

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool, Taunton (Main School Hall) on 13 September 2017 at 19:15.

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### **Agenda**

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 16 August 2017 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors or Town or Parish Councillors will automatically be recorded in the minutes.
- 5 25/17/0002 Demolition of buildings and redevelopment of petrol filling station to include the erection of a sales building, replacement of underground tanks, installation of 4 No. pump islands, erection of canopy with 2 No. jet wash bays, alterations to the forecourt, car parking, soft landscaping and boundary treatments at Cross Keys Car Sales, Norton Fitzwarren
- 6 Latest appeals and decisions received

Bruce Lang  
Assistant Chief Executive

08 December 2017

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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**Planning Committee Members:-**

Councillor R Bowrah, BEM (Chairman)  
Councillor M Hill (Vice-Chairman)  
Councillor J Adkins  
Councillor M Adkins  
Councillor C Booth  
Councillor W Brown  
Councillor J Gage  
Councillor C Hill  
Councillor S Martin-Scott  
Councillor I Morrell, BA LLB  
Councillor S Nicholls  
Councillor J Reed  
Councillor N Townsend  
Councillor P Watson  
Councillor D Wedderkopp

## **Planning Committee – 16 August 2017**

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors M Adkins, Mrs Adkins, Booth, Cavill, Gage, C Hill, Sully,  
Townsend and Ms Webber

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal  
Planning Officer, Martin Evans (Solicitor, Shape Partnership Services)  
and Marcus Prouse (Democratic Services Officer)

Also present: Councillors Berry and Mrs A Elder, Chairman of the Standards  
Advisory Committee.

(The meeting commenced at 6.15 pm)

### **45. Welcome**

The Chairman welcomed everyone to the meeting – the first time the Planning Committee had met at West Monkton Primary School, Bridgwater Road, Bathpool, Taunton.

### **46. Apologies/Substitutions**

Apologies: Councillors Brown, Martin-Scott, Morrell, Nicholls, Mrs Reed,  
Watson and Wedderkopp

Substitutions: Councillor Ms Webber for Councillor Mrs Reed  
Councillor Sully for Councillor Martin-Scott  
Councillor Cavill for Councillor Watson

### **47. Minutes**

The minutes of the meeting of the Planning Committee held on the 19 July 2017 were taken read and were signed.

### **48. Declarations of Interest**

Councillor Mrs Hill declared personal interests as a trustee to Hestercombe House and Gardens, a trustee to the Somerset Building Preservation Trust and as a Director of Apple FM. Councillor Townsend declared that he was a Kingston St Mary Parish Councillor.

### **49. Applications for Planning Permission**

The Committee received the report of the Area Planning Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **planning permission be granted** for the under-mentioned developments:-

**06/17/0021**

**Change of use of west side extension to form a home office and chapel of rest (viewing and occasional use only) at Yeomans, East Combe Lane, Bishops Lydeard**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 16.92.02 Site Location Plan;
- (c) There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;

(Note to applicant:- Applicant was informed that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

**42/17/0015**

**Erection of two storey extension to side of 10 Dipford Orchard, Dipford Road, Trull**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 17/02C Revised Plans and Elevations as Proposed;
- (c) The windows in the first floor west elevation shall be glazed with obscure glass to be agreed in writing by the Local Planning Authority and shall

thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

**38/17/0244**

**Erection of single storey extension to rear of 28 Richmond Road, Taunton**

(a) The development hereby permitted shall be begun within three years of the date of this permission;

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A4) DrNo PL.01 Location Plan;
- (A3) DrNo PL.12 Block Plan as Proposed;
- (A3) DrNo PL.13 Ground Floor Plan as Proposed;
- (A3) DrNo PL.14 First Floor Plan as Proposed;
- (A3) DrNo PL.15 Elevations as Proposed;
- (A3) DrNo PL.16 Section E-E and West Elevation as Proposed;

(c) Only those materials specified in the application shall be used in carrying out the development hereby permitted;

(Notes to applicant:- (1) Applicant was advised that whilst it would appear from the application that the proposed development was to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang would encroach on, under or over the adjoining property; (2) Application was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

**50. Appeals**

Reported that one new appeal and two decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.20 pm)

BP OIL UK LIMITED

**Demolition of buildings and redevelopment of petrol filling station to include the erection of a sales building, replacement of underground tanks, installation of 4 No. pump islands, erection of canopy with 2 No. jet wash bays, alterations to the forecourt, car parking, soft landscaping and boundary treatments at Cross Keys Car Sales, Norton Fitzwarren**

Location: CROSS KEYS CAR SALES, MINEHEAD ROAD, NORTON  
FITZWARREN, TAUNTON, TA2 6NR

Grid Reference: 320415.126447 Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The applicant has failed to demonstrate that there are no sequentially preferable sites for the proposed development. In the absence of a Sequential Test, the proposal conflicts with Paragraph 24 of the National Planning Policy Framework, Policy CP3 of the Taunton Deane Core Strategy adopted 2012 and Policies TC3 and TC4 of the Taunton Deane Site Allocations & Development Management Plan adopted December 2016.
- 2 The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal on the surrounding highway network. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policies CP6 and DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).
- 3 The proposal would generate a significant increase in traffic which would have a severe effect on the surrounding highway network which would be considered detrimental to highway safety. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policies CP6 and DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).

### **Recommended Conditions (if applicable)**

#### Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning



permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## Update

This application was originally reported to the Planning Committee in June this year. Members deferred the application in order to seek further clarity on the outstanding highway issues and to resolve the Environment Agency objection. In addition, further information was sought in respect of the hours of operation and external lighting. The applicant subsequently submitted a further highway's technical note. Upon reconsultation, SCC Highways have stated that this further information does not overcome the reasons for refusal which were previously put forward. The principle concern relates to the lack of a right turn lane which is required for safety reasons in this location.

