

EVENBASE LTD

ERECTION OF A TERRACE OF 4 NO. TWO BEDROOMED COTTAGES AND A TERRACE OF 3 NO. TWO BEDROOMED COTTAGES ON LAND TO THE REAR OF THE FORMER THREE CUPS, FORE STREET, WELLINGTON

Location: LAND TO THE REAR OF THE THREE CUPS, FORE STREET,
WELLINGTON, TA21 8AQ

Grid Reference: 313789.120424 Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the applicant entering into a S106 agreement to provide additional children's play equipment at the Walkers Gate Play Area, Conditional Approval.

- 1 The proposed development is acceptably designed and would not impact unreasonably upon other nearby residents, the highway network, the adjoining public footpath, archaeological remains or the character and appearance of the conservation area or adjoining listed buildings. It would, therefore, be in accordance with Policies S1 (General Requirements), S2 (Design) and EN23 (Areas of High Archaeological Potential) of the Taunton Deane Local Plan, Policies 9 (The Built Historic Environment), 11 (Areas of High Archaeological Potential) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo 07/05/154A Elevations
(A3) DrNo 07/05/152 Elevations
(A3) DrNo 07/05/153A Elevations
(A3) DrNo 07/05/150 Floor Plans
(A3) DrNo 07/05/250 Existing Site Plan

(A3) DrNo 07/05/201D Proposed Site Plan
(A3) DrNo 07/05/151A Ground and First Floor Plan
(A4) DrNo 07/05/2000 Location Plan

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

4. 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.

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

Reason: To ensure that adequate provision is made for the disposal of surface water to prevent discharge to the highway and off-site flooding.

6. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the conservation area and the settings of nearby listed buildings.

7. Prior to its construction, full details of the proposed boundaries between the dwellings and the access road/turning area shall be submitted to and approved in writing. The approved details shall be implemented prior to the occupation of any the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings and to ensure that front gardens cannot be used for the parking of vehicles.

8. Prior to its construction, full details of the proposed boundaries between the

public footpath and the access road/turning area shall be submitted to and approved in writing. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings.

9. (i) Prior to its installation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area.

10. Prior to the construction of the access/turning area, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied and shall thereafter be retained as such.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings in accordance with Policy S2 of the Taunton Deane Local Plan and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Prior to the occupation of the dwellings hereby permitted, full details of the proposed bin and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to occupation of the dwellings hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions shall be added, no additional windows shall be installed, no gates fences, walls or other means of enclosure shall be constructed and no outbuildings shall be erected other than those expressly authorised by this permission without the further grant of planning permission.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings.

Notes to Applicant

PROPOSAL

This application seeks full planning permission for the erection of 7 dwellings in two terraces of 3 and 4. The longer terrace would be sited hard up against the western site boundary, built on the existing boundary wall. The rear elevations of these dwellings would be blank, with ‘dummy windows’ provided at first floor and high level rooflights provided to serve bathrooms at first floor. Garden areas would be provided to the front of the dwellings.

The shorter terrace would run east-west towards the southern end of the site and perpendicular to the other dwellings. Gardens would be provided to the rear with windows conventionally located in the front and rear elevations. Facing materials are not specified.

Vehicular access would be provided to the site insofar as it would allow vehicles to access to drop off and collect from the dwellings. However, no parking would be provided. The public footpath running along the eastern site boundary would be segregated from the access/turning area provided, for the part of the site in front of the proposed dwellings, although these have not been received at the time of writing. The surface would still be shared through the arch between Fore Street and the dwellings themselves.

The application is identical to that which received planning permission in 2012 and very similar to one permitted in 2007, save for the turning head being moved slightly to the north, to allow for easier manoeuvring.

SITE DESCRIPTION AND HISTORY

The site comprises a relatively flat area of land behind the former Three Cups public house (now converted to 3 dwellings) in the centre of Wellington. It is accessed from both sides by a footpath that runs through an arch under the former public house building from Mantle Street to Bulford to the south and east. Vehicles can

currently access a garage/store building on the site, through the archway, where there is limited parking provision.

The site is surrounded by brick/block walls, which back onto neighbouring dwellings on all sides, with the exception of the northeast corner which backs onto the United Reformed Church. The footpath and the site are currently separated by a low wall and metal security fencing.

