

43/2004/141

SOMERFIELD STORES LTD

ERECTION OF SUPERMARKET (2,187 SQ M) AND RETAIL UNIT WITH FIRST FLOOR OFFICES WITH ASSOCIATED CAR PARKING AND SERVICING, 36 - 46 HIGH STREET TOGETHER WITH LAND TO REAR BETWEEN HIGH STREET AND SCOTTS LANE, AND FORMATION OF NEW ACCESS TO HIGH STREET, WELLINGTON AS AMPLIFIED BY LETTERS DATED 17TH DECEMBER AND 21ST DECEMBER, 2004; LETTER DATED 3RD FEBRUARY, 2005 WITH ACCOMPANYING ASSESSMENT OF EXISTING BUILDINGS WITHIN THE SITE; LETTER DATED 15TH FEBRUARY, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02, 03, 05, 06 & 08; LETTER DATED 19TH APRIL, 2005 WITH ACCOMPANYING STRUCTURAL ENGINEERS' REPORT, AS FURTHER AMENDED BY LETTER DATED 9TH JUNE, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02B, 03B, 05B, 06B AND 08B, AS FURTHER AMENDED BY LETTER DATED 27TH JUNE, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02C, 03D, 06C AND 08C, AS AMPLIFIED BY LETTER DATED 30TH SEPTEMBER, 2005, AS FURTHER AMENDED BY LETTER DATED 31ST OCTOBER, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02D, 05C, 06D AND 08D AND AS FURTHER AMPLIFIED BY LETTER DATED 23RD NOVEMBER, 2005

14067/20706

FULL

1.0 **RECOMMENDATION**

43/2004/141

Subject to the applicants entering into a Section 106 Planning Agreement to secure:-

- (i) the design, construction and funding of the traffic signal junction, together with works to hardware link the new junction to the North Street/South Street junction to enable a SCOOT system to be funded and introduced to maximise the operational capacity of both signal junctions; and
- (ii) the provision and installation of CCTV cameras to monitor the traffic at both the new junction and the North Street/South Street junction; and

the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

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

- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 04 (i) Before any part of the permitted development is commenced, 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 the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority 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.
- 04 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.
- 05 Before any part of the permitted development is commenced, 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.
- 05 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.
- 06 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be

erected/planted before any such part of the development to which it relates takes place.

- 06 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.
- 07 During the period of demolition and construction, screening shall be placed around the site to the satisfaction of the Local Planning Authority, and shall be completely removed when the development is completed.
- 07 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 08 All services shall be placed underground.
- 08 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).
- 09 Detailed drawings indicating the height, appearance, intensity of light and manufacturer's specification of any external building or car park lighting, including the access thereto, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The lighting shall be provided in accordance with those details and shall be so located, installed and permanently maintained so that inconvenience from glare, whether directed or reflected, shall not be caused at any other premises.
- 09 Reason: In the interests of the visual amenity of the area and to ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Taunton Deane Local Plan Policy S1.
- 10 The development hereby permitted shall not commence until details of all petrol/oil interceptors have been submitted to and approved by the Local Planning Authority. Such petrol/oil interceptor shall be installed in the surface water disposal system and permanently retained and maintained to the satisfaction of the Local Planning Authority thereafter.
- 10 Reason: To ensure that adequate protection of the surface water drains is made in accordance with Taunton Deane Local Plan Policy S1.
- 11 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before of the development hereby permitted is occupied/use hereby permitted is occupied.
- 11 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 12 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

- 12 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 13 The proposed road within the site shall be kept free from obstruction at all times.
- 13 Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 14 The proposed lay-by and cross-hatched area adjacent to the boundary with 48 High Street and 1 and 2 Orchard Villas shall not be used other than for the purposes of loading/unloading and turning by vehicles accessing those properties.
- 14 Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjacent access road, in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 15 No development hereby approved 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 by the Local Planning Authority.
- 15 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 16 Before any works are commenced on the replacement building or the High Street frontage, sectional drawings showing details of all timber mouldings, to include traditional detailing/construction of shopfront, fascias, doors, windows, shall be submitted to and approved in writing by the Local Planning Authority.
- 16 Reason: To maintain the character of the Conservation Area, in accordance with Taunton Deane Local Plan Policy EN14.
- 17 The windows in the replacement building on the High Street frontage shall be recessed with timber vertically sliding sashes, unless otherwise agreed by the Local Planning Authority.
- 17 Reason: To maintain the character of the Conservation Area, in accordance with Taunton Deane Local Plan Policy EN14.
- 18 Before any works on the replacement building on the High Street are commenced, details of brick and render details to the window heads shall be submitted to and approved in writing by the Local Planning Authority.
- 18 Reason: To maintain the character of the Conservation Area, in accordance with Taunton Deane Local Plan Policy EN14.
- 19 The bollards indicated on the approved plan at the southern end of the main car park shall be provided before the use of the car park hereby permitted commences and shall remain locked at all times other than for providing access to those properties with a right of access across the site from Scotts Lane.
- 19 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

- 20 Details of the length of stay for vehicles parking in the proposed car park shall be submitted to and approved in writing by the Local Planning Authority. Any change to this approval shall be submitted to the Local Planning Authority for written approval.
- 20 Reason: To ensure that the car parking spaces are available for shoppers and in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 21 Details of measures to control the use of the car park outside the times of opening for the supermarket shall be submitted to and approved in writing by the Local Planning Authority and provided before the use of the car park hereby permitted is commenced.
- 21 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 22 No demolition or construction work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on weekdays, unless otherwise agreed in writing by the Local Planning Authority.
- 22 Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Taunton Deane Local Plan Policy S1(E).
- 23 Before any part of the development is commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority showing existing and proposed levels and contours of the development site.
- 23 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.
- 24 The lighting to the car park and the external surfaces of the building shall be switched off within 30 minutes of the closure of the supermarket, unless otherwise agreed in writing by the Local Planning Authority
- 24 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 25 Before the use hereby permitted is commenced, the loading bay area shall be soundproofed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 25 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 26 Prior to the commencement of development, a Code of Practice in relation to HGV vehicles accessing at the site during demolition and construction of the development and operation of the supermarket shall be submitted to and approved in writing by the Local Planning Authority. The agreed Code shall include details of delivery times and provision for vehicle mounted refrigeration units.
- 26 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).

- 27 Noise emissions arising from the air handling plant, refrigeration or other machinery on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 1 Min Leq, when measured at any point on the boundary of any residential or other noise sensitive premises. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.
- 27 Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Taunton Deane Local Plan Policy S1(E).
- 28 No deliveries, other than bakery, dairy and other perishable products, shall be made between the hours of 2000 on any one day and 0800 on the following day unless otherwise agreed in writing by the Local Planning Authority. No delivery of bakery, dairy and other perishable products shall be made other than between the hours of 0700 and 2000.
- 28 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 29 Details of the arrangements to be made for the disposal of surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 29 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.