The applicant has provided further information to address the Environment Agency's objection. The Environment Agency has now removed its objection subject to the imposition of planning conditions. With regard to opening hours, the applicant has offered to limit opening hours to 0600 hours - 2300 hours, seven days a week. A lighting plan has also been submitted which demonstrates that there would be minimal light spillage to adjoining neighbouring properties.

Given that the applicant has not been able to satisfactorily address the SCC Highway's objection, officers are recommending that planning permission is refused, as per the original recommendation.

For reference, the previous report is repeated in its entirety below.

## Proposal

Planning permission is sought to redevelop an existing car dealership and former petrol station to provide a new petrol filling station and new retail sales building. The proposal involves the total demolition of all buildings on the site. The redevelopment will comprise:

- A new retail sales building and café with a gross floor area of 290 sq.m;
- Removal of the existing 3 petrol pumps and erection of a new canopy with 4 no. pump islands (8 pumps in total);
- Installation of 2 no. new jet wash bays;
- Installation of 2 no. air/water bays;
- Installation of 2 no. new underground storage tanks;
- Provision of an ATM;
- Alterations to the existing ingress and egress onto the A358;
- Provision of 27 customer car parking spaces;
- Provision of 4 no. cycle hoops;
- Erection of 10 no. 3 metre high floodlights.

The proposed new retail sales building will be sited in the southern part of the site, adjacent to the boundary with the Cross Keys Public House car park. It will be

rectangular in shape and clad in composite steel cladding panels coloured white with a black base. The aluminium shopfront will face out onto the new central forecourt area. The pump islands will be located in the central part of the site beneath a new canopy. The jet wash bays will be located at the rear in north west part of the site, adjacent to the pub garden and away from the nearest dwellings. The customer parking will be arranged along the northern boundary of the site, adjacent to a residential property. Further car parking will be provided in front of the retail store.

The existing access into the site will be slightly modified to provide a separate ingress and exit for vehicles, and a separate pedestrian access.

The plans show a 5.5 metre high Major Identification Sign (MIS) on the street frontage. However, all signage will be subject to a separate advertisement consent application.

The application is supported by a Flood Risk Assessment; an Environmental Site Assessment; a Design & Access Statement and a Transport Technical Note.

## **Site Description**

The application site comprises a car dealership occupying a former petrol filling station and garage. It lies in a prominent road side location on the west side of the A358 Minehead Road, some 40 metres from the Cross Keys roundabout junction. The site lies 0.5 miles to the west of the edge of Norton Fitzwarren, within the open countryside. It also lies 2 miles to the north west of Taunton. The Cross Keys pub is located directly to the south of the site. Access to the pub car park lies immediately adjacent to the existing open forecourt serving the car dealership.

There are a number of buildings on the site comprising a car showroom in the southern corner of the site, a small retail kiosk, petrol pumps set beneath a canopy at the front of the site and garage workshop buildings at the rear. The open areas of the site to the side and rear are used for the display and sale of motor vehicles. At present, the whole of the site frontage is open onto the main road with no defined ingress or egress.

There are a number of residential properties which are located to the north and west of the site. One property in particular, known as Sunnymede, is located in very close proximity within 3 metres of the site boundary.

To the west of the site lie agricultural fields and a small river known as Back Stream.

## **Relevant Planning History**

None relevant.

## **Consultation Responses**

*ECONOMIC DEVELOPMENT: - No objection*

- NORTON FITZWARREN PARISH COUNCIL* - 1. Concerns have been raised about the access and egress from the site onto the very busy A358 and recommend that "Keep Clear" boxes or a middle lane installed to enable drivers to turn right.
2. Could oil interceptors be put in place on main and surface drainage to prevent the nearby stream becoming contaminated.
  3. The pedestrian crossing appear to be in the wrong place, it should be nearer to the front of the site, if it is installed where stated it is not likely that pedestrians will use it.
  4. Is it intended that HGV's can use the site, if so the statement should amended.

*STAPLEGROVE PARISH COUNCIL* - No objections.

*WALES & WEST UTILITIES* - Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

*ENVIRONMENT AGENCY* - OBJECTS to the proposed development, as submitted, on the following grounds:

#### FLOOD RISK

Although overall the proposed development will include betterment as the foot print of the building is reducing, the Flood Risk Assessment does not include the finished floor levels for the petrol station. We therefore cannot make an assessment of the future flood risk to the development. From a flood risk point of view it would be best if the development was built at the current ground level to prevent water egress in the petrol tanks and pumps. The proposed escape route is via the Cross Keys roundabout which is at risk of river and surface water flooding. We would recommend the applicant looks at alternative escape routes.

To overcome our flood risk objection we require confirmation of the finished floor levels and details of flood measure prevention to protect the pumps, tank and shop.

#### GROUNDWATER PROTECTION

With reference to the proposed new underground fuel storage tanks, the applicant is referred to "Groundwater protection: principles and practice GP3" Position Statements D1, D2 and D3 where we state that we will object in principle to the underground storage of hazardous substances below the water table in a Secondary A Aquifer.

GP3 advises how the applicant may seek to overcome the objection through appropriate risk assessment and the implementation of agreed mitigation measures.

With reference to the existing underground fuel tanks, we recommend the removal of all underground storage tanks that are unlikely to be reused. Once the tanks and associated pipelines have been removed, samples of soil and groundwater should be taken to check for subsurface contamination. If soil or groundwater contamination is found, additional investigations (possibly including a risk assessment) should be carried out to determine the need for remediation.

#### *ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Regarding potential contamination.

As the site is a petrol station, with underground fuel tanks, there is the potential for contamination to be present, which could affect the development of the site. A report has been submitted with the application (Environmental Site Assessment, Arcadis, September 2016). This provides details on the history and condition of the site, including an intrusive investigation. The investigation and sampling did not identify any areas of concern, however, it did state that it had not been possible to collect soil and ground water in the vicinity of the fuel distribution infrastructure, and it recommend that if the site was developed further investigation should be carried out.

