also include a parking space for each of these 18 dwellings. The site would be accessed by vehicular traffic from the North Street Car park via a shared surface roadway, with new private 'Mews' streets providing access to the rear of the dwellings and the associated parking spaces. At the end of the street between plots 7-12 and 13-18, there would also be a small residents' car park providing an additional 6 spaces.

Towards the western end of the site, the shared surface roadway from the north street car park would cross the Silver Band access and lead to 12 further dwellings in more of a courtyard arrangement. At this centre point in the site, it is proposed to form a new link on to North Street, such that a new pedestrian route is opened from Fore Street right through to North Street. At this 'cross roads' in the site, a 3 storey block of 6 flats would be constructed, to the north of the Silver Band building. Beyond that, an irregularly shaped courtyard area, resulting from some peculiar land ownership patterns, would have 4 dwellings sited along the northern side and two further dwellings in the centre to the south. Parking would be provided in front of the 4 dwellings to the north and in a car park area behind the Silver Band building. 3 further spaces would be provided to the rear of Cornhill. From here, a pedestrian link into Cornhill would be provided, via an arch under 6 Cornhill. Thus, a further new link from North Street car park to the west would be provided in a broadly straight line across the centre of the site to Cornhill.

The existing Cornhill properties, which are in varying states of repair would be altered to form new, small retail units with residential accommodation over. Numbers 4 and 5 are listed buildings and the required internal alterations to these properties are the subject of associated listed building consent application 43/11/0084.

To the rear of the Cornhill properties, this application also seeks permission for various alterations and small extensions intended to enhance the internal space. After discussion with the Council's Heritage Lead, the design approach to the rear of Cornhill intends largely to reflect their historic design and arrangement. The main new build residential scheme, however, presents a contemporary approach with a simple 21<sup>st</sup> Century architectural style. Although detailed design and external appearance is reserved for subsequent consideration in a reserved matters application, the proposal is shown to use traditional materials, such as brick and slate to form the terraced dwellings with slate hanging, timber boarding and render used in the courtyard area. The application suggests that a bespoke design would be required for the dwellings backing onto North Street in order to reduce the impact of these on neighbouring residents.

## **SITE DESCRIPTION AND HISTORY**

The site comprises numbers 2-6 Cornhill at its western extent and an area of 'backland' in the centre of Wellington. That area is bordered by existing properties on Fore Street and North Street and to the east of the site, is 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, emerging alongside Lloyds Bank (the "Lloyds Bank access"). 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. From North Street, access the site includes an area of land that currently appears to be used by a car valetting business and for low-key car sales – the main business is carried out in a building to the north. This land is accessed under an arch from North Street ("the North Street access"). Access into the remainder of the site is not currently possible from here due to the presence of a high wall. There is also a significant change in level between this yard area and the remaining part of the site. Finally, access is available between 1 and 2 Cornhill.

Three applications were submitted for the residential development of this land 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 AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – It appears from the information supplied, that vehicles will derive access to the site via North Street car park. According to highway records, the car park is not publicly maintained but the proposal does seem to indicate that a section of the car park is within the applicant's ownership and there may be scope for works to be carried out to provide an adoptable link between the application site and North Street. However, I have not seen any details to this effect and the access into the development should be clarified. Pedestrians should gain access to the development from North Street/Fore Street/Cornhill via pedestrian footways and across North Street Car

Park.

Somerset County Council would not wish to look at future adoption of the internal aspects of the development site, due to the fact that the proposed layout indicates vehicle routes that are not in accordance with current Somerset County Council adoption policy and adopted design standards.

Scaled from the Drawing, the internal arrangements propose a 3.7m wide access road that will extend from North Street Car Park and provide vehicular access to the proposed dwellings. The 3.7m access road will not allow for two-way traffic, but unobstructed visibility within the internal layout should allow motorists to see vehicles on the access road and wait until it is clear to proceed. I do have reservations that the 3.7m wide access road is intended for shared use, as pedestrians may feel intimidated by vehicles along this route due to its width.