Notes to Applicant

- 01 You are advised that the proposal should comply with the Food Hygiene (General) Regulations.
- 02 You are advised of the need to have regard to the existing rights of way by third parties over the land.
- 03 Your attention is drawn to the requirements of the Chronically Sick and Disabled Person Act 1970 with regard to access for the disabled.
- 04 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce the overheating in summer and to achieve as high an energy rating as possible.
- 05 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 06 With regard to Condition 15 the County Archaeologist (Telephone: 01823 355619) would be willing to provide a specification for this work and a list of suitable contractors to undertake it.
- 07 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station (01278) 363414 for further advice.

- 08 You are reminded of the need to satisfy yourself that the proposed development can be accommodated on the site in accordance with the approved plans and to ensure that the development is carried out strictly in accordance with those approved plans. Any variance thereto may result in enforcement action being taken by the Local Planning Authority.
- 09 With regard to Condition 20, the length of stay should be restricted to 2 - 3 hours, to ensure that the car parking spaces are available for shoppers.
- 10 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 11 You are advised to contact the Divisional Fire Officer, Lisieux Way, Taunton regarding fire safety measures to be incorporated in the proposed development/works.
- 12 Your attention is drawn to the need to provide reasonable access for Fire Appliances, and you are advised to contact The Chief Fire Officer, Divisional Fire Headquarters, Lisieux Way, Taunton, TA1 2LB. In addition, when plans are available, a copy of them should be sent to the Chief Fire Officer at the above address so that advice can be given on the desired fire safety measures which should be incorporated in the proposal.
- 13 Your attention is drawn to the Conservation Area Consent relating to this property numbered 43/2004/142CA.
- 14 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 15 The appointed contractors should subscribe to the 'Considerate Contractor's Programme'.
- 16 You are advised that the existing building contains asbestos panels, which will need careful removal. 1. If the asbestos is contained within something like cement, i.e. roof, wall sheeting and is in good condition, it is not normally necessary to utilise a specialist contractor. N.B. If the sheeting is to be broken up for any reason a specialist contractor must be used. 2. If the asbestos is in a more friable condition/material, e.g. lagging, water tank insulation, then a licensed specialist contractor must be used. Either way, materials containing asbestos must be double bagged in special asbestos waste bags, sealed and disposed of at a licensed tip. You are advised to contact the Environmental Health Officer in this respect.

REASON(S) FOR THE RECOMMENDATION:- The site is a town centre site, the development of which is in conformity with the retail policy framework set

out by central government in PPS6 and in the retail policies contained in the County Structure Plan and adopted Local Plan. The proposal is considered to be in general compliance with the criteria set out in Taunton Deane Local Plan Policy W11.

43/2004/142CA

SOMERFIELD STORES LTD

DEMOLITION OF KWIKSAVE STORE, 36 TO 46 HIGH STREET AND BUILDINGS TO REAR OF 36 TO 46 HIGH STREET, WELLINGTON AS AMPLIFIED BY LETTERS DATED 17TH DECEMBER AND 21ST DECEMBER, 2004; LETTER DATED 3RD FEBRUARY, 2005 WITH ACCOMPANYING ASSESSMENT OF EXISTING BUILDINGS WITHIN THE SITE; LETTER DATED 15TH FEBRUARY, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02, 03, 05, 06 & 08; LETTER DATED 19TH APRIL, 2005 WITH ACCOMPANYING STRUCTURAL ENGINEERS' REPORT, AS FURTHER AMENDED BY LETTER DATED 9TH JUNE, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02B, 03B, 05B, 06B AND 08B, AS FURTHER AMENDED BY LETTER DATED 27TH JUNE, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02C, 03D, 06C AND 08C, AS AMPLIFIED BY LETTER DATED 30TH SEPTEMBER, 2005, AS FURTHER AMENDED BY LETTER DATED 31ST OCTOBER, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02D, 05C, 06D AND 08D AND AS FURTHER AMPLIFIED BY LETTER DATED 23RD NOVEMBER, 2005

14067/20706

CONSERVATION AREA CONSENT

1.0 **RECOMMENDATION**

Consent be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years from the date of this consent.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 The building(s) shall not be demolished before planning permission has been granted for the redevelopment of the site and a contract has been let for the redevelopment work.
- 02 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policy EN15.
- 03 Before any demolition is carried out details shall be submitted to and approved by the Local Planning Authority of the making good of any existing structure abutting any of those to be demolished.
- 03 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policy EN15.

REASON(S) FOR RECOMMENDATION:- The proposal would maintain/enhance the character and appearance of the Conservation Area. Accordingly the proposal does not conflict with Taunton Deane Local Plan Policy EN15.

2.0 **APPLICANT**

Somerfield Stores Ltd

3.0 **PROPOSAL**

The proposal is to replace the existing Kwik Save store at 44 – 46 High Street with a new Somerfield supermarket.

The new foodstore will have a gross floor area of 2,187 sq m (23,540 sq ft) and will be largely a single storey building with a small first floor section for staff facilities. The sales area will be 1,303 sq m (14,025 sq ft). A new 144 space car park will be provided, the majority assessed from High Street. This will remove the current unsatisfactory arrangement whereby customers access the existing Kwik Save car park through the residential area to the east of the site. Service vehicles will continue to access the site from Scott's Lane, as per the existing Kwik Save servicing arrangements. The site layout has been designed to avoid any risk of the new car park being used as a rat-run between Sylvan Road/Scotts Lane and High Street. Pedestrian access will be available from both the Scotts Lane and High Street directions.

The vacant buildings at 36 – 42 High Street are also to be demolished and rebuilt in a form which respects their new location. The replacement building has been designed with a public face on two sides of the building and also enables the provision of a new safe vehicular and pedestrian access from High Street. The replacement building will provide retail space on the ground floor with offices on the first floor.

The main entrance to the supermarket has been located so as to provide a focus from the new vehicular access from High Street. The proposed supermarket has been located on the site to close the view looking south along Longforth Road. Secure parking for cyclists is to be provided adjacent to the entrance to the supermarket.

The materials for the proposed supermarket building are to be brick walls with slate roof.

A Retail Statement and a Transport Assessment were submitted with the planning application.

Following representations received amended plans were submitted making the following amendments:-

- (i) Redesign of new buildings intended to replace the vacant units at 36/38 and 40/42 High Street, to be sympathetic with their neighbours, both in terms of scale and detail. This follows the assessment of the existing buildings within the site.
- (ii) Relocation in the new opening to High Street reduced to a minimum, commensurate with highway safety.

- (iii) Enclosure of the new access road to the south-west by a 1.7 m high screen wall.
- (iv) Redesign of north-east corner of the new supermarket to improve access to the adjacent properties.
- (v) Amendment to the junction details.

4.0 **THE SITE**

The application sites comprises an existing supermarket (Kwik Save) and two empty buildings adjacent on the High Street frontage, the associated car parking to the rear, assessed from Scotts Lane, together with a large area of vacant open land, most of which was formerly used as a garden centre. This latter area is currently unused, overgrown and lying derelict. The empty buildings have fallen into disrepair and detract from the appearance of the street scene in their current condition. They were formerly occupied by Discount Stores and Richardson's Garage offices.