The report is acceptable in providing an initial assessment of the site, however, the applicant should carry out further site investigations in the area of the fuel distribution system when they have access to this area of the site. A suggested condition is given below.

Re. Noise.

The application includes proposals for a jet wash, which has the potential to generate noise that could disturb nearby residents. There are no details of the noise levels of any equipment so it is not possible to give an objective comment on the potential for disturbance. One way to reduce any disturbance would be to limit the hours of use of the jet wash.

#### *SCC - TRANSPORT DEVELOPMENT GROUP*

*(Original Comments)* - The proposal is for the redevelopment of an existing car sales and petrol station, situated adjacent to a public house. The site is accessed from the A358, Minehead Road and is within 100 metres of the roundabout junction with the B3227 Wiveliscombe Road.

The highways network around the site is considered to be very sensitive to any changes in traffic movements. In terms of traffic generation, using the TRICS traffic data, it is likely that the car sales generated in the region of 21 trips per day and the 6 pumps at the petrol station is likely to have generated up to 162 trips per day, with a total of 183 trips per day. The redevelopment proposes 8 pumps and a retail floorspace of 276m<sup>2</sup> the TRICS data indicates up to 288 vehicle movements per day and generating a 50% increase in traffic movements. Due to the sensitive nature of the surrounding highways network and significant increase in traffic, a Transport Assessment will be required for the Highway Authority to understand the full implications of how the proposal will affect the existing network.

After reviewing the recorded Personal Injury Accidents (PIA's) there is a history of injury accidents within the vicinity of the site. One was recorded on the A358 at the location of the petrol filling station and two further accidents recorded at the Cross Keys roundabout junction of the A358 with the B6227. Any increase in conflicting movements could lead to an increase in accidents which is unacceptable.

The applicant has provided a proposed site layout, drawing number 30070-22 Revision E however, it is difficult for the Highway Authority to understand how larger vehicles are going to access and manoeuvre around the site i.e. Petrol tankers, refuse and delivery vehicles. The applicant has proposed a Major Identification Sign 'M.I.D' presumably to display the fuel prices in front of the petrol forecourt, and this will need to be placed outside the visibility splay and not be too bright so that it distracts users of the highway compromising safety.

The applicant has proposed 27 parking spaces and the provision for a 'Service Station' is considered on a case by case basis under the Somerset Parking Strategy and this will need to be decided depending on the Transport Assessment.

A Flood Risk Assessment dated January 2017 was submitted as part of the application as the site lies within a flood zone. Our records show that the public highway extends up to the linear drainage channel that runs along the entire forecourt frontage and that this channel was installed to intercept surface water from the forecourt to prevent the discharge onto the highway. Whilst it is therefore imperative that a drainage channel remains along this line post development, as it appears to be of a relatively light duty specification, the designer may wish to consider upgrading it so that it is more suitable to accommodate the concentrated traffic at the proposed access and egress. It would also be prudent to ensure that it is operating effectively prior to any works commencing as the directions of the outlet pipework may be located under the proposed redevelopment.

The proposal as currently submitted is considered to be unacceptable from a highway safety viewpoint for the reasons I have outlined above. As such I have no alternative than to recommend refusal of this application on the following grounds:-

- The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal on the surrounding highway network therefore the proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).
- The proposal would generate an assumed significant increase in traffic which would have a severe effect on the surrounding highway network which would be considered detrimental to highway safety. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).

*(Further Comments dated 23 May 2017) –*

Further to previous comments this response is supplemental and deals with the additional information received on 25<sup>th</sup> April 2017. Having reviewed the Transport

Technical Note produced by Markides Associates, in response to previous comments from the Highway Authority regarding the Cross Keys Garage, Taunton, I have the following comments:-

Further information has been provided, however unfortunately no existing information with regard to the petrol station and associated shop with regard to traffic generation and origin / destination data has been supplied. In fact no distribution data has been provided at all. At present in its current form the petrol station can be entered and exited from both access points which allows vehicles to enter from either direction and fuel and exit "in line" with their direction of travel. The proposal appears to formalise an entrance and exit, as tracking only indicates southbound traffic entering from the A358 north. All movements will need to be shown.

The traffic generation of the existing uses on site which include four petrol pumps, an associated shop (small) and a used car sales show room and forecourt have all been extracted from TRICS. As detailed above no existing site data has been collected, therefore the TRICS database has been utilised. The comparison in terms of TRICS examples and the existing land uses are not considered like for like, the Car Show Room data has extracted specific 'brand' Ford and Honda which is likely to overestimate traffic demand. It is also unclear the size of all associated car sales at present.

TRICS does give an advice note which highlights that trips to showrooms can be associated to the following which can attribute to overestimated generation, however the existing car sales are a mix of both generic and luxury brand "second hand" car sales:

- Linked to a specific make of car
- Independent showroom

A similar concern is raised regarding the Trip rates extracted from trips for the existing petrol station with a retail use. The trip rates extracted from TRICS assesses sites in incomparable areas and also the associated shops and type of petrol station are more in line with what is proposed rather than what is existing, which is likely to overestimate the existing situation which only offered parking at the pumps rather than an associated car park.

The data that has been extracted is not considered to be a "like for like" comparison and is likely to overestimate the generation of the existing use; therefore the proposed site is not considered to reduce traffic on the Highway Network, but rather lead to an increase.

Based on the proposed traffic levels in line with associated uses (the car wash facility does not appear to be assessed in the Technical Note) the proposed use on site would be likely to require a right turning lane on the A358 in line with daily and mainline flows anticipated.

As there is considered to be an uplift in traffic associated to the site, further work may be required to assess impacts on the surrounding network of which a large scale urban extension is proposed. In its current form Technical Note is not considered to be a true and robust representation of the existing use and potential

future traffic impact.