The applicant should be made 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. As the Highway Authority would not wish to adopt the internal layout, I presume that a management Committee will be set up to look after all future maintenance liabilities, including internal footpath links, carriageways, planting, etc. Written confirmation of this will need to be supplied to SCC.

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 (08453459155) to arrange for such a survey to be undertaken.

Following receipt of the vehicle track plots, the swept path of a refuse collection vehicle has been indicated on Drawing: 09007-L.01.03/B. It appears that the track plots are based upon a two-axle vehicle, whereas the Highway Authority would expect to see an 11.7m long, 4-axle refuse vehicle. It is recommended that the applicant considers providing further track plots, based upon the larger vehicle or contacting Somerset Waste Partnership to establish which type of vehicles may service the development.

Private parking bays that are located immediately adjacent to any form of structure, including planting, should be constructed to a minimum length of 5.5m still allowing for an unobstructed 6.0m aisle directly in front/behind of them. Where an outfall, drain or pipe will discharge into an existing drain or 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 submitted to Somerset County Council. Private surface water from the application site will not be permitted to discharge onto any part of the existing publicly maintained highway network. It is noted that part of the site is located within a Conservation Area. As such, it will be a requirement for the applicant to liaise with the Somerset County Council's Heritage Lead in terms of proposed materials to be used. 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.

A Travel Plan statement has been provided as part of the application, which is generally in accordance with Somerset County Council's guidance. Due to the site's location, the development is already well provided for in terms of off-site infrastructure (location of bus stops, etc.). This means that the development should be able to support a strong package of soft measures to encourage the maximum level of use of existing facilities to reduce the need to travel and encourage a switch to alternative modes of transport to the car.

The Travel Plan suggests a range of financial obligations (residential travel vouchers, travel plan management fund, cycle signage) which should be secured through S106 agreement, as part of the final version of the Travel Plan.

The Travel Plan commits to providing cycle parking for dwellings. However, given the tight layout of the site it is recommended that the provision of cycle storage should be included on the site layout plans. This is of particular relevance, when associated with the proposed apartments, which will have no private curtilage and it does not appear that a communal facility has been provided.

Similarly, there appears to be no provision for motorcycle parking on site relating to both the dwellings and apartments. The applicant should consider providing an area for motorcycle parking, including a fixed secure element to which motorcycle can be secured.

I do have some concerns regarding some statements within the Travel Plan, which suggest agreement of a number of matters in the future, as the detailed design of the development is finalised. These paragraphs contain statements which could hinder enforcement of the Travel Plan, and it is recommended that these are removed.

Recommend that conditions are attached requiring that vehicles leaving the site are clean; full details of the estate road construction and layout are approved prior to their construction; the dwellings should not be occupied until the footpath links are constructed; a construction management plan should be agreed; cycle parking provision should be submitted and agreed; the travel plan should be implemented.

Section 106 obligations are required to secure sustainable travel vouchers for values between £100 and £250 depending on dwelling size; £50 to assist the County Council in providing information leaflets and bus timetables to new residents; £2500 to encourage smarter travel through events and initiatives; £700 fee for SCC to assist in the implementation and monitoring of the travel plan; a condition survey of the public highway to be undertaken.

*WELLINGTON TOWN COUNCIL* – Recommended that permission be granted in principle but that careful consideration be given to the height of the residential development so that there was no overlooking of neighbouring properties.

It was felt that the proposed shops should not be restricted to retail use.

The safe movement of vehicles into and out of the site need also to be considered.

*SCC - RIGHTS OF WAY* – No comments received.

*LANDSCAPE LEAD* – The site provides little opportunity for significant tree planting or landscaping generally as well as losing the TPO'd Willow. Any scheme should provide significant landscape mitigation.

*HERITAGE LEAD* – The submitted scheme has been arrived at following detailed discussions over a number of years.

I concur with the comments/observations, of English Heritage and the Historic Environment Service. As such, I assume that any positive report to Committee, will be "subject to" these elements being satisfactorily addressed.

I would recommend that a Condition is attached, requiring that before any demolition commences, detailed photographic and measured drawing records, of any structure to be demolished, must be submitted to and approved in writing by the LPA.