5.0 **RELEVANT PLANNING HISTORY**

43/2000/090 Erection of supermarket (gross floor space 2180 sq m) with associated car parking and servicing, 38 – 46 High Street, together with land to rear between High Street and Scott's Lane, and formation of new access to High Street, Wellington. Application withdrawn.

43/2000/091CA Demolition of Kwik Save Store and buildings to rear of 38 and 40 High Street, Wellington. Application withdrawn.

42/2000/134 Erection of Health Centre with associated car parking, 42 – 46 High Street together with land between High Street and Scotts Lane, Wellington. Outline application refused March 2003 and subsequent appeal dismissed.

42/2002/140 Rebuilding of premises to form ground floor shop and store and first floor offices, 40 – 42 High Street, Wellington (renewal of 43/1997/085). Full permission granted December 2002.

43/2002/155CA Demolition of buildings, 40 – 42 High Street, Wellington (Renewal of 43/1997/086CA). Consent granted December 2002.

6.0 **RELEVANT PLANNING POLICIES**

Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000)

The following policies are relevant:-

Policy STR1 Sustainable Development

Policy STR2 Towns

Policy STR4 Development in Towns

Policy 14 Archaeological Strategies

Policy 20

Retail development should be well related to settlements. The overall scale of retail facilities in, or adjacent to, any particular settlement should be commensurate with the strategic importance attributed to that settlement by the strategic policies of the plan.

In providing for development which has the potential to create change in the pattern of shopping centres, the vitality and viability of existing town and local centres, including centres providing local shopping facilities in rural areas, should be prime considerations.

Policy 21

The functional centres of Towns and Rural Centres will be the primary focal points of new facilities particularly for shopping, leisure, entertainment and financial and administrative services, which need to be accessible to a wide range of the population and are suitable for access by a choice of means of transport. In identifying sites for such development, a sequential approach, that respects the sustainable development principles of this plan, should investigate opportunities in the following order:

1. in town centres,
2. in edge-of-town centre locations,
3. in local centres, and only then,
4. in new locations within or well related to the settlements concerned, that are accessible by a choice of means of transport.

Policy 39 Transport and Development

Policy 40 Town Strategies

Policy 42 Walking

Policy 44 Cycling

Policy 48 Access and Parking

Policy 49 Transport Requirements of New Development

Taunton Deane Local Plan (Adopted November 2004)

The following policies are relevant:-

Policy S1 General Requirements

Policy S2 Design

Policy EC10

Taunton and Wellington town centres will be the priority location for major retail development and other key town centre uses. Where such facilities cannot be located within these town centres, preference for site selection will be as follows:

- (i) edge-of-town centre sites, followed by
- (ii) local centres, followed by
- (iii) edge-of-local centres, followed by
- (iv) out-of-centre sites in locations that are (or can be made) accessible by a choice of means of transport

Key town centre uses are defined as: major retailing, leisure and entertainment facilities, and large-scale offices.

For Wellington, key town centre facilities will be limited to a scale which seeks to serve a catchment limited to that of the town and its dependent rural areas.

Policy EC12

Major proposals for retail development and other key town centre uses will be permitted within the settlement limits of Taunton and Wellington, provided that:

- (A) the proposal, where located beyond a town centre location, would not prejudice the Local Plan strategy;
- (B) where proposed beyond a town centre location, there is a demonstrable need for the development;
- (C) where proposed beyond a town centre location, the development, in conjunction with other proposed facilities, would not adversely affect the vitality and viability of Taunton and Wellington town centres or of any existing or proposed local centre. Similarly, the proposal must not adversely affect the availability of local service facilities within the associated settlements, rural centres and villages;
- (D) the proposal is in a location which can deliver safe and convenient access for a significant proportion of the likely catchment population by public transport, walking or cycling, and will not result in an over-reliance on private vehicular travel; and
- (E) adequate servicing arrangements are provided, so as to minimise environmental impact and pedestrian conflict.

Policy EC13

Where major edge-of-centre or out-of-centre shopping facilities are proposed, such as retail warehousing, food superstores or factory outlet centres, it will be necessary to assess the impact of the proposed development on the vitality and viability of existing town centres and/or nearby local centres. Subject to the results of a retail impact assessment, conditions may be imposed which could include:

- (A) preventing the subdivision of retail units into smaller units;
and,
- (B) restricting the sale of appropriate broad categories of goods.

Policies M1, M2 and M3 Transport, Access and Circulation Requirements
of New Development

Policy M5 Cycling

Policy EN14

Development within or affecting a conservation area will only be permitted where it would preserve or enhance the appearance or character of the conservation area.

Policy EN15

There is a strong presumption against the demolition of buildings which make a positive contribution to the character or appearance of a conservation area.

Proposals involving the demolition of other buildings within or affecting a conservation area will not be permitted unless acceptable proposals for any redevelopment or new use for the site have been approved. This requirement will also apply in the very rare circumstances where proposals involving demolition of buildings which make a positive contribution are allowed.

Policy W11

Within Wellington town centre, mixed-use developments will be permitted on sites at Bulford (0.8 hectare) and High Street (0.9 hectare) as shown on the Proposals Map. Permitted uses will include retailing, food and drink, offices, leisure, entertainment and health care facilities.

Development will be permitted provided that:

- (A) where residential uses are proposed as part of a mixed-use commercial/residential scheme, environmental conditions are suitable for new and adjoining residents;
- (B) the total net convenience goods floorspace in Wellington, including new developments, does not exceed 2700 square metres;

- (C) provision is made for the continued rear servicing of properties on Fore Street, South Street and High Street, and servicing improvements are facilitated;
- (D) adequate provision is made for access, servicing and car parking, including short-stay town centre parking;
- (E) improved pedestrian access to Fore Street, South Street and High Street is facilitated;
- (F) the character of the conservation area and settings of adjoining listed buildings are preserved or enhanced;
- (G) an archaeological survey is undertaken, together with (if required) excavation and/or evaluation of the deposits identified.

In association with the development, the following will be sought:-

- (H) contributions towards both necessary and related off-site works required to improve highway safety within the vicinity of the site, as well as contributions towards related elements of the Wellington Transport Strategy, the implementation of which will improve the overall accessibility of the site. This will primarily involve measures to improve cycle accessibility within the town centre, but may also include other elements of the Strategy.

7.0 **RELEVANT CENTRAL GOVERNMENT ADVICE**

Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)

Paragraph 13 Key principles

Paragraph 16 Social Cohesion and Inclusion

Paragraph 17 & 18 Protection and Enhancement of the Environment

Paragraph 27 Delivering Sustainable Development – General Approach

Planning Policy Statement 6 – Planning for Town Centres (PPS6)

Paragraph 1.3 The Government's key objective for town centres is to promote their vitality and viability by:

- planning for the growth and development of existing centres; and
- promoting and enhancing existing centres, by focusing development in such centres and

encouraging a wide range of services in a good environment, accessible to all.

Paragraph 1.4 There are other Government objectives which need to be taken account of in the context of the key objective in Paragraph 1.3 above:

- enhancing consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;
- supporting efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity; and
- improving accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport.

Paragraph 1.7 It is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation.