In addition to the above given the likely increase in traffic, pedestrian and cycle access to the development is an area for concern as movements have not been fully considered. A proposed area of tactile paving at the end of the footpath from the retail unit does not link to any tactile paving on the adjacent side of the A358 and at this location would intersect through a bus stop which is not acceptable; therefore the point of crossing would need to be relocated. An existing shared footpath and cycleway is located outside the Cross Keys Public house and the applicant should consider extending the current proposed footpath to link from the site to the existing network in the interests of pedestrian and cycle safety visiting the site from the south.

The proposal therefore remains unacceptable from a highway safety viewpoint for the reasons I have outlined above and in my previous response. As such I have no alternative than to recommend refusal of this application on the following grounds:-

- The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal on the surrounding highway network therefore the proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).
- The proposal would generate a significant increase in traffic which would have a severe effect on the surrounding highway network which would be considered detrimental to highway safety. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).

## **Representations Received**

Three letters of OBJECTION have been received and summarised below:

- Clarification is sought on the opening hours and delivery times. The previous petrol station opened from 7am until 7pm seven days a week. Any significant increase in the hours of opening will adversely affect local residents;
- what are the proposed hours of operation for the jet washes as they could cause a noise disturbance;
- the open gravel area at the front of the site should be retained as local residents use it as a footway to the bus stops and pub;
- the removal of the hedgerow at the rear of the site has made the site very visible from the east. A hedgerow should be reinstated;
- the floodlighting and the canopy lighting should be directional so that it does not overspill into adjoining dwellings;
- assurances are sought that the redevelopment of the site will not increase flood risk in the area;
- an area at the rear of the site is marked off as for future use, but no indication is given as to what this might be. This should be restricted to storage only.

Twelve letters of SUPPORT have been received:

- the closure of the previous petrol station has been missed as it is in a convenient location and avoids having to drive into Taunton town centre;
- having a decent food shop will be fantastic;
- the current buildings are in a dilapidated state and need redevelopment to visually improve the site.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP1 - Climate change,  
CP3 - Town centre and other uses,  
CP6 - Transport and accessibility,  
CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
DM4 - Design,  
SD1 - Presumption in favour of sustainable development,  
SP1 - Sustainable development locations,  
A1 - Parking requirements,  
D2 - Approach routes to Taunton and Wellington,  
D3 - Outdoor advertisements and signs,  
D7 - Design quality,  
SB1 - Settlement boundaries,  
TC4 - Primary Shopping Areas (PSA),  
TC5 - Out-of-centre proposals,

This takes into account the recent adoption of the SADMP.

## **Determining issues and considerations**

**The principle of a retail use in an out of centre location**



Petrol filling stations normally fall within the *sui generis* use class. However, officers are of the opinion that this proposal is a mainly retail focused development associated with a re-formatted petrol filling station. The existing car dealership/petrol station has a small retail kiosk that amounts to about 50 sq.m gross floor area. This is to be replaced with an M&S Simply Food retail unit and Wild Bean café amounting to 290 sq.m gross floor area. The net retail floorspace will be 170 sq.m. This will result in a significant increase in the extent of retail floor space which goes beyond what could reasonably be termed as being ancillary to the petrol station function. In addition to the 8 petrol filling spaces, 27 separate parking spaces are proposed for vehicles that are not using the petrol filling element of the proposal. This also indicates that the proposal is a predominately retail store development rather than a petrol filling station with ancillary and associated retail sales.

This application is therefore being assessed as a predominantly retail use. The National Planning Policy Framework (NPPF) provides the framework for considering whether a proposal is acceptable in terms of retail policy. In Paragraph 23, local planning authorities are advised to adopt policies that promote town centre environments. The main thrust of the NPPF is to promote a “town centre first” approach. New development should therefore be focused on promoting competitive town centres and local centres.

The application site is located in an out of centre location, some distance from Taunton town centre and the local centres of Norton Fitzwarren and Staplegrove. Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to retail developments that are not within existing designated local centres.

Policy TC4 of the Site Allocations Management Plan (SADM) states that “*a sequential test will be required for all retail proposals falling beyond the Primary Shopping Area boundaries for Taunton...*”

SADMP Policy TC5 states that main town centre uses outside of town centres will only be acceptable in certain limited circumstances including;

*“No sequentially preferable site is available, including consideration of alternative formats for the proposed uses;*

*It would not have a significant adverse impact on the vitality, viability and diversity of an existing or allocated centre.....”*

The applicant has not provided a Sequential Test to justify the current application, in spite of numerous requests from officers. Government guidance in “Ensuring the Vitality of Town Centres” states emphatically that “***It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing planning permission)***”

Officers have concerns that a supermarket of the size currently proposed will have an adverse effect on the vitality and viability of the existing Co-op in Norton Fitzwarren. It may also effect the deliverability of the new mixed-use local centre at Staplegrove, which includes the provision of a convenience store of up to 500 sq.m gross.

Officers note the recent letters of support who would welcome a new convenience store and petrol station in this part of the district. However, the size of the proposed retail unit is considered too large in relation to the petrol filling station element of the scheme and not ancillary to that use. The applicant has failed to provide a Sequential Test to demonstrate that this site is sequentially preferable to any other available sites within the local area.

In the absence of a Sequential Test, the proposal conflicts with Paragraph 24 of the NPPF and SADM Policies TC3 and TC4. Planning permission should be refused on these grounds.

### **Highway impact**

The site is located on a major route in and out of Taunton which currently experiences high volumes of traffic. The proposal will provide 27 parking spaces which indicates that a high number of car-borne shoppers are anticipated. This is exacerbated by the fact that the site is not easily accessible to pedestrians coming from the Norton Fitzwarren direction. It is likely that a high number of customers will be attracted to the retail store due to the perceived quality of its offer. Somerset County Council Highways (SCCH) state that the existing highway network in this location is very sensitive to a change in vehicle movements. They estimate that the redevelopment of the site will result in a 50% increase in traffic movements. This would have a severe effect on the highway network to the detriment of highway safety.