Planning permission was granted for the conversion of the former public house to three dwellings and erection of 3 further dwellings in 2006 (43/06/0012). The conversion element has been implemented, but the new build was not, however, that permission remains extant.

Subsequently, permission was also granted for the erection of 7 dwellings to the rear of the 3 cups in 2007 (43/07/0094). That permission has lapsed without implementation.

Application 43/11/0106 granted planning permission for the erection of 7 dwellings to the rear of the 3 cups in 2012.

That permission lapsed on 17th January 2015, but was identical to that now being sought.

Meanwhile an alternative development was proposed for the site under application 43/14/0002. That application proposed on-site parking and vehicular access from Bulford via a driveway shared that also gives access to other residential properties. Following concerns regarding the access onto Bulford from local residents, the Town Council and an objection from the Local Highway Authority in that regard, the application was withdrawn.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL - **Recommended** that permission be refused for the following reasons:

- The proposal would result in a danger caused by conflicting pedestrian and vehicular movements;
- There was a lack of adequate, available on street parking to serve the development.
- Access onto Fore Street from the site was a safety concern.
- The Council agree with the concerns expressed by the Building Conservation Officer's Heritage Consultation Response.

SCC - TRANSPORT DEVELOPMENT GROUP – I refer to the above mentioned planning application received on 30th December 2014 and following a site visit ... I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of seven dwellings.

This submission is the renewal of planning permission 43/07/0094 and as a consequence the Highway Authority's previous observations would still be considered to be appropriate and are set out below for your records.

The Highway Authority has assessed the submitted plan and the access road that will be used for drop off will measure 3.5m at its widest point, and will take the form of a shared surface which will also be utilised by pedestrians who have a right of way through this area. Given the width mentioned above it is considered by the Highway Authority that this area will in fact be self-enforcing in that if a vehicle is stopped/parked/dropping off, in this area it will obstruct the egress/exit of other vehicles as the road is only wide enough for one vehicle. As a result vehicles will be forced to utilise the turning head as a type of passing area in order to exit the site and/or let other vehicles pass.

The Highway Authority raised concern about conflicting pedestrian and vehicular movements during the consultation period of the previous application, 43/06/0012 and recommended that conditions were put in place to limit the number of movements to one dwelling, however these were not imposed, and the proposal was approved. Therefore, due to the previous proposal being allowed and permitted development not being removed, the occupants of the dwellings could potentially utilise the frontages for parking.

Whilst the number of dwellings has increased from 3 to 7 with this application, the purpose of the access road remains the same, and the increase in use/traffic has previously been accepted by the Local Planning Authority, despite the Highway Authority's concerns.

Following a conversation with my colleagues I understand that it is possible to remove permitted development or impose a condition to ensure that none of the gardens can be used for parking which is supported by the Highway Authority.

Therefore, taking the above points into consideration, I would not wish to raise a highway objection to the proposal and in the event of permission being granted I would recommend [that] conditions are imposed in addition to the removal of permitted development rights, in line with the comment made above.

WESSEX WATER – Advise that new connections will be required and advice is provided on how to progress this matter. Advise that the applicant should survey for uncharted sewers within the development site.

DRAINAGE ENGINEER – No details have been given on the application form as to how surface water is to be disposed of. Details should be forwarded for approval before any planning permission is given.

HERITAGE - This application appears identical to the approved [43/11/0106]. Although the proposed development site is within the curtilage of the Grade II Listed Three Cups Hotel (now residential units) and in Wellington Conservation Area, I could not find a record of a previous heritage consultation response [the previous

committee report.

Existing site

Looking at the current application, it is noted that no heritage impact statement is submitted. The existing site plan shows a large rectangular building marked as a shed, which would be demolished if the scheme goes ahead. This shed occupies a position of earlier buildings shown on the c.1900 OS map. Assuming this land was in the same ownership as the Three Cups at the date of listing (1 July 1976) and the shed was built before 1948, it would be regarded as listed by virtue of being within its curtilage. Equally, the shed could be a later building of no interest – the onus is on the applicant to supply the information here and clarification of this is sought as if it is curtilage listed demolition without the necessary listed building consent constitutes a criminal offence.