In terms of the Cornhill buildings, the buildings are in a poor state of repair and the principle of bringing them back to a beneficial use is fully supported. The proposals will have a significant impact on the plan-form and fabric of the buildings. This is beyond what would usually be permissible to listed buildings but the condition of the buildings and the opportunity to repair them and secure their long term future outweighs most of these concerns.

No.s 3 and 6 are vital to the setting of the listed 4-5 Cornhill. They are also within the Conservation Area and of sufficient interest to be identified as heritage assets, as defined in PPS5. Given the extent of the intervention I would suggest that building recording to include the interior is carried out prior to the works. This should concentrate on No 6 where there is more surviving fabric. There are some features such as the existing rooflight which it would be good to retain as they contribute to the character of the building and the wider Conservation Area. The shop front to No 3 certainly contributes to the street scene and must be repaired and retained.

*SCC ARCHAEOLOGY* – Initially requested that some archaeological investigations were undertaken prior to the determination of the application. Subsequently, it has been confirmed that the required monitoring can be condition, to be carried out during works.

*HOUSING ENABLING* – The housing enabling lead supports this application based on need and does not reflect the suitability of the site in terms of planning. The affordable housing requirement for this scheme is 25% of the total number of units. The tenure split is 50% social rented, 25% shared ownership and 25% low cost discounted open market (70%). The requirement is for houses rather than flats, predominantly 2 and 3 bed houses with some 4 bed houses. The houses should be built to Code for Sustainable Homes level 4 and HCA design and quality standards or meet equivalent standard at the time of development.

**COMMUNITY LEISURE** – In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings in the form of £2,688 for each 2 bed+ dwelling towards children's play, £1,454 towards active outdoor recreation, £194 per dwelling for allotment provision and £1,118 towards local community hall facilities. The contribution to children's play would be sent on additional facilities for the benefit of the new residents of the dwellings in Wellington Recreation Ground.

A public art contribution should be requested either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

**WESSEX WATER** – There will be separate foul and surface water sewers to serve the proposed development. There is adequate capacity within the foul network to accept the foul flows from the proposed development. There are a number of existing sewers that cross the site, private survey of these sewers should be undertaken as soon as possible to ensure adequate clearance and protection is observed. There is to be no building within 3 metres of these sewers. Alternatively diversion may be possible subject to engineering agreement and application.

It is noted that it is the applicant's intention to utilise SUDS for surface water which should be in accordance with PPS25.

In terms of supply, there is sufficient capacity within the local network to serve the proposed development. Connection can be made to the 160mm main in Fore Street.

**BIODIVERSITY** – The majority of the site was overgrown with vegetation, although site clearance had been carried out in recent months and years. An ecological survey in January 2011 found the following:

**Bats** – no evidence, but noted numerous opportunities on site including in the derelict buildings and ivy. Previous surveys in 2006 found evidence of pipistrelle and brown long eared bats used the site for foraging. A summer activity survey should be carried out.

**Birds** – some of the buildings on Cornhill were occupied by pigeons. Vegetation on site had the potential for nesting birds. Demolition or site clearance should take place outside the bird nesting season.

**Badgers** – No evidence.

**Reptiles** – the habitat was high quality for slow worms although it is isolated from other suitable habitat. As the survey was carried out during the hibernation period, no evidence was found. A reptile survey should be carried out or a destructive search undertaken during site clearance.

Recommends a condition requiring a further bat survey and a scheme for the protection of wildlife.

*ENGLISH HERITAGE* – The proposal will have both direct and indirect impacts upon a number of significant heritage assets within the main town centre, including the conservation area itself. As a result, we consider the need for these assets to be thoroughly assessed in terms of their impact upon the historic environment of Wellington.

We are aware that separate Conservation Area Consent applications have not been submitted for the proposed demolition of the backland buildings on these sites.

### Summary

Wellington's Conservation Area is focussed on the main cross roads where the High Street and Fore Street meet at the junction of North and South Streets, with the Old Town Hall and Corn Exchange (Cornhill) being one of the key landmark buildings at this junction and in close proximity to the development site. The Cornhill is at the epicentre of the town and the site of the medieval market place that still represents a visual focus for the commercial activity in the town.