The application, as originally submitted, lacked a Transport Assessment. In addition, there were no detailed highways drawings to demonstrate how large vehicles could safely manoeuvre into and out of the site. A Transport Technical Note (TN) was subsequently submitted to try to overcome SCCH's initial objection. This TN was supported by technical drawings showing swept path analyses and visibility splays and a TRICS analysis. The report concluded that the proposal would only result in a 10% increase in new trips. This conclusion is strongly disputed by SCCH on the grounds that it does not accurately or robustly represent existing levels of traffic generation from the site. This is because no existing data from the existing operations on the site have been provided. The use of TRICS data based on a branded car dealership such as Ford cannot be used as a comparison with a local business. No comparison has been made on a like for like basis. This has resulted in the TN overstating the level of traffic generation from the existing car dealership. SCCH remain of the view that the proposal will result in a significant increase in traffic generation to the detriment of highway safety.

In addition, concerns remain about the treatment of the access into the site. In particular there is a need for a better pedestrian path and cycleway across the site frontage with connectivity to the existing network. It is also likely that a right hand turning lane on the A358 is required.

In conclusion, the technical information submitted to date is insufficient to satisfactorily address SCCH's significant objections regarding highway safety. The proposal should also be recommended for refusal on highway grounds.

## **Flood risk**

The site lies within Flood Zones 2 and 3a; with Zone 3 being defined as areas of highest risk of flood. The main source of flood risk is from the Back Stream, located 30 metres to the east of the site. There is also a risk of pluvial runoff from overland flows on adjacent land. According to the submitted Flood risk assessment (FRA), there is no record of historic flooding on this site according to Environment Agency records. Their records also show that the site falls within an area at "low risk" of surface water flooding. However, there is local evidence of the road and petrol filling pumps as being underwater in November 2012

Guidance within the NPPF states that new development should be avoided in areas of highest risk. However, where the development is necessary, it should be made safe without increasing flood risk elsewhere. It is necessary for a Sequential Test to be carried out for a development of this nature. The purpose of this test is to focus new development to areas with the lowest risk of flooding. According to technical guidance appended to the NPPF, the proposed development falls within the "less vulnerable" category of development in terms of flood risk. This category includes buildings for shops, other services, offices, industrial and storage and distribution uses. Development within the "less vulnerable" classification within Flood Zone 3a will not require an Exceptions Test. On this basis, the development is considered acceptable provided it passes the sequential test.

The Flood Risk Assessment submitted in support of this application has carried out a limited sequential test. It concludes that *"there are no other sites reasonably available within Zones 1 or 2 nearby that would suit a petrol station due to size, services and/or transport links."* No evidence has been given of any alternative sites that have been considered. However, the FRA notes that the existing site is developed and that the proposal will result in a 67% reduction in the building footprint on the site. This means that less flood waters will be displaced from the site. Also in mitigation, a SUDS system will be used. The drainage strategy will also discharge key areas such as the jet wash, hardstanding, canopy and shop roof to Class 1 interceptors which will connect to the mains sewer.

It is proposed to include flood resilient construction techniques within the building and for the applicant to adopt a Flood Response Plan, although more detail is required.

The Environment Agency has objected to the application due to a lack of detail on finished floor levels and further information required on flood prevention measures. Officers consider that this matter can be satisfactorily resolved, however the applicant has not provided this information to date. The lack of this information and the continuing EA objection constitutes a further reason for refusal.

## **Impact on residential amenity**

As described earlier, the site is located in very close proximity to residential properties. The nearest dwelling at Sunnymede has velux bedroom windows which will be located just 5 metres away from the proposed shoppers' car park and a 3 metre tall floodlight. Neighbours have raised concerns about potential light pollution from the floodlights and illumination within the forecourt canopy. No details on illumination levels and direction of lighting have been provided. This is a detail that could be controlled by a planning condition, if the application was acceptable in all other material planning considerations.

It is understood from local residents that the former petrol station was open seven days week between 0700 – 1900 hours. Concerns have been raised about potential noise nuisance if the site was to be operated late in the evening. No details on the proposed hours of operation have been provided. This is could be controlled by a planning condition, if the application was acceptable in all other material planning considerations.

Similarly, no details have been given as to the proposed hours of use for the jet washes. It is acknowledged that these are to be located at the rear of the site, as far as possible from the nearest residential neighbour. However, there is still potential for noise nuisance. Once again, this could be controlled by planning conditions such as restricting hours of operation and imposing noise restrictions.

## **Conclusion**

The main issue is that the size of the proposed retail unit is considered too large in relation to the petrol filling station element of the scheme. This means that it does not fall within a *sui generis* use class and should be treated as a retail application. The applicant has failed to provide a Sequential Test to demonstrate that this site is sequentially preferable to any other available sites within the local area. On this basis, the proposal clearly conflicts with national planning policy in the NPPF and also newly adopted policies within the Site Allocations Development Management Plan.

The applicant has also provided insufficient information to demonstrate that the proposal will not result in a significant impact in traffic generation, to the detriment of highway safety.

Finally, in view of the outstanding objection from the Environment Agency, there are concerns that the proposal may increase future flood risk to the development and the wider area.

It is therefore recommended that planning permission is refused.

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

**Contact Officer: Ms A Penn**

Site: 8, 9 & 10 PARSONAGE COTTAGES, PARSONAGE LANE, KINGSTON ST MARY, TAUNTON, TA2 8JF

Proposal: Formation of parking area in front gardens of 8,9,& 10 Parsonage Cottages, Kingston St Mary (Retention of works already undertaken)

Application number: 20/16/0038

Reasons for refusal: The proposed development by reason of its scale and design would erode the distinct rural character, unacceptably harm the landscape and the street scene and be detrimental to the visual amenity of the locality contrary to the requirements of policies DM1(d) and CP8 of the Adopted Core Strategy 2011-2028.