Paragraph 1.8 The main town centre uses to which this policy statement applies are:

- retail (including warehouse clubs and factory outlet centres);
- leisure, entertainment facilities, and the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls);
- offices, both commercial and those of public bodies; and
- arts, culture and tourism (theatres, museums, galleries and concert halls, hotels, and conference facilities).

Paragraph 2.1 In order to deliver the Government's objective of promoting vital and viable town centres, development should be focused in existing centres in order to strengthen and, where appropriate, regenerate them. Regional planning bodies and local planning authorities should:

- actively promote growth and manage change in town centres;

- define a network and a hierarchy of centres each performing their appropriate role to meet the needs of their catchments; and
- adopt a proactive, plan-led approach to planning for town centres, through regional and local plan

Paragraph 2.6 Where extensions of primary shopping areas or town centres are proposed, these should be carefully integrated with the existing centre both in terms of design and to allow easy access on foot. Extension of the primary shopping area or town centre may also be appropriate where a need for large developments has been identified and this cannot be accommodated within the centre. Larger stores may deliver benefits for consumers and local planning authorities should seek to make provision for them in this context. In such cases, local planning authorities should seek to identify, designate and assemble larger sites adjoining the primary shopping area (i.e. in edge-of-centre locations).

Paragraph 2.33 Retail and Leisure

Paragraph 2.34 Quantitative Need

Paragraph 2.35 Qualitative Need

Paragraph 2.44 Apply the Sequential Approach to Site Selection

Paragraph 2.48 Assess Impact

Paragraph 4.49 Ensure Locations are Accessible

Paragraphs 3.1 and 3.2 Development Control

Paragraph 3.4 – 3.7 Assessing Proposed Developments

Paragraph 3.8 It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre.

Planning Policy Guidance Note 13 – Transport (PPG13)

Paragraph 35 Policies for retail and leisure should seek to promote the vitality and viability of existing town centres, which should be the preferred locations for new retail and leisure developments. At the regional and strategic level, local authorities should establish a hierarchy of town centres, taking account of accessibility by public transport, to

identify preferred locations for major retail and leisure investment. At the local level, preference should be given to town centre sites, followed by edge of centre and, only then, out of centre sites in locations which are (or will be) well served by public transport. Where there is a clearly established need for such development and it cannot be accommodated in or on the edge of existing centres, it may be appropriate to combine the proposal with existing out of centre developments, provided that improvements to public transport can be negotiated. This is a summary of guidance in PPG 6.

Paragraph 49 Parking

Annex D Maximum Parking Statement

7.0 **CONSULTATIONS**

County Highway Authority

“The Planning Officer will be aware of the difficulties that have been experienced in achieving a satisfactory scheme, particularly from a highway viewpoint. The Highway Authority has, in making its recommendations, had to balance the need for a safe access with a maximum capacity to permit as far as possible, free flow of traffic, against the necessity for a new food store at this sensitive highway location.

The most recent plans submitted Drawing Nos. M346/02 Rev D showing the internal layout, do not show an accurate highway junction layout but refer to detailed highways drawings, the latest and approved version being the Faber Maunsell drawing No. 39020 TTD-SL02 Rev E. There are some minor alterations in the highway drawing which concern the visibility of the signal heads over the planting strip alongside the main store access road. The above mentioned plans must be read in conjunction with each other.

These plans are suitable for inclusion in a Section 106 Agreement which will be necessary to deliver the design, construction and funding of the new junction together with off-site works which will link the junction with the North Street/South Street traffic signal junction in order to optimise both their performance together with CCTV cameras to monitor traffic.

It must be pointed out at this stage, that the proposed development will result in additional queuing traffic in Wellington, as it is impossible to introduce a major traffic generator into the town into a constrained town centre location without creating congestion at peak times. However, as pointed out previously this must be balanced against the need for a food store in this location.

I am aware that there is private right of way for residents living adjacent to the site, which will be extinguished by the proposals. From a transport view point, the proposals provide a suitable alternative. However, without the

extinguishment of this right of way, the traffic signal junction as proposed cannot be constructed and therefore the development not implemented so it is essential that this right of way is extinguished by agreement with the residents prior to the new junction coming into use.

In conclusion, I have no highway objection to the proposed development subject to a Section 106 Agreement being entered into to secure the design, construction and funding of the traffic signal junction shown on drawing 39020CTD-SL02Rev E together with works to hardware link the new junction to the North Street/South Street junction to enable a scoot system to be funded and introduced to maximise the operational capacity of both signal junctions and the provision and installation of close circuit television cameras to monitor the traffic at both the new junction and the town centre junction.”

County Archaeologist

“The site lies within an Area of High Archaeological Potential as defined by the Local Plan (Policy EN24). Following a site visit it became clear that number 38 High Street is an early building as it is possible to see a cruck beam surviving in the wall which acts as the dividing wall between numbers 38 and 40. Therefore, this building has intrinsic historic value but not enough information is contained within the application to assess its significance.

For this reason I recommend that the applicant be asked to provide further information on the historic value of the building prior to the determination of this application. This is likely to require a historic building survey.

I am happy to provide a specification for this work and a list of suitable archaeologists/building historians to undertake it.”

Chief Fire Officer

“1.0 Means of Escape

1.1 Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

2.0 Access for Appliances

2.1 Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

3.0 Water Supplies

3.1 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Avon & Somerset Constabulary

"I have some concerns over both vehicle security and personal safety regarding the partly enclosed 'overflow car park'. The proposed fencing will affectively remove most opportunities for natural surveillance over this area.

I understand that this area may require screening from the nearby houses, but I would suggest that the presence of a 1.8 m close boarded fence will create an unsafe environment within.

Would it be possible to replace the 1.8 m fencing with a fence of approximately 1 m, or perhaps a boarder of low growing bushes and shrubs? This would still provide some screening, but also allow for some natural surveillance. It would create a less 'closed in' area which would be more pleasant and safe to use. "

English Heritage

(43/2004/141)

"We have considered the application and although we do not intend to comment in detail on these proposals we offer the following observations to assist with determining the application.

English Heritage advice

We have no knowledge of the existing buildings on the site but we would expect them to be properly taken into account in terms of their contribution to the character and appearance of the Conservation Area.

Next steps

Providing that the issues we have identified are addressed, we recommend that this case should be determined in accordance with government guidance, development plan policies and with the benefit of any further necessary conservation advice locally. It is not therefore necessary for us to be consulted again on this application."

(43/2004/142CA)

The application shall be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advise.

Wellington Economic Partnership

"The proposed re-development of the current Kwik Save site is very important to the town. The provision of a large, modern supermarket in the heart of Wellington would hopefully stem, and even reverse, the "leakage" of trade to stores like ASDA, Sainsbury's and Tesco in Taunton. At the same time, a new flagship store is likely to boost the trade of other shops in the town giving Wellington greater economic prosperity.

Given the very real benefits of the proposed development, the Partnership was very concerned to learn that the Conservation Officer had raised objection to the part of the scheme to demolish the former Wellington Discount Stores at 38-40 High Street, which would be replaced by a new building to be used as offices.

It is understood that the building is just within the Wellington Conservation Area and, as such, the Conservation Officer wishes to see the building refurbished to enhance the street scene and to preserve the continuous frontage along the southern side of High Street.