Wellington superficially portrays typical market townscape characteristics associated with commercial expansion of the 18<sup>th</sup> and 19<sup>th</sup> centuries, however, vestiges of linear medieval burgage plots can still be traced to the rear of properties, generally demarcated by High Walls. This is particularly salient to the area that is subject to this proposal.

Within the Conservation Area Character Appraisal 2007, there are some important references to the presence of backland buildings associated with the linear plots. "...minor side accesses including footways and lanes are frequent features, these often serving courts or linear strings of development built within or along the sides of backland plots. This pattern has thus far been unsuccessfully replicated in infill development", and "Within Zones 1 (Fore Street) and 2 development presents a solid face along the main streets while buildings in linear or courtyard arrangement are a frequent feature to the rear of properties".

We would, therefore, be supportive of the principle of redevelopment in the form and scale indicated, once the matter of overcoming the justification of demolition for some of the larger backland buildings has been demonstrated. We are of the view that more work is required to justify this aspect of the scheme and that this should be undertaken through the submission of Conservation Area Consent applications where appropriate. There are also some issues to be clarified or addressed in respect of the proposed design of the development.

In general, English Heritage supports a scheme for redevelopment of this entire site, subject to the issues detailed below being fully addressed.

### Advice

*Demolition* – The issue of demolition is fundamental and needs to be addressed before determination of the application. PPS5 HE9.1-9.4 provides specific advice, and each building that falls within the size criteria (over 110 cubic metres) should be fully assessed in order to make a judgement about whether their demolition will be

significant or less than significant harm to the conservation area. Particular attention is drawn to the sentence that states, “Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact.”

The Heritage Statement Assessment submitted with the application has identified some of the buildings being of Moderate to High Significance but has not provided any justification for their loss from the conservation area. In other cases such as structure 2, there is not enough of an assessment for us to make a decision about its future. With the possibility of a chapel here this should justify further investigation before any decision should be made about its significance.

*Conservation Area* – This amalgam of buildings and structures are individually not necessarily architecturally important but as a whole make an historically interesting and relatively unique group of backland structures from the 19<sup>th</sup>/19<sup>th</sup> and 20<sup>th</sup> centuries. Whilst the presence of these structures remains somewhat elusive given the lack of analysis about their contribution to the conservation area and the way they are screened from public views, we can see that the current dilapidated state of this land and these structures is not ideal and to an extent is harmful to the character and appearance of the conservation area. Once it has been established whether the principles of demolition are acceptable or not, it will then be appropriate to judge the proposed redevelopment on its own merits pertaining to the town and context.

If the Council are minded to grant Consent for this scheme then we would anticipate that a full record of the land and buildings should be undertaken as a condition of any permission. In addition, the walls that form the characteristic linear plots should wherever possible be retained.

*Listed Buildings* – The group of listed buildings within this development are known to be ‘at risk’. Located in the very heart of Wellington, Cornhill and its associated group of buildings should form the heart of the market town but its current run-down state is detrimental to the conservation area. The potential to become a charming centre of specialist retail is recognized however much work needs to be undertaken to ensure that a quality scheme for these buildings is achieved. We urge the applicants to take on board the views of the conservation staff at TDBC particularly on this aspect of the scheme.

*Proposed development* – We believe that unlike the previous application for this site, the scheme does have some merit. It has picked up on the importance of working with the grain of this part of the town’s fabric and indicates groups of linear residential units that take their cues from the existing plot formation in this part of Fore Street. 2 Storey’s with occasional 3 storey elements will in our opinion be appropriate to the context allowing the taller more robust existing buildings fronting Fore Street to remain the dominant structures in the conservation area.

*Permeability* – The scheme appears to rely on existing pedestrian alleys and footpaths for access and linkages. We are not convinced that any of those shown will be implementable. For example the path from Fore Street along the side of Lloyds Bank is gated and another path shown from North Street does not appear to exist. There needs to be more certainty about these routes in order to ensure good permeability and an effective, sustainable development.

