

EVEN BASE LTD

**ERECTION OF 4 NO. TWO BEDROOM COTTAGES AND 3 NO. TWO BEDROOM COTTAGES TO THE REAR OF THE FORMER THREE CUPS, FORE STREET, WELLINGTON**

Grid Reference: 313788.120435

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Subject to the applicant entering into a Section 106 agreement to secure contributions to recreation facilities,

Conditional Approval

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)**

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

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

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

(A3) DrNo 07/05/150 Floor Plans  
(A3) DrNo 07/05/151 Floor Plans  
(A3) DrNo 07/05/152 Elevations  
(A3) DrNo 07/05/153 Elevations  
(A3) DrNo 07/05/154 Elevations  
(A3) DrNo 07/05/201C Proposed Site Plan  
(A4) DrNo 07/05/2000 Location Plan

(A3) DrNo 201D proposed site plan  
(A3)DrNo 51A floor plans  
(A3) DrNo 153A elevations

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

3. 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.

4. 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 in accordance with Planning Policy Statement 25.

5. 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 in accordance with Policies S2 of the Taunton Deane Local Plan, 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.

6. 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 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 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; and to ensure that the front garden areas are retained as garden areas and are not used for the parking of motor vehicles, thereby reducing the amount of traffic likely to be attracted to the site in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. 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 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; and to ensure that the public footpath remains segregated from the parking area, in accordance with Policy S1 of the Taunton Deane Local Plan.

8.
  - (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 in accordance with Taunton Deane Local Plan Policy S2.

9. 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.

10. 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, in accordance with policy S1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review; and 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. 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 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; and to protect the amenities of other nearby residents in accordance with Policy S1 of the Taunton Deane Local Plan.

Notes for compliance

## **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 Fore 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. 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 now lapsed.

## **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. As originally submitted, the access and turning area would have been shared with the public footpath for the length of the site. Amended plans have been submitted which show the footpath segregated from the access/turning area provided for the part of the site in front of the proposed dwellings. The surface would still be shared through the arch between Fore Street and the dwellings themselves. This amendment makes the proposal almost identical to that permitted in 2007, save for the turning head being moved slightly to the north, to allow for easier manoeuvring.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WELLINGTON TOWN COUNCIL* – Recommend that permission be refused for the following reasons:

- The proposal would result in a danger caused by conflicting pedestrians 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.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The site is accessed by using a small entrance/exit through (and under) the former Three Cups. The width of this entrance/exit is limited to 2m, and there are two private doorways that enter/exit this confined area. This route also forms part of a well-used footpath into the Town Centre (WG17/27A), and a combination of vehicular traffic and pedestrian use is likely to cause conflict.

Given it's location in Wellington Town Centre, consideration should be given by the Applicant to providing a car-free development. This in turn, would resolve the issues highlighted above from the highway authority.

However, further to this, reference is made to previous comments in respect of this development. In 2007, the Highway Authority made detailed comments concluding that the proposal was acceptable providing that conditions were imposed removing permitted development rights to prevent the front gardens being used for parking.

*DRAINAGE ENGINEER* – Notes that surface water is to be disposed of by means of a sustainable drainage system. However no details appear to have been included with this application. No approval should be given until such a scheme has been agreed.

*WESSEX WATER* – Note that new water supply and waste water connections will be required from Wessex Water.

A combined sewer runs along the public footpath to the side of the site, no building will be permitted within 3m of the pipeline without agreement from Wessex Water.

Note that uncharted, formerly private, sewers may cross the site and a full survey should be undertaken prior to the commencement of development.

*HERITAGE* – No comments received.

*COMMUNITY LEISURE* – There is an existing Section 106 Agreement in place for the development proposal, which I understand will still apply as this application is similar to the original application, planning reference 43/07/0094.

*BIODIVERSITY* – No wildlife survey has been submitted, so unable to comment fully. As the proposal appears to include the demolition of a structure and the felling of a tree, consider that a survey should be undertaken and submitted.

## **Representations**

Three letters confirming no comments to make.

6 letters of OBJECTION, including one signed by 6 people, raising the following comments:

- The entrance is very narrow and there are two doors to flats that enter on to

the entrance.