In view of the current condition of the premises, the Partnership can well understand why the applicants wish to demolish and re-build. In the circumstances, the Partnership took the view that provided the design of the new building was in keeping with the remainder of the street frontage, permission for the supermarket should not be held up any longer. Is there anything further you can do to hasten the decision?"

Landscape Officer

"Overall this is a 'hard' urban landscape solution with limited opportunities for tree and shrub planting. As a minimum, additional tree planting should be required to soften the impact of the new building and car parking.

Please see comments on marked up drawing."

The following further response was received on the amended plans:-

"This is still a 'hard' urban landscape solution with limited opportunities for tree and shrub planting.

I recommend, as a minimum, tree planting within the car parking within 'diamond' tree planting."

Conservation Officer

"The application proposals and short statement on the design approach, is sadly lacking in terms of the effect on the character of the Conservation Area, both with regard to the merits of the extant buildings and the design effect on the Conservation Area of the proposed. As such, it is contrary to PPG15 advice and the application should therefore be refused.

The application differs little from the previous, so my earlier observations still apply."

Following amendments to the proposal, the following response was received:-

"New Development

1. Views into the site are improved as a result of the introduction of a flanking wall and rearrangement of parking, hence hiding the latter from views from the High Street.
2. Large gap in an otherwise, largely, continuous building frontage still proposed, which cannot be argued to preserve or enhance the character of the Conservation Area.
3. Supermarket design, more appropriate to an "out of town" site and not this sensitive location. The poor design is accentuated by the fact that the same acts as a focal point from the High Street.
4. The revised design for replacement buildings on High Street is an improvement generally but shop fronts are unacceptable. (Refer agent to TDBC shopfront design guide).
5. In summary, I cannot support the scheme as access, design and demolition proposals, will not preserve or enhance the character of the Conservation Area and indeed would cause harm.

Mike Jenner Report/Conservation Area application.

1. I concur with the Conservation Area character analysis and the opinion that the existing (main), Kwik Save building, has a negative impact on the character of the Conservation Area and street scene.
2. I also concur with the view that the interior of 36 and 38 is of "great historic interest" (para 3.3).
3. The comment at para 7.3 is illuminating but I disagree with the "minor incident" comment, particularly in respect of 36 and 38.
4. I agree with para 8.1 BUT with the proviso that the design of any replacement must make a POSITIVE contribution to the character of the Conservation Area.
5. I disagree with the degree of decay mentioned at para 8.2 and hence the statement that "I think the case for demolition is almost overwhelming". My stance, is in part supported by the fact that a structural survey was not part of the author's remit.
6. Whilst I accept the author's premise that the ' demolition and redevelopment proposals would "only be another incident" (in the centuries old tradition of redevelopment), the "offer" of a "thorough archaeological investigation", does not, in my opinion, justify the demolition of Nos. 36 and 38 in particular.
7. I agree with the conclusions re the qualities of Nos.40 and 42 (para 8.3 refers) but NOT with the last sentence re the demolition proposals as a whole.

8. In summary, objection raised, on the basis that Nos. 36 and 38 High Street, make a positive contribution to the Conservation Area and street scene.

Economic Development Officer

No observations to make.

Forward Plan

“The application indicates a gross internal floor area of 2,048 sq m (22,045 sq ft) of which net sales area would be 1,303 sq m (14,025 sq. ft.) or 63.6% sales/gross ratio. The gross internal is identical with the previous (undetermined) application ref 43/2000/090 although the net sales area is slightly less than the previous submission. The resultant net floorspace increase would actually be around 543 sq m. (5,845 sq. ft) since the proposal includes the demolition of the existing Kwik Save store.

The site is one of two in the town centre allocated in the Taunton Deane Local Plan (policy W12) for a range of uses, including retailing. The 1999 Hillier Parker Retail Capacity Study identified capacity for c 850 sq. m net convenience goods floorspace by 2001 with potential for a further slight increase over the years to 2011.

The proposal is therefore within the estimated spare capacity floorspace identified in the 1999 Retail Capacity study and is acceptable in principle. It should also be noted that policy W12 also identifies land at Bulford (Wellington town centre) as suitable for retail growth. An outline planning permission was granted in 2001 for a 2580 sq. m. gross foodstore. The renewal of permission is currently being sought. Whilst in combination the two sites would exceed retail capacity estimates to 2011, both are allocated as town centre sites in the Local Plan. As such, impact assessments cannot be required and it is therefore considered that 'the market' will determine which proposal (or both) will proceed.

It is noted that the current application proposes a c240 sq. m office building on the High Street frontage. A mixed use development is supported. This lies within the secondary shopping frontage where offices (Class A2, not B1) would be supported in principle, as would Class A1 or A3. It is suggested that in order to encourage diversity within the town centre, the suitability of this building for all Class A uses could be conditioned.

Further observations were received addressing points raised in one of the letters of objection as follows:-

“From what I can make out. Bakers appear to be selective in their quotes from the Local Plan Inspectors report. The 1999 retail capacity study does refer to 'a maximum of 850 sq m net retail floorspace being advisable but not sufficient to bring about any significant change in the trading position of the town' (as referred to in Inspectors report 9.4.4.49) and that 'if the High Street

site were developed it could lead to the rationalisation of Kwik Save and Somerfield and the closure of the current Somerfield resulting in a shortfall of convenience goods floorspace'. However, he goes on to state that:

" either or both Bulford and High Street site should be allocated. Either or both of these sites should include a foodstore" (Inspector 9.35.3.34 and 9.36.4.30) He recognises in allocating the High Street site that if Bulford is implemented, it may lead to an oversupply of floorspace that may lead to future rationalisation, but this is more sustainable in aiming at reducing the expenditure leakage out of Wellington. (para 9.36.4.31)

The Baker note does not appear to recognise that we have allocated both Bulford and High Street sites (policy W18a and b) which would more than take up any floorspace deficiency. Both sites fall within the town centre. Within the town centre, market forces and competition apply, largely irrespective of capacity issues. If the market decides that there is capacity for two, then both would get built. This would also enable some expenditure clawback from Taunton etc.

The Baker proposal is not needed. The Inspector didn't support the Baker/Haunch Dev proposal. The argument mounted by Baker could be equally applied against their site if an application came in except that in addition, it is not on allocated land, is beyond the town centre boundary, is not underused/requiring regeneration and does not have the agreement of the land owner to be implemented."

Environmental Health Officer (Health and Safety)

"I am concerned about the health and safety risk arising from the pedestrian link access from the overflow car park across the vehicle turning head.

A separate pedestrian walkway should be provided to eliminate the risk.

The enclosed vehicle unloading area must be sufficiently vented to prevent a build up of diesel fumes."

Drainage Officer

"I note that surface water is to be discharged to existing mains. Confirmation should be sought from Wessex Water that the public sewerage system can accept these additional flows without causing localized flooding.

No permission should be given till such assurance has been received."