*Archaeology* – Under the terms of PPS5, there needs to be a comprehensive evaluation of the site as stated in policy HE6.1 and through guidance from the County Archaeologist.

*ECONOMIC DEVELOPMENT* – In relation to the four units proposed at Cornhill I am very supportive of the principle. It will encourage footfall down this currently unused street and, if successful, will be a huge enhancement to the current business offer, right in the heart of the town centre. I note however, that the application is limited to A1 shop units, which I would consider limits unnecessarily the range of businesses that might succeed in that sort of location. In general, shops require storage space, which is something that these properties will not have. Therefore I would recommend extending the range of uses to include A1 and A2 and B1 uses as well as health services, such as dentists, doctors and vets – the key criteria being that the property retains an operational shop frontage.

The business units as designed are tiny, which is determined by the existing properties. Therefore, I would also recommend that the middle two units be given permission to be joined into one should they prove to be commercially unviable in their current proportion.

Finally regarding the shop units, I note that the wider scheme includes 39 parking spaces. I would request that a reasonable proportion of those spaces are either dedicated to the shop units, or are formally shared between the residential and the business units. Businesses depend on having nearby parking, for unloading at least, and the allocation of parking spaces would enhance the commercial viability of the units significantly.

In relation to the residential aspects of the scheme, I would like to lend my support. Whilst the houses will not create long term jobs per se, they will bring people into the town centre and encourage spending on goods and services in the businesses surrounding them.

*ENVIRONMENT AGENCY* – Do not wish to comment.

*DEVON & SOMERSET FIRE AND RESCUE SERVICE* – Note that means of escape should comply with the Building Regulations. Access and facilities, which should include the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with the Building Regulations.

*POLICE ARCHITECTURAL LIAISON OFFICER* - makes the following comments:-

*Crime Statistics* - a check of the reported crime statistics for the area of this proposed development (within a 500 metre radius) during the period 01/10/2010 - 30/09/2011 reveals a total of 283 offences. The levels of reported crime in this area are classed as 'Average', the main concerns being Criminal Damage, Theft and Violence and this should be taken into account when considering the safety and security of this proposed development.

*Layout* - roads and footpaths appear to be direct and are likely to be well used which

is beneficial in assisting natural surveillance. The use of surface changes in the shared areas and private mews streets should help define defensible space and the private nature of these areas, which should in turn help deter crime and ASB. The two footpaths linking with Fore Street should, as far as possible, be straight, wide, well lit, devoid of potential hiding places and overlooked.

*Dwelling Boundaries* - the DAS indicates that boundaries between public and private areas, be they walls or fences, will be secure and clearly demarcate these areas but do not appear to indicate proposed heights. In this regard, dwelling frontages should be open to view and walls, fences etc. kept low i.e. below 1m in order to assist natural surveillance of the street/footpaths. More vulnerable side and rear boundaries should be minimum height 1.8m. Gates should be the same height as walls/fencing and lockable.

*Dwelling Orientation* - dwellings should be positioned to face one another to allow neighbours to watch over each other and create conditions which will make the potential offender feel vulnerable to detection. In general, this appears to be the case.

*Car Parking* - the majority appears to be 'in curtilage' or in small groups close and adjacent to owners' homes, which are the recommended options. The Visitor's Car Park does not appear to be particularly well overlooked but does appear to be at the end of a cul-de-sac, which should be beneficial in deterring vehicle crime.

*Planting /Landscaping* - where good visibility is needed to assist resident surveillance, shrubs should be selected to have a mature growth height of no more than 1m and trees should have no foliage below 2m, so allowing a 1m clear field of vision.

*Street lighting* - all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5489.