New build

Turning to the proposed new buildings, these are very close to the Listed Building and this sort of back of plot development generally has a negative impact on the character of the Conservation Area, although it is noted that it has been approved on other sites in the town as well as here. Again, the applicant has provided no assessment as to the potential impact of the development on the immediate setting of the Listed Building and wider Conservation Area. It is also noted that should this application be approved the materials should be in keeping with the character and appearance of the Conservation Area.

Recommendation

Based on the information supplied I am unable to make an informed decision as to the impact of the proposal on the heritage assets and therefore recommend that no decision is made until information in line with paragraph 128 of the NPPF (2012) is forthcoming.

LEISURE DEVELOPMENT – In accordance with Local Plan Policy C4, provision for play should be made for the residents of these dwellings.

An off-site contribution of £2,994 for each 2 bed+ dwelling should be made towards the provision of children's play. The contribution to be spent on play equipment, within the Walkers Gate Play Area, for the benefit of the new residents.

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes, which would equate to 1.75 units. I would consider the commuted sum an appropriate alternative for this site. The commuted sum in lieu of affordable housing on site for the scheme proposed is £66,658. This will be ring fenced for the provision of affordable housing within Taunton Deane Borough.

SCC ARCHAEOLOGY - The site lies adjacent to a known cemetery site where excavations have shown a substantial number of burials are present. Historical records indicate that burials took place to the rear of the Three Cups during the late

17th and early 18th centuries. It is very likely this proposal will impact on burials associated. It is illegal to develop a disused burial ground unless all burials are removed. However the application does not contain any information concerning the impact on the heritage asset and is therefore contrary to the requirements of the NPPF (chapter 12).

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a desk-based assessment and a field evaluation as indicated in the National Planning Policy Framework (Paragraph 128).

Representations

Cllr Janet Reed "I have concerns with this application as cars entering to unload will be on a public right of way, which is used by many to get to the centre of Wellington. This could be a danger especially if there is no policing of cars attempting to park longer than to unload their vehicle. There is already a car parked on the entrance to this site on a regular basis".

2 letters of OBJECTION raising the following points:

- Query where all the associated private cars will park. Bulford is already crammed with private and commuter vehicles. 1 space per bedroom should be provided.
- The access is used by 4 other properties.
- The entry through the Three Cups archway is shared for most of its length with a well-used pedestrian walkway. The juxtaposition of cars and pedestrians is dangerous due to the limited space.
- The turn into the site from Mantle Street has limited visibility. Vehicles entering cannot see vehicles exiting; there is poor pedestrian visibility onto Mantle Street.
- The height of the arch means that any larger furniture of other deliveries will have to park outside causing traffic flow problems.
- There is insufficient on-street parking spaces in the vicinity.

2 letters of CONCERN raising the following points:

- A large mature sycamore tree on the piece of land does not appear and is not mentioned in the above application.
- The "shed" is a building which is considerably more than a shed. Its demolition could affect the character and appearance of the conservation area.
- The so-called associated access off Bulford is shared by four residents from four properties with 24 hour access at all times and the cost of up-keep falls to the residents.
- The additional traffic would make accessing the private garage of 2 Mantle Street dangerous.
- Query how all the emergency vehicles would get in through the access from Bulford at any time.

PLANNING POLICIES

W1 - TDBCLP - Extent of Wellington,
STR2 - Towns,
STR4 - Development in Towns,
EN14 - TDBCLP - Conservation Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,
ROW - Rights of Way,

LOCAL FINANCE CONSIDERATIONS

Community Infrastructure Levy

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

New Homes Bonus

The development would result in the payment of the New Homes Bonus:

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£7,553
Somerset County Council (Upper Tier Authority)	£1,888

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£45,321
Somerset County Council (Upper Tier Authority)	£11,330

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the centre of Wellington, where new residential development is considered to be acceptable in principle. This development has, in fact, been permitted in the past and, although the permission has lapsed, unless there has been any material change in circumstances it would be unreasonable to withhold permission for this new proposal.

There has not been any change in circumstances on the ground since the previous permission although the planning policy situation has changed. Since the previous permission, the Taunton Deane Core Strategy has been adopted and the NPPF has been published. These documents do not alter the presumption in favour of new development within the identified urban area of Wellington. If anything the new policies and guidance are more favourable than previous in terms of their consideration of certain impacts, particularly highways. It is not considered that the change in planning policy environment indicates that a different decision should be reached.