Wellington Town Council

In favour of the demolition of the former discount stores at 38 and 40 High Street provided a suitable replacement building was erected which sympathetically reflects its location and the surrounding buildings in the Conservation Area. The Council is also in favour of the demolition of the Kwik

Save store and the former office building at 42 High Street to facilitate the redevelopment of this important town centre site. Approve of the revised plans. The Town Council would like steps taken to ensure that there is no unnecessary light pollution from the proposed car park lighting while at the same time ensuring the car park and walkways are adequately lit. A balance is required. The Town Council would also like measures taken to ensure that the garages of the adjacent residential properties, which exit onto the existing lane beside Kwik Save are protected so that they cannot be obstructed.

8.0 **REPRESENTATIONS**

14 letters of objection have been submitted making the following points:

1. Should be no pedestrian access through archway adjacent to 28 High Street.
2. A new state of the art medical centre is much needed in Wellington.
3. An up-market food retailer, such as Waitrose, will be an asset to the town centre.
4. Will be a significant increase in HGV traffic, particularly during construction.
5. Noise to adjacent residents from lorries reversing and trolleys being kicked about.
6. The new staggered crossroads and traffic lights will increase the build-up of through traffic, causing frustrated commuters to re-route along residential roads.
7. Will render the immediate vehicle access to garaging and parking associated with adjacent properties impractical and unsafe. The proposal for revised vehicle access to property is clearly a substantial reduction in the facility enjoyed with ownership of property.
8. Will result in taking away of private right of access over private road, which are cited in deeds. In new arrangements, to stop to unload shopping in the same place will result in straddling a new footway and partially block the new access road. No attempt has been made to secure agreement.
9. The proposed store building is entirely out of scale and keeping with its neighbours on the edge of the Conservation Area. The architectural style is 'edge' or 'out of town retail' rather than 'market town centre'. The lines of the building are monotonous and particularly object to the excessive height of the roof ridges and general height of roof.
10. The size of the proposed store and its parking provision flies in the face of requirements that Wellington facilities should be serving the local

populace and not seeking to pull in trade from other places such as Taunton.

11. Parking provision, parking usage and traffic impact assessment associated with the proposal are based on 1997 data, therefore no confidence in figures. The current car park is very frequently very seriously over subscribed. A new 144 space car park will be almost always running at capacity for the proposed store. The generation of this number of vehicle movements in and out of the High Street is not a good idea and it will not contribute toward congestion and pollution control targets.
12. Design of main entrance of store need not face High Street, as people will know where local facilities such as this are.
13. There will be conflict in the proposed layout between vehicles and pedestrians, including to those pedestrians using the site as a short cut.
14. Poor visibility at new junction.
15. Proximity to cross roads in centre of Wellington Town Centre will ensure gridlock in the town centre.
16. Cannot see how construction operations can be carried out without major disruption.
17. Object to signs and metalwork structure that are proposed at the access from High Street.
18. There should be discouragement of congregation of groups which would cause noise and disturbance to nearby residents. There should be no seating.
19. There should be time restrictions on external lighting, which should be deflected to the ground to minimise light pollution.
20. Footpath away from residential properties should be lit and, more significantly, to encourage use.
21. There should be provision of a barrier to prevent access to car park during non-trading hours to prevent problems from late night racing and gathering of vehicles which would cause noise and disturbance.
22. There have been repeated breaches of existing planning consents for the operation of the site.
23. Proposed store should be repositioned more centrally on the site.

24. Closeness of proposed store to boundary is a security risk to adjacent properties and will prevent access by emergency vehicles.
25. Large lit facade of the entrance gable will be overwhelming to nearby residential properties and cause excessive light pollution to gardens.
26. The interior of the store building will destroy the ancient vista from High Street over Wellington South and to the Blackdown Hills.
27. Number of car parking spaces is excessive. This will encourage shoppers from outside the catchment area.
28. The level of landscaping proposed is miserly. There should be strict conditions to enforce maintenance of landscaping.
29. Trading hours should be restricted to 9 a.m. – 8 p.m. and no more than one delivery outside these hours. Assessment of number of deliveries is underestimated.
30. Disagree with the Transport Assessment of likely number of commercial vehicle movements along Sylvan Road and Priory.
31. A wall should be built between the site and neighbouring residential properties to prevent casual pedestrian movements.
32. The car park should be incorporated within the Community CCTV scheme.
33. Any planning consent should include suitable provisions for archaeological investigation of the site.
34. Ask that the existing store be closed before any development works commences.
35. Should be strict hours of work on construction and site clearance due to close proximity of site to residential properties.
36. Challenge whether the development is consistent with PPG6 and that it will “enhance the vitality and viability of town centres”.
37. Will threaten continued existence of other shops in the centre.
38. The site is not well related to the existing shopping centre and it unbalances the shopping centre. A site at Bulford would be better related to and would support better the existing town centre.
39. Errors and omissions in the Transport Assessment. Therefore understandably sceptical at the projections for traffic flows and control.

40. The proposed development would be insufficient to meet the identified retail need for Wellington. The proposal will result in a shortfall of convenience goods floorspace in Wellington.
41. The proposal involves the creation of a significant break within the frontage to High Street, which would have a major impact on the character and appearance of the Conservation Area.
42. The proposal manifestly fails to meet the requirements for a high quality, creative design and in particular does not deal suitably with the impact on the High Street frontage.
43. The applicants have failed to recognised the problems of neighbour relationships to sensitive properties and have actually managed to design a scheme which places the service yard into which HGV's will have to reverse immediately adjacent to the boundary with Orchard Court a modern sheltered development. This will have a major impact, to an unacceptable level on the amenities and living conditions of Orchard Court.
44. Proposal does not address the service vehicle access issues identified by the Local Plan Inspector. The Inspector noted a number of significant difficulties which need to be dealt with.
45. No decisions should be taken on the scheme until a review has been undertaken to assess whether assumption in the Local Plan capacity study about sales densities and clawback are correct.
46. If older properties fronting High Street are to be demolished this should not be approved without a thorough investigation as to their condition and historical worth.
47. Believe proposed development is a 'quick-fix' solution and not a thoughtful design.
48. The site at Bulford is better related and closer to the town centre.
49. Will give rise to unacceptable highway and traffic implications.
50. Proposal requires the loss of existing High Street frontage buildings that are within the Wellington Conservation Area.
51. The provision of both a new healthcare facility and new food supermarket can only be achieved by the development of a supermarket on the Bulford site. The provision of a new primary healthcare and healthy living centre facility for Wellington is of overriding planning importance.