*Physical Security* - the applicant is advised to formulate all physical security specifications of the shops and dwellings i.e. doorsets, windows, security lighting, intruder alarm etc in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website - [www.securedbydesign.com](http://www.securedbydesign.com)

## **Representations**

Two letters of objection raising the following issues:

- The developers on their outline plans, do not seem to have realised (or have ignored) a height difference of some 20+ feet between the site and the level of the houses on North Street. This means that the dwellings would be much higher than indicated.
- 2-6 Cornhill were formally commercial premises, so any work should be limited to refurbishment, rather than wholesale alteration or 'modernisation' of a conservation area.
- Access will be problematic wherever they are provided. North Street is very narrow and dangerous where traffic is fast moving. There is a very blind bend by the Victoria pub and the pedestrian pavement on the side any access would emerge is extremely narrow, limited further by doorsteps and gullies.

The amount of traffic movement increase on this road would cause more delays and danger.

- Unable to assess whether there is sufficient parking. There should be at least 12 *[sic]* per household. Under provision of parking could jeopardise commercial uses in the town as a whole.

One letter has been received making no comments.

## **PLANNING POLICIES**

EN14 - TDBCLP - Conservation Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,  
EN15 - TDBCLP - Demolition Affecting Conservation Areas,  
W1 - TDBCLP - Extent of Wellington,  
STR2 - Towns,  
STR4 - Development in Towns,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H9 - TDBCLP - Affordable Housing within General Market Housing,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
S&ENPP39 - S&ENP - Transport and Development,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
M4 - TDBCLP - Residential Parking Provision,  
PPS3 - Housing,  
PPS 5 - PPS5 Planning for the Historic Environment,  
PPS9 - Biodiversity and Geological Conservation,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is in the centre of Wellington, with a number of existing links into the town centre. The principle of the development of this site is acceptable and it is clear that it is highly sustainable in transport terms. A good range of local facilities exist adjacent to the site as are 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.

### Impact on heritage assets; design and layout considerations

The site is centrally located within the conservation area. There are a number of existing structures on the site that would be demolished to allow the development to proceed. The response from English Heritage clearly states an opinion that the principle of demolition must be established before the principle of new build is considered. It is, therefore, crucial to assess the contribution that these structures make to the character and appearance of the conservation area and whether the loss of these facilities would result in a failure to preserve that character and appearance.

At the present time, neither English Heritage nor the Council's Heritage Lead is satisfied that the loss of the existing heritage assets has been properly justified. The



developer and Heritage Lead have agreed to meet on site to further discuss the significance of existing structures, notably a building marked as 'chapel' on the historic plans and the group of buildings around the Silver Band building. The Heritage Lead expects that a further assessment that is being undertaken by the applicant and the site visit will reveal that the buildings that are proposed to be demolished are of limited significance in terms of the historic evolution of Wellington. This being the case, their loss would be justifiable. Given that there is a reasonable likelihood that a little further information and site visit will overcome this concern, the report is put to Members 'subject to' the resolution of this matter. Of course, if the additional information ultimately reveals that the loss of historic structures cannot be justified, then this would form a reason for refusal of the application.

The site sits to the rear of a number of listed buildings on Fore Street. Indeed, the majority of the site, particularly the western end, is clearly part of the historic Burgage plots that formerly belonged to these properties. The detailed layout proposes, at the western end, to site buildings within the historic and well defined Burgage plots. 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 rear 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 Lloyds Bank and to the Silver Band building, the historic walls would be retained, albeit punctuated by new pedestrian accesses to the new properties that would face these lanes. Thus, the existing, historic rights of way between the properties from Fore Street would become the principal pedestrian routes into the development. This arrangement is considered to pay good regard to the existing urban grain and character and appearance of the area. The fact that the historic features would be opened up, whereas, hitherto they have been retained in a rather unkempt condition can, in many ways, be seen to enhance the character and appearance of the conservation area.

The development would result in the historic plots being severed from their host buildings permanently, although, as noted above, the development does have respect for the buildings in terms of siting and scale. Also, this fragmentation is not unusual and has, over time, led to new uses growing up such as the group of buildings around what is now the Silver Band building. Despite the historic association with the backland, 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.