In line with Policy CP4 of the Taunton Deane Core Strategy, the Housing Enabling Lead suggests that the development should provide 25% affordable housing. However, recent changes to the National Planning Practice Guidance indicate that affordable housing contributions should not be sought on schemes of 10 or less. Therefore, it is not recommended that any affordable housing contribution is sought in this case.

Within the context of the previous permissions, outlined above, the main issues in the consideration of this application are the impact on the highway network – including the public footpath, the impact on heritage assets and the impact on neighbouring residents.

Highways

There is no doubt that the access to the site is very restricted in terms of width and visibility at the egress onto Fore Street. Being shared with pedestrian traffic using the public footpath, there is also an inherent conflict with vehicle and pedestrian movements along the access. This is no different to the situation when the previous permission was granted and it was considered that the proposal is acceptable in highway safety terms. Provided that permitted development rights are removed to prevent the front garden areas being used for parking – as previously – then the Highway Authority do not object to the proposal. Such a restriction will limit the traffic attracted to the site.

Some local concern remains about the inadequacies of the local road network to accommodate the increased parking pressure that could be generated from this development that does not provide any dedicated parking facilities. However, being a town centre site, the level of car ownership should be lower. Given the proximity of nearby public car parks, it is considered that there is adequate parking provision locally.

Some of the representations refer to impacts relating to the access from Bulford. This refers to proposal in last year's application that was subsequently withdrawn. This application proposes no vehicular access from Bulford, only that from Mantle Street which has received permission twice before.

Heritage

The site is within the designated conservation area, area of high archaeological potential and adjoins a number of listed buildings – the closest being the former Three Cups itself, the United Reformed Church to the northeast and 2 Mantle Street to the northwest.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area when deciding whether to grant planning permission. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when

deciding whether to grant planning permission.

The comments of the County Archaeologist and Conservation Officer are noted. However, in considering the previous permission it was considered that, subject to a condition requiring archaeological monitoring during works, there would be no adverse impact on archaeological remains. The archaeologist's response suggesting it is illegal to develop in burial grounds without first undertaking other works suggests that such is also controlled by other legislation.

In terms of the demolition of the building within the site, it has never previously been considered that this was a curtilage listed building and nothing has changed on the ground to suggest any different now. The loss of the building is not considered to have a harmful impact upon the character and appearance of the conservation area and the proposed development and its relationship to other buildings and the public realm is considered to preserve its character and appearance. It is not considered that the settings of nearby listed buildings would be harmed.

Some concern has been raised regarding the loss of a Sycamore tree on the site. However, it has always been proposed to clear the site as part of previous development proposals and it is not considered that the tree makes a significant contribution to the amenity of the area, or the character and appearance of the conservation area.

Residential amenity

The dwellings would be located right on the western boundary of the site, adjoining rear the rear garden of 2 Mantle Street. There are no windows proposed within the west elevation, save for high level rooflights, so this garden area would not be overlooked.

The other dwellings to the south of the site adjoin the site of two recently constructed bungalows. These dwellings were not built at the time of the 2007 application, but they were there when the 2011 application was considered. In any case, whilst windows are proposed only 5m from this boundary, they would face the gable end of the adjoining bungalow and the parking/turning area for that property. That gable end appears to contain only an obscure glazed bathroom window and, therefore, these neighbours would not be overlooked to an unacceptable degree.

The relationship of the proposed dwellings with other neighbouring property was considered to be acceptable in 2011 and remains acceptable now. Therefore, the impact on surrounding residential property is considered to be acceptable.

Other matters

Access for the emergency services would be a matter for the Building Regulations.

The previous permission was subject to a Section 106 agreement requiring contributions towards children's play facilities, active recreation, community halls and allotments. The latter 3 of these are now CIL matters and S106 contributions should only be sought in respect of children's play.

Conclusions

The proposal would provide a residential development in the centre of Wellington, which is considered to be highly sustainable in transport terms. There has been no material change in circumstance since the previous grant of permission in 2007 and, although that permission has lapsed, there is, therefore, no reason to arrive at a contrary decision. The proposal would not impact unreasonably upon the public right of way, amenity of neighbouring residents, highway network, character and appearance of the conservation area or settings of nearby listed buildings. The amenity of neighbouring residents would be preserved.

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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