52. The Retail Statement submitted by the applicants proves that the proposal for a High Street foodstore will be detrimental to Wellington. No further permissions for foodstore development are needed.
53. The proposal serves no broader planning purpose – there is no community benefit, no planning gain and no highway gain.
54. Should be brought forward for a mixed use development.
55. Proposed lights are ridiculously tall and will cause unnecessary light pollution.
56. Will increase air pollution and noise pollution.
57. Will result in an increase in traffic generated vibration and therefore corresponding increase in damage to listed buildings.
58. Added loading/unloading bays outside adjacent garages are not acceptable. Proposals will expose these proposed loading bays as certain temptations for abuse by shoppers to use as a quick and convenient place to stop. Nearby neighbours who have no parking facilities may also decide to park there. Deeds state that adjacent residential properties are entitled to uninterrupted access to garages 24 hours a day.
59. Implementation of the proposal will depend on an infringement of legal rights contrary to Article 1 of the European Convention on Human Rights. In those circumstances, the Council, being a public authority, would also be acting in a way which is incompatible with the rights in the Convention, contrary to Article 6 of the Convention.
60. No cranes should overfly adjacent residential properties.
61. Demolition of existing store should require the use of specialist contractors and methods, particularly as the existing store may contain asbestos, contaminators or hazardous materials.
62. The developer has been un-necessarily secretive and unhelpful.
63. The developer and the Council should provide a 24 hour, 7 day a week emergency telephone line, where help and assistance can be received and assessed and breaches of planning control or other activity reported should the need arise.
64. Proposed free car parking constitutes unequal trading conditions between the Co-operative store and the new Somerfield as at the present time Co-operative customers are charged for parking in the car park attached to that store.

65. Suggest that little notice should be taken of the Town Council support for the scheme which believe was based on a flawed consultation process.
66. Proposed landscaping adjacent to boundary with adjacent residential property will prevent maintenance of the historic boundary wall. Require a condition that the developer repoint the wall to minimise future maintenance.
67. Obstruction of existing right of way will mean that movement of heavy goods such as building materials, waste or wheelbarrows between the rear of properties and parking area will be on foot along the busy access road or will have to be brought through the house. Require a pathway between the planting area and the wall of garden.
68. Obstruction of accessway will impair development potential and value of adjacent residential properties.
69. Proposed landscaping adjacent to boundary will overhang and shade adjacent garden.
70. Will be difficult to control the use of the proposed bollards and it is therefore likely that a rat run will be created between High Street and Scotts Lane.
71. The proposed layout of the new store makes no provision for existing areas for delivery vehicles which will mean that they will either park in Scotts Lane or the entrance road to Orchard Close.

Four further letters of representation have been submitted making the following points:-

1. A wall 5 - 6' high would help to cut noise in the garden.
2. Insufficient space left to access off-site garages.
3. Hope works will give ample protection to the old peoples' complex and does not leave them isolated, insecure and amongst traffic noise and smells.
4. Hope that will be screened from view by sympathetic landscaping.
5. Proposed road should not become a rat-run.

Two letters of support have been submitted making the following points:-

1. Wellington needs a decent sized supermarket.
2. Traffic will be no greater than at present.

3. Nearly all the local people are in favour of a larger store.
4. The idea of preserving unsafe buildings is wrong. They are a complete eyesore and not worth saving.
5. The proposed new store will greatly enhance High Street.
6. Wellington needs to move forward.
7. Will be an asset to the town and its development, hopefully encouraging other retailers to develop within the town, which is much needed, although concern at possible additional parking on Scotts Lane.

A letter of support has been received from Jeremy Browne MP stating that the redevelopment will make a huge difference to the appearance of Wellington town centre.

9.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

- A. Is the proposal in line with the Development Plan and National Planning Policy Guidance? POLICY
- B. Is the likely impact on the existing retail pattern of the Town Centre acceptable? RETAIL IMPACT
- C. Is the highway network leading to the site and the proposed access arrangements acceptable? ACCESS AND HIGHWAYS
- D. Is the impact of the proposal on the character and appearance of the Conservation Area acceptable? CONSERVATION
- E. Is the design of the proposed development appropriate? DESIGN
- F. Is the impact on the residential amenities of adjacent properties acceptable? RESIDENTIAL AMENITY
- G. Is the proposal sustainable? SUSTAINABLE
- H. OTHER ISSUES

A. Policy

New retail development such as that proposed needs to be assessed against the policies set out in the Development Plan, the Somerset and Exmoor National Park Joint Structure Plan Review and the Taunton Deane Local Plan. Wellington is identified in the Structure Plan as being one of the towns which will function as a location for shopping use. The Plan also sees the functional centres of towns as the primary focal points of new facilities for shopping, which need to be accessible to a wide range of the population and

suitable for access by a choice of means of transport. These policies emphasise that any new retail development must be of an appropriate scale, commensurate with the settlements strategic importance.

This is to help to ensure that:-

- (i) the vitality and viability of Wellington town centre is sustained and enhanced;
- (ii) assessable local shopping facilities are protected; and
- (iii) proposals for new retail facilities have regard to the appropriate tests as set out in PPS6.

The Taunton Deane Local Plan includes a specific policy (Policy W11) which addresses the issues to be considered when dealing with the proposals in the town centre. Within that policy the current application site is specifically allocated for a mixed use development.

The supporting text of the Taunton Deane Local Plan states that the site is well suited for retail development. It goes on to say that other town centre uses will also be appropriate, including offices, leisure, entertainment and health care facilities, ideally to be included as part of a mixed use redevelopment scheme which incorporates a significant element of retail provision. The plan considers that the site is large enough to accommodate a new supermarket of the size need to enhance the town centre food retailing facilities and meet retailers known requirements.

The proposal provides for an element of mixed use on the site by virtue of the proposed office use on the first floor or the replacement building on the High Street frontage.

Both the Structure Plan and Local Plan are in line with the requirements of PPS6 in assessing new retail development proposals and are concerned with the vitality and viability of existing towns and the sustainability of the location of new retailing. The site is just beyond the central area of the town and together with the site at Bulford, I do not consider that there are any other suitable sites better related to the central area of the town. The proposal is therefore considered to be in conformity with the policy criteria for retailing as set out in the PPS and the adopted Development Plan policies.

B. Retail Impact

To protect the health of our town centres, it is essential to have knowledge of the amount of new retail development that can be accommodated without causing undue harm to overall town centre vitality and viability. To obtain such advice, the Borough Council commissioned a Retail Capacity Study, which provides an in-depth assessment of potential capacity (i.e. the demand for new floorspace that is generated by increasing levels of available expenditure within the local economy).

The Study considered that a small amount of capacity for food retail development will emerge in the Wellington catchment area. However, the Study also established that a large proportion of available convenience expenditure in Wellington was currently lost to Taunton. To address this, it concluded that Wellington would benefit from having a large food store within the town. Such a store must be able to offer a wider range of products than is currently available if it is to compete more effectively with Taunton's food superstores and reduce the amount of lost convenience expenditure.

In response to the Study, the Taunton Deane Local Plan has allocated two sites within the town centre, one of which is the current application site. The Local Plan considers that there is scope for only one large supermarket to serve the town, although as both sites are equally suitable in terms of planning policy, it is considered appropriate to allow the operation of market forces to determine how the sites are developed.

Since the time of the Retail Capacity Study, two new foodstores have opened in Taunton, the Tesco store on Wellington Road and the Lidl store on Wood Street. These new stores constitute an improvement in Taunton's convenience goods provision and are certain to have diverted more expenditure from Wellington and further reduced the town's market share. There is therefore likely to be greater need for additional convenience floorspace in Wellington. As the site is located within the town centre, it is a perfectly suitable site for redevelopment to meet some of this need. The proposed development will improve the overall range and quality of provision, clawing back trade currently lost to other centres and enhancing the vitality and viability of Wellington.