Numbers 4 and 5 Cornhill are listed buildings and form part of the scheme. As is being considered under the associated listed building consent application the physical changes to these buildings are generally considered to be acceptable. There is still some disagreement over the detailed fenestration for the rear of the buildings, but this is more the subject of the associated listed building consent application. In terms of their setting within the street of Cornhill, there would be very little change proposed by the application. Following discussions with the Heritage Lead, amended plans have been received in respect of this application in terms of the detailing of the rear of the other Cornhill properties. The rear of these properties would become much more important once the proposed new build was implemented as the space would become public realm. The amended plans indicate that the rear of Cornhill would be treated in a much more traditional way, largely retaining the

character and form of the existing buildings and a different aspect of the area to the new build. As such, the settings of the rear of 4 and 5 Cornhill would 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 given the high amenity value of the tree due to its scale and visibility from the North Street car park. However, your officers are satisfied that, following discussion with the applicants, there is no sensible way that the site can be developed, keeping the tree in situ. The tree is very close to the logical access route, and forcing the development to fit around the tree would result in the linear form, relating to the Burgage plots being compromised. 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 new build residential element is in Outline. However, approval is sought for scale at this stage, with the two-storey building heights being fully detailed for the mews terraces and the three-storey block of flats being proposed centrally. Thus, it can be determined at this stage that the relationship of the buildings with neighbouring uses is acceptable. Concern has been received from the neighbouring residents on North Street due to the falling ground levels between the site and their dwellings. However, the proposed buildings would replace an existing high brick wall and, would have roofs sloping away from them. At their closest, the buildings themselves would be around 8m from the rear of these existing dwellings and the section drawings provided by the applicant indicate that the change in ground level is not so significant as the neighbours may fear, the applicants' having confirmed that the section drawing is based on an accurate measured level survey. In terms of scale, these new neighbouring dwellings would be low – it is envisaged that they would have a shallow mono-pitched roof, sloping down to the rear and the existing neighbouring dwellings, with a rear eaves level of 5.5m. As such, the relationship of the dwellings is considered to be acceptable. It can be ensured at the detailed stage that there would be no overlooking of the existing neighbouring residents and, as such, the relationship is considered to be acceptable.

The design and external appearance of the new development is reserved for subsequent approval. However, it has been suggested that the proposals would use 21<sup>st</sup> Century architectural styles mixed with a pallet of materials typical to Wellington, mainly slate roofs over brick elevations. The architecture is simple, yet clearly modern and is considered to be highly appropriate in this location, clearly helping to show the evolution of the townscape with the introduction of the new public space and buildings at this time.

With regard to the above, the proposal is considered to be acceptable in terms of its layout and impact on heritage assets.

#### Development viability, affordable Housing and impact on community facilities and infrastructure

The increased population will clearly have an impact upon existing community

facilities. Policy C4 of the Taunton Deane Local Plan 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. It is also a requirement of Policy H9 and Planning Policy Statement 3 that affordable housing is provided within the development. The applicant, however, claims that due to viability, the development cannot support the provision of affordable housing or contributions to leisure facilities.

The application is accompanied by a viability assessment that indicates that the development is barely viable. In part, this is based upon the high costs of regenerating and repairing the Cornhill properties. These properties at the present time are in a generally poor condition and the public realm within Cornhill is tired and uninviting. The situation is not helped by the fact that Cornhill has been closed since a fire in late 2008. This is regrettable in this central piece of Wellington's historic townscape and improvements are clearly desirable.

In light of the above, the wider residential development can be seen in some respects as providing an enabling development to allow the regeneration works to be undertaken. On the basis of the available information, your officers are prepared to accept that the development as a whole would not be viable and it is, therefore, recommended that no contributions are sought towards affordable housing. The applicant's had originally proposed to offer sustainable travel vouchers to promote travel by means other than the private car as part of a travel plan. However, in light of considerations detailed below, it is not considered that this is necessary to make the development acceptable. On balance, your officer's consider that this offered contribution should instead be spent on improving children's play facilities in the area.