Appeal Decision: Allowed



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Appeal Decision

Site visit made on 31 July 2017

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 August 2017

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Appeal Ref: APP/D3315/W/17/3174852

8, 9 and 10 Parsonage Cottages, Parsonage Lane, Kingston St Mary, Taunton TA2 8JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Messrs. Roberts, Harris and Shortall against the decision of Taunton Deane Borough Council.
  - The application Ref 20/16/0038, dated 9 December 2016, was refused by notice dated 17 March 2017.
  - The development proposed is the formation of a parking area in the front gardens of 8, 9 and 10 Parsonage Cottages.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a parking area in the front gardens of 8, 9 and 10 Parsonage Cottages, Parsonage Lane, Kingston St Mary, Taunton TA2 8JF in accordance with the terms of the application, Ref 20/16/0038, dated 9 December 2016, subject to the following conditions:
    - 1) The development hereby permitted shall be carried out in accordance with
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the following approved plans: J175/01B, J175/02D and J175/03B.

- 2) Within three months of the date of this decision, a scheme of hard landscaping showing the layout of areas with stones, paving, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely implemented before the development hereby permitted is brought into use, and shall thereafter be retained.
- 3) Within six months of the date of this decision, 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. The scheme shall be carried out within the first available planting season from the date of the approval of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained, and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of a similar size and species.
- 4) The area allocated for parking and turning on drawing no. J175/02D, shall be permanently maintained and kept clear of obstruction, and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
- 5) The visibility splays shown on drawing nos. J175/02D and J175/01B shall be provided prior to the first use of the development hereby permitted. Those splays shall thereafter be retained and there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within them.
- 6) Details for the disposal of surface water so as to prevent its discharge onto the highway shall be submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the first use of the development hereby permitted and shall thereafter be maintained.

#### Procedural Matters

2. As set out in part 3 of the application form, the proposal involves a parking area in the front gardens of 8, 9 and 10 Parsonage Cottages. Consequently, although part 4 of that form describes the site address as 10 Parsonage Cottages, I have used the more accurate address cited at part 3, which is also consistent with the Council's decision notice.
3. A start has been made on the development, although it is clearly incomplete. I have dealt with the appeal on its merits, and on that basis.

#### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

#### Reasons

5. The properties in this edge of village location are set well back from Parsonage Lane behind long front gardens. This part of the lane is narrow and generally enclosed by earth banks and hedgerows, which is typical of the Southeast Quantock Landscape Character Area. However, further east along the lane, I observed strips of more open land sometimes with rough grass verges between the

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carriageway and the field boundaries. To the west, on the opposite side of the lane and to the front of Parks Cottages is an off-road parking area, which is set back from the carriageway behind a hedgerow.

6. I understand that the occupants of Parsonage Cottages use the parking area to the front of Parks Cottages, although there is significant pressure on the limited number of spaces there. No doubt partly as a consequence of that, there has been some informal parking closer to the dwellings along the edge of the lane.
7. This scheme involves the excavation of soil from part of the front gardens of nos. 8, 9 and 10 to create four off-road parking spaces. Those works, which have been partially implemented, together with the creation of visibility spays either side would give this section of the lane a less enclosed feel. It would also extend the hard-surfaced area. However, in the context of the lane's varied carriageway width, together with sections of it which have a more open feeling, and the existing off-road parking at Parks Cottages, that impact would not jar with its general character.

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Site: 45 BRIDGE STREET, TAUNTON, TA1 1TP

Proposal: Installation of 3 No. bulkhead light fittings to the front elevation of 45 Bridge Street, Taunton (retention of works already undertaken)

Application number: 38/17/0045LB

Reasons for refusal: Whilst the addition of bulkhead lights can be regarded as minor, this property is a grade II Listed Building. The lights have not been demonstrated to have any historic precedence in the Statement of Historic Significance submitted. They detract from the character and appearance of the building contrary to policy D4 of the Site Allocations and Development Management Plan and CP8 of the Core Strategy. They are also considered contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as they do not preserve the character of the building.

Appeal Decision: Dismissed



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Appeal Decision

Site visit made on 22 August 2017

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 August 2017

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Appeal Ref: APP/D3315/Y/17/3173605

45, Bridge Street, Taunton, Somerset, TA1 1TP.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Vas Kimitri of Bare Grills against the decision of Taunton Deane Borough Council.
- The application Ref.38/17/0045/LB, dated 6/2/17, was refused by notice dated 27/3/17.
- The works proposed are described as the *regularisation of previous listed building consent 38/16/0261/LB to include the installation of three number bulkhead light fittings mounted to the flat pilasters on the front façade.*

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Decision

1. The appeal is allowed and listed building consent is granted for three bulkhead light fittings at 45, Bridge Street, Taunton, Somerset, TA1 1TP.



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Preliminary Matter

2. A more concise description of the works is three bulkhead light fittings.

Reasons

3. 41-55 Bridge Street is a terrace of mid/late 19th century 3-storey houses (now in commercial use). The significance of this grade II listed row is derived primarily from its architectural qualities (including brick walls, parapets and sash windows) and historic associations with the development and growth of Taunton. No. 45 has been much altered and is now in use as a restaurant.  
The frontage includes a wide metal roller shutter, a plywood fascia sign and the three small lights which are affixed below the sign and to the sides of the modern shopfront windows. There are two sizeable lanterns on the frontage of No.41 and security/alarm boxes of various sizes and shapes across the terrace.
4. The bulkhead light fittings have a somewhat industrial appearance and do not enhance the appearance of the terrace. However, they are of a very modest size, do not protrude unduly from the façade of the building and the matt black finish ensures that they are not prominent additions. They sit comfortably alongside the metal roller shutter and illuminate business premises which are open into the evening. More importantly, they do not detract from the ability to appreciate or understand the significance of the terrace. I concur with the appellant's Architect that these minor works, which are reversible, preserve the special architectural and historic interest of the listed building/terrace. There is no conflict with national or local planning policies for protecting heritage assets.

