

43/2004/131

THE TRUSTEES OF THE WELLINGTON MEDICAL CENTRE

**DEMOLITION OF BUILDING, ERECTION OF RETAIL A1 FOOD STORE COMPRISING APPROXIMATELY 2580 SQ M. GROSS INTERNAL FLOOR AREA WITH ASSOCIATED PARKING, SERVICING AND LANDSCAPING SERVED BY AN IMPROVED ACCESS OFF BULFORD AND NEW PEDESTRIAN ACCESS VIA FORE STREET, WELLINGTON MEDICAL CENTRE AND BULFORD CAR PARK, BULFORD, WELLINGTON AS AMPLIFIED BY LETTER DATED 13TH DECEMBER, 2004**

13922/20465

FULL PERMISSION

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## **PROPOSAL**

The application is for the renewal of a previous outline planning permission which was granted permission in December 2001, having been considered by the then Planning Control Sub-Committee in August 2000. The permission was subject to a Section 106 Agreement to secure works and contributions towards:- (i) suitable pedestrian and cycle access from the site onto the highway network in South Street; (ii) enhanced pedestrian crossing on Bulford; (iii) contribution towards enhanced bus provision in the area; (iv) consultation for advertising and implementation of Traffic Regulation Orders restricting the use of the western section of Bulford by heavy goods vehicles; and (v) appropriate measures to prevent long-stay parking on the proposed shoppers car park.

The site comprises the existing medical centre in Bulford and the adjacent Borough Council owned car park. The Trustees have made it known that they require a new, substantially larger medical facility to enable them to provide the range and quality of services now expected by patients. In order to help fund this, they are willing to make their current site available for redevelopment. The site is situated to the rear of the