There has been considerable debate between the applicant's agent and your officers regarding the requirement for the regeneration works to the Cornhill properties being done. The applicant's agent maintains that the new build scheme is acceptable as a development on its own merits and, therefore, no link to the Cornhill regeneration is justified. However, no detailed viability appraisal has been submitted for the new build element alone, and so, without a link to Cornhill, the lack of viability and provision of affordable housing or full leisure contributions of the wider new-build scheme cannot be justified. Therefore, a requirement to carry out the regeneration works to Cornhill is considered to be necessary and justified and, therefore, a condition is recommended.

#### Impact on highway network

The site would be accessed by vehicles 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 30 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 area of greatest impact is likely to be the junction between the site and the car park, at the corner of the Lloyds Bank access. Visibility here is restricted by the high brick walls and the pedestrian route is heavily used. However, the Highway Authority have raised no objection on this basis and, therefore, the arrangement is considered to be acceptable.

The development proposes 39 car parking spaces to serve the 36 dwellings (including those in the redeveloped Cornhill). Given the town centre location the provision is considered to be appropriate. If additional parking is required, then there is ample public parking provision nearby. Cycle parking has not been shown on the submitted layout plan, however this can be required to be provided with the detailed layout.

The Highway Authority have raised some concerns that the proposed estate road does not meet suitable standards for adoption. It is also not linked to the public highway (as access is required through the Taunton Deane BC owned car park). Therefore, they have confirmed that they do not wish to adopt the road. On that basis, their request for further information in terms of land ownership and full details of the highway construction is not considered to be justified. However, further details are required of the road construction and finishes in the interests of visual amenity and the impact on the character and appearance of the conservation area. 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 or a construction management plan.

In terms of the travel plan, the Highway Authority has commented that the draft proposals are generally sound. However, they have requested some clarification over the final wording and have requested financial contributions to travel vouchers and various other projects in line with the applicant's original offer in the travel plan statement. Given that the site is so 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, so on balance, it is considered that the money would be better spent on improving children's play facilities in the area. It is, therefore, considered that agreeing a final travel plan can be dealt with prior to occupation of the dwellings, by condition.

### Uses of Cornhill

The application originally proposed that the ground floor of the Cornhill properties would be used for retail. These are very small, and the applicant has some concern over their future viability. These concerns are understood in that the size of the properties does place a significant constraint on the uses that could be accommodated within. The Council's Economic Development Specialist has considered that it would be beneficial to allow the use of the properties to be as flexible as possible, extending the permitted uses to include financial and professional services (A2) as well as wider business premises in Class B1 and healthcare/dentistry clinics (D1). Whilst this may not create a 'boutique' shopping environment desired by some, it would mean that non-residential uses for the ground floors of the buildings would be more likely to be forthcoming, provided that the operational shop fronts detailed in the submitted plans are provided. Such an approach has the support of the Town Council.

The Economic Development Specialist has also indicated that the two smallest units should be given permission to be joined into 1 single unit. This would certainly allow more flexibility over the floor space and may further increase the likelihood of a use being found. Unfortunately, these two properties are the two listed buildings, numbers 4 and 5, so more care is required regarding intervention into the internal arrangement of these. However, they do appear to have been joined at some point

in the past, with the partition between the two properties being thin. This partition will need replacement as part of the wider upgrading works, so it would not cause further harm to the building to allow these two units to be linked. A condition could be imposed that would allow this to happen without the need for further permissions.

### Impact on Wildlife

A wildlife survey carried out in January 2011 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. The Biodiversity officer considers that a summer bat survey should be undertaken to ensure that there are no bat roosts present on the site. However, it seems unlikely that this is the case so there is no need to delay determination of the application. 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. Further survey work is required in respect of reptiles, as the previous survey was carried out during the hibernation period. However, these impacts would be able to be mitigated provided that a suitable strategy was in place. This can also be required by condition.

### Conclusions

The proposal is considered to be acceptable in terms of its design and impact on the character and appearance of the conservation area, provided that the additional information that is to be submitted confirms that the loss of the existing buildings is justified. Similarly, the listed buildings 4 and 5 Cornhill would 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 and contributions towards leisure and recreation facilities.

The impact on the highway network is acceptable as is the impact on wildlife, subject to conditions requiring further summer survey's of the site.

With regard to the above, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

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