- The footpath is of ancient origin and should not be compromised. The footpath is used regularly for older people who now have to attend the medical centre which is at the end of the town. There would be frequent conflict between vehicles and pedestrians, frequently elderly, and with limited mobility.
- Now that the footpath is to be shared with the turning head, people will parking in that turning space and obstruct the footpath. Cyclists and mobility scooters already compromise safety and this would become worse with cars.
- The access onto Fore Street is at a busy point in the road, opposite a doctor's surgery.
- The footpath may be obstructed by construction activities during works.
- There will be noise from cars trying to turn, car doors banging at night and people talking loudly on their return late at night. Noises are louder in a confined area.
- There will be pollution from all the cars turning in close proximity to neighbouring residents.
- Seven properties could easily mean 14 cars.
- Neighbouring dwellings will be overlooked.
- Others have been advised that new dwellings would not be permissible without at least 1 parking space for each property, this has not been provided here.
- Query how delivery vehicles and emergency services will access the site. The archway under the former 3 cups prevents access by large vehicles.

35 identical letters of objection have been submitted which is considered to constitute a petition. They raise the following points:

- A very much used public footpath is in the planning stages of becoming a road. This would be very dangerous for many pedestrians from Bulford and surrounding areas.
- There would be a lack of parking facilities. Query whether the residents would park in Bulford. At present the limited spaces provided for Bulford residents are quite inadequate, additional parking would cause safety and access problems.

A petition against the development of 198 names has been received. The covering letter states that many of the signatures were collected from users of the path from residents as far away as Ardwyn and Wellesley Park who access the town this way. Those signing did so under the following statement:

*"We, Residents of Wellington, wish to express our opposition to the proposed widening and resurfacing of the footpath at the rear of the old Three Cups Inn in Fore Street in order for it to be suitable to be used by cars going to the new development of seven houses in that location. The footpath has been in existence for many years and has been used in that time by residents in the area on a regular basis as an easy access to the main shopping street in Wellington. The majority of the residents in the Bulford area are of older years and walk down this footpath pushing shopping trolleys and some riding on mobility scooters. The passage of motor cars over this same route is going to create a hazard".*

## **PLANNING POLICIES**

EN14 - TDBCLP - Conservation Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,  
ROW - Rights of Way,  
W1 - TDBCLP - Extent of Wellington,  
STR2 - Towns,  
STR4 - Development in Towns,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
EN14 - TDBCLP - Conservation Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,  
S&ENPP9 - S&ENP - The Built Historic Environment,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the centre of Wellington, where new residential development is considered to be acceptable in principle. The main issues in the consideration of this application are the impact on the highway network – including the public footpath, and the impact on neighbouring residents. This must all be considered in the context of the previous planning permission in 2007.

### 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.

As originally submitted it was proposed that the access/turning area would be shared with the public footpath. However, there is considerable local concern in this regard as it would be impossible to enforce that vehicles did not park in the area and such could cause obstruction to the public right of way. Such an obstruction would be a matter for the police, but it is clearly not desirable to permit a situation where such could occur. It would also not prevent the temporary obstruction that would occur when vehicles are accessing and manoeuvring at the site.

On this basis, an amended plan has been submitted that retains the footpath segregated from the site. The proposal only differs from the 2007 permission in that the turning head is in a slightly different location, to facilitate easier turning of vehicles and, thereby, reduce the likelihood that vehicles would reverse back out onto Fore Street.

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.

In any case, there is not considered to be any material change in circumstance since the grant of the previous planning permission. Whilst the previous permission for 7 dwellings has lapsed and can no longer be implemented, it would be extremely difficult to argue that a situation that was acceptable 4 years ago, no longer is. The



previous permission included a condition to the effect that the front gardens could not be given over to parking, in order to maintain the access solely for the purpose of collection and dropping off. Such is considered essential in order to reduce the use of the access due to the restricted visibility onto Fore Street.

### 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 previous application, although they were permitted and were, therefore, always intended to coexist. 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.

There has been some concern raised by residents to the east of the site that they would be overlooked. Again, the situation is no different to that permitted in 2007 and in any case, the closest windows would be 14m from the boundary with these dwellings and over 23m from the dwellings themselves. Such a relationship is considered to be acceptable.

### Other matters

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. 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 these heritage assets. Nothing has changed since this time, so it is still considered that the character and appearance of the conservation area and settings of nearby listed buildings would be preserved.

The Biodiversity Officer has recommended that a wildlife survey is undertaken for the site. However, no survey was previously required and there is no evidence to suggest that the site is likely to be inhabited by wildlife. If protected species are present on the site, the applicant's responsibilities not to disturb them are not removed by the grant of permission. Given the history to the site and its town centre location, it is not considered reasonable to insist on a survey in this instance.

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 and active recreation. The applicant has agreed to enter into a new agreement to secure these payments again.

### 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 no reason to arrive at a contrary decision. The proposal as amended 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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