C. Access and Highways

The application was supported by a Transport Assessment to ascertain the likely traffic generation arising from the proposed use and its impact on the highway network. The plans and the analysis of the Transport Assessment have been the subject of considerable discussions with the County Highway Authority, in terms of the works required to facilitate the store and the various highway requirements.

The site is in a convenient location to the town centre and nearby residential area. There are good pedestrian links along the High Street and from residential areas to the south of the town centre and bus stops are located within 100 m of the site. Vehicular access will be improved with access available from High Street, removing much of the customer traffic from the convoluted and predominately residential route between Priory and Scotts Lane. A sufficient number of car parking spaces are to be provided in relation to the expected demand over the peak hour period.

The County Highway Authority has balanced the need for a new store at this location with the need for a safe access with a maximum capacity to permit free flow of traffic as far as possible. They recognise that the proposal will

result in additional queuing traffic in Wellington. A Section 106 Agreement is required for the provision of the new junction together with off-site works to link the signals with the North Street/South Street junction.

D. Conservation

The application site is partly within the Conservation Area, although the majority of it is outside. The most contentious part of the proposal in relation to the Conservation Area is in terms of the demolition of the former Discount Stores and the former offices of Wellington Motors on the High Street frontage. Demolition of the Kwik Save building, being a more modern building which is incongruous in its location, is to be welcomed.

Although the Conservation Officer has concerns about the loss of the above traditional buildings within the Conservation Area, she now accepts (verbally) that if the replacement buildings are of a quality of design commensurate with their location, she would not object to this aspect of the proposal.

The applicants commissioned a Report by an architect who is experienced in historical and conservation works, to carry out an inspection of the relevant properties in High Street. His Report concluded that the interior of Nos. 36 and 38 is so decayed that if it were saved it would contain such a high percentage of new work that the exercise would have been almost pointless and that the case for demolition is almost overwhelming. The Report goes on to say that Nos. 40 and 42 appear to be in better order and there is probably no structural reason why they could not be preserved, although a great deal of repair and new work would be necessary. However, the small awkwardly planning rooms and low ceilings make it unlikely that a use could be found for them with enough economic promise to guarantee their future life. The facade of 42 has no qualities, good or bad, but the facade of 40 does have some remaining historic interest and visual attraction. It is currently covered with paint probably cement-based. It is possible that it could be removed successfully, but the process might so damage the brick surface as to make the exercise un-rewarding. There is no issue with the demolition of the Kwik Save building. The Report's conclusion is that it would be best to demolish the entire row and replace it with something new. With regard to the new proposals, the Report considers that the plans seize the opportunity to make this side of High Street a great deal better. The proposal provides for the demolition of the unsightly store and of Nos. 36 to 42. It replaces these latter with a new building which in every way respects the High Street's character. The site of the demolished store will be left open to allow cars to enter and leave the parking at the rear. The access road will be enclosed by walls on both sides, thus hiding the car park and enclosing the space.

E. Design

The site is in close proximity to an area of environmental quality and historic significance, adjoining a number of listed buildings along High Street, as well as the Wellington Town Centre Conservation Area. The Taunton Deane Local Plan notes that these factors will necessitate a redevelopment scheme

of appropriate scale, massing and quality design in order that the character of the Conservation Area and settings of adjoining listed buildings are preserved or enhanced.

I consider that the proposed replacement buildings on the High Street are to an appropriate standard of design and will complement the existing buildings within the High Street. Although the proposed foodstore building is of a large scale, it is set back from the High Street frontage. Given the constraints of the site and the requirements of a 21st century foodstore of the size proposed, I consider the design to be acceptable. The materials are to be brick and slate, which are complementary to the dominant materials in the area.

F. Residential Amenity

Because of the nature of the site, which is adjacent to existing retail properties on two sides, it is inevitable that there will be some impact on the residential amenity of adjacent residents. However, I consider that the applicants have gone to considerable lengths in their amended plans to reduce this potential impact. The proposed unloading area is to be totally enclosed, with a full width roller shutter door at the front of this area. A further 4 m length of walling is proposed beyond the front of the unloading area to further shield residents. A 3 m wide area of dense landscaping is also proposed adjacent to the boundaries of residential properties.

I consider that with conditions recommended in this Report, the proposal is acceptable. These cover hours of delivery, timing of lights within car park areas, Code of Practice for deliveries, details of security measures and hours for demolition and construction work.

G. Sustainability

The site is highly accessible by foot and cycle and is close to town centre bus stops. It therefore fully complies with sustainable transport policies. It is also likely that longer distance shopping trips to Taunton will be reduced in number.

H. Other Issues

The site is within a designated Area of High Archaeological Potential (AHAP). Research by English Heritage identifies the site as significant, possibly containing important archaeological remains associated with medieval burgage plots. These may include domestic refuse pits as well as possibly domestic and industrial structures. A programme of archaeological works condition is recommended.

Providing a good supply of convenient and accessible short-stay shopper/visitor car parking facilities is a key element that contributes towards sustaining and enhancing the vitality and viability of town centres. The current car park serving Kwik Save is important to this, as it enables shoppers to undertake linked convenience/comparison shopping trips within the town

centre. To ensure the continued benefit of this facility, it is important that the car parking on the redeveloped sites is available to serve a dual purpose, i.e. to facilitate car parking for the new facilities and the town centre generally. This is a requirement of Policy W11 of the Taunton Deane Local Plan at criterion (D) and is covered by an appropriate recommended condition.

There have been objections from adjacent residents, concerned that an existing private right to access their properties, including garaging, will be adversely affected by the proposal. Although this is not strictly a planning issue, the plans have been amended to seek to address those concerns. A lay-by /dropping off point is to be provided set behind a dropped kerb, which will also enable access to be obtained to garages to two of the adjacent properties. A turning head, incorporating cross hatching with 'no parking for shoppers' sign is proposed at another point of access to the adjacent properties. I consider that these measures are appropriate in relation to the development as a whole. In order to ensure that these areas remain available to retain the adjacent owner's rights, a condition is proposed to retain these areas for such use. Otherwise if these areas are occupied by other vehicles, this may result in the residents parking their vehicles on the access road to exercise their right to unload adjacent to their properties.

To ensure that Somerfield comply with any right of way which neighbouring residents may have, i.e. the right to drive into Scotts Lane, a small opening is proposed in the southern boundary of the main supermarket car park. This opening will be secured with lockable bollards. Residents who have a right of access onto Scotts Lane, for vehicles, will be given keys for the bollards.

The applicants have indicated that they have no intention of converting any of the private alleys, such as Mill Walk, into public rights of way.

10.0 **CONCLUSION**

The site is a town centre site, the development of which is in conformity with the retail policy framework set out by Central Government in PPS6 and in the retail policies contained in the County Structure Plan and the adopted Local Plans.

The County Highway Authority are now happy that the off-site works, required by the Section 106 Agreement, together with recommended conditions, will overcome previously identified concerns. They do, however, recognise that there will be some adverse effect on the traffic flow within the town centre.

My recommendation is therefore a favourable one.

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

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