*Neil Pope*          Inspector

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Site: MANOR FARM, STOKE ROAD, NORTH CURRY, TAUNTON, TA3 6LP

Proposal: Erection of 3 No. dwellings with associated garages and works at The Paddock, Manor Farm, Stoke Road, North Curry (resubmission of 24/15/0053)

Application number: 24/16/0022

Reasons for refusal: The proposed development by reason of the location and proposed means of access along a lane and footpath would have an adverse impact on the rural character of the lane, the conservation area and the setting of the Grade II\* listed Manor House contrary to policies DM1d and CP8 of the Taunton Deane Core Strategy and the harm to the heritage assets are not considered to be outweighed by the benefits.

## Appeal Decision

Site visit made on 28 November 2016 and 22 August 2017

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 August 2017

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### Appeal Ref: APP/D3315/W/16/3164568

The Paddock, Manor Farm, Stoke Road, North Curry, Somerset, TA3 6LP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Robert Ward against the decision of Taunton Deane Borough Council (the LPA).
  - The application Ref. 24/16/0022, dated 6/4/16, was refused by notice dated 18/7/16.
  - The development proposed is the erection of three dwellinghouses.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Initially the appellant raised the issue of housing land supply (HLS). However, appellant's subsequent comments on the LPA's Statement of Case include the following: *"the appellant and the Local Planning Authority have agreed that housing land supply is not considered relevant to the determination of the 3- unit appeal due to it being considered as a "windfall site" by virtue of its size."* As HLS is not determinative to the outcome of this appeal I agreed to this appeal proceeding by way of written representations rather than a Hearing.

### Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the North Curry Conservation Area (NCCA)

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and preserve the setting of the grade II\* listed building known as Manor Farm.

## Reasons

### *Planning Policy*

4. The development plan includes the Taunton Deane Core Strategy (CS) adopted in 2012 and the Site Allocations and Development Management Plan (DMP) adopted in 2016. The most relevant policies to the determination of this appeal are: CS policies SP1 (sustainable development locations), SP4 (rural areas), CP8 (environment) and DM1 (general requirements). The appeal site lies within the settlement boundary for North Curry as identified in the DMP.
5. In 2007 the LPA adopted the North Curry Conservation Area Appraisal Document (CAA). Amongst other things, this identifies the special historic and architectural interest of the NCCA. The special historic interest includes the role of the village as a local market centre. Its special architectural interest is defined as including a range of important buildings, many of which gain value

from the quality of their immediate setting. The CAA has been subject to a process of consultation and can be given moderate weight.

6. The National Planning Policy Framework (the Framework) is an important material consideration that carries considerable weight.

### *Conservation Area / Setting of Manor Farm*

7. The appeal site includes a grass paddock to the south east of Manor Farm and a track which connects the paddock to Stoke Road to the north. A public footpath runs along this track and the section nearest Stoke Road lies within the NCCA. The paddock makes up the bulk of the site and is outside the NCCA.
8. In essence, the NCCA comprises the medieval core of the village. The significance of this designated heritage asset is derived primarily from the settlement's historic role as a market centre, including the layout of streets and plots, as well as the architectural and historic qualities of the many listed buildings. Some of the fields and paddocks within and around the village contribute to the significance of North Curry as a historic rural settlement.
9. Manor Farm is a coursed blue lias and partially rendered two storey former farmhouse with a slate roof that dates from 1570. The significance of this designated heritage asset is derived primarily from its architectural qualities (including its plan form, stone mullion windows, doorways and chimneys) and historic associations with agricultural activity in and around North Curry.
10. As noted by Historic England (HE), this building, which is of more than special interest, is also significant for its survival as a farmstead complex on the periphery of the village. Development over the years, including the Manor Lawns housing scheme<sup>1</sup> to the south, has altered the wider setting of

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this grade II\* listed building. Nevertheless, Manor Farm, the traditional buildings alongside<sup>2</sup> and the appeal site provide an understanding of the historic association between these buildings and previous farming activities.

11. The appeal site forms part of the surroundings in which the NCCA and Manor Farm are experienced. The unspoilt open qualities of the paddock and the appreciation it affords of the relationship/role of Manor Farm as an important rural building make a positive contribution to the setting (historic significance) of these designated heritage assets.
12. The proposed dwellings would be set back from the garden of Manor Farm and the new access road would be screened from this listed building by an existing row of conifer trees and a sizeable mound of topsoil. The houses would be designed to a high standard and would be finished with rendered and brick walls and slate roofs. However, the development would considerably erode the unspoilt open qualities of the paddock and largely extinguish the ability to 'read' or understand the historic association between the grade II\* listed building and the remnants of the fields to the south and south east. It would adversely affect the significance (historic interest) of this heritage asset.
13. The Inspector who determined the Manor Lawns appeal did not find that the open space buffer on this neighbouring development would avoid harm to the significance of Manor Farm. Whilst this buffer would be unaffected by the proposal before me, I concur with HE that the loss of much of the paddock to housing would unacceptably enclose this heritage asset. It would alter the semi-rural setting to urban and diminish the evidential value associated with the location and historic agriculturally-related function of this important listed building. It would harm the setting of Manor Farm and reduce the contribution this building makes to the historic interest of the NCCA. The alteration to the access track would have a neutral effect upon the significance of the NCCA.
14. In the context of the Framework, the proposal would result in less than substantial harm to the significance of Manor Farm. If there was a sliding scale of harm within this category it would be moderate. However, that is not to say this carries moderate weight in the planning balance. As also set out within the Framework, great weight should be given to an asset's conservation and the more important the asset, the greater the weight. The less than substantial harm to the significance of the NCCA as a whole would be limited and my decision does not turn on the impact upon the NCCA.
15. The provision of three additional dwellings in an accessible location and within a defined settlement boundary would add to the stock of housing within the borough in accordance with CS policy SP1. The proposal would increase the choice and supply of housing and help support local services. It would also provide some limited support to the construction industry. However, these do not match the scale of public benefits that were identified in the Manor Lawns appeal and do not outweigh the less than substantial harm to the setting/significance of the listed building that I have found above.
16. I conclude on the main issue that the proposal would harm the setting of

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Manor Farm. In not conserving this element of the historic environment, the unacceptable harm and failure to respect the character of this building would conflict with CS policies CP8, DM1(d) and SP4.

*Other Matters*

17. The additional traffic that would use the access track would not be so great as to pose a serious risk to pedestrians or others. From what I saw during my visits, traffic flows and speeds at the junction with Stoke Road are low. Whilst visibility at this junction is restricted to the east, a condition, attached to an approval, could secure necessary improvements. The limited traffic generated by the proposal would be unlikely to compromise highway safety interests.
18. I note the findings made by Inspectors in respect of different proposals on other sites. The circumstances of these other cases are materially different to those before me and do not set a precedent that I am bound to follow. I have determined this appeal on its own merits.

*Overall Conclusion*

19. The harm that I have found would not satisfy the environmental dimension to sustainable development and the proposal would conflict with the development plan as a whole. Having regard to all other matters raised, including the appellant's argument regarding HLS, I conclude that the appeal should not succeed.

*Neil Pope*

Inspector

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## **Planning Committee – 13 September 2017**

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors M Adkins, Brown, Coles, Gage, Morrell, Mrs Reed, Sully,  
Townsend, Watson, Wren and Wedderkopp

Officers: - Matthew Bale (Area Planning Manager), Tim Burton (Assistant  
Director- Planning and Environment) Martin Evans (Solicitor, Shape  
Partnership Services) and Tracey Meadows (Democratic Services  
Officer)

Also present: Helen Vittery (Somerset County Council Highways), Councillors Berry,  
Hall, Ms Lisgo, Nicholls, Prior-Sanke and Mrs A Elder, Chairman of  
the Standards Advisory Committee.

(The meeting commenced at 7.15 pm)

### **51. Apologies/Substitutions**

Apologies: Councillors Mrs J Adkins, Booth, Martin-Scott and Nicholls

Substitutions: Councillor Wren for Councillor Mrs J Adkins  
Councillor Coles for Councillor Booth  
Councillor Sully for Councillor Martin-Scott

### **52. Minutes**

The minutes of the meeting of the Planning Committee held on the 16 August  
2017 were taken read and were signed.

### **53. Declarations of Interest**

Councillor Coles declared a personal interest as a Member of Devon and  
Somerset Fire and Rescue Service.

Councillors Coles declared a personal interest as a Member of Somerset  
County Council. Councillors Bowrah, Brown, Nicholls, Townsend and Watson  
all declared personal interests as Members of Town or Parish Councils.

### **54. Applications for Planning Permission**

The Committee received the report of the Area Planning Manager on an  
application for planning permission and it was **resolved** that it be dealt with  
as follows:-

That **planning permission be granted** for the under-mentioned development:-

**25/17/0002**

**Demolition of buildings and redevelopment of petrol filling station to include the erection of a sales building, replacement of underground tanks, installation of 4 No. pump islands, erection of canopy with 2 No. jet wash bays, alterations to the forecourt, car parking, soft landscaping and boundary treatments at Cross Keys Car Sales, Norton Fitzwarren**

(a) The development hereby permitted shall be begun within three years of the date of this permission;

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A4) DrNo 16-01047\_SLP01 Site Location Plan;
- (A1) DrNo 30070-20 Rev C Existing Site Layout;
- (A1) DrNo 30070-21 Rev B Existing Elevations;
- (A1) DrNo 30070-22 Rev F Proposed Site Layout;
- (A1) DrNo 30070-23 Rev E Proposed Planning Elevations;
- (A1) DrNo 30070-24 Rev B Proposed Shop Elevations;
- (A1) DrNo 30070-25 Rev B Internal Shop Layout;
- (A3) DrN0 16119-01-100A Large Car Tracking and Visibility Splays;
- (A3) DrN0 16119-01-102A Oil Tanker Swept Path Analysis;
- (A3) DrN0 16119-01-103A 10m Rigid Swept Path Analysis;
- (A3) DrN0 16119-01-104 Large Car Tracking Northern Area;
- (A1) DrNo 30070 - 46 Forecourt Finishes;
- Proposed Lighting Layout;

(c) The premises shall not be open for business, nor shall supplies of fuel be delivered thereto, outside the hours of 06.00hrs – 23.00hrs;

(d) The proposed lighting layout hereby approved shall be installed before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details and thereafter maintained as such;

(e) No development, with the exception of the demolition of the existing buildings on site, shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been 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;

- (f) (i) Before any part of the permitted development is commenced, with the exception of the demolition of the existing buildings, 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;
- (g) No use of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved;
- (h) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:-
- Finished floor levels to be set no lower than 23.75m above Ordnance Datum (AOD);
  - The updated emergency and evacuation plan providing two escape routes shall be complied with;

The mitigation measures shall be fully implemented prior to occupation and subsequently as may be agreed, in writing, by the Local Planning Authority;

- (i) Prior to commencement of the development hereby approved, plans and specifications for the highway works to include a right hand turn lane shall have been submitted to, and approved in writing by, the Local Planning Authority. Such works as approved shall then be fully implemented prior to the development hereby permitted first being brought into use. Such works to be the subject of a suitable Legal Agreement (for example a Section 278 Agreement).

## 55. Appeals



Reported that three decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 8.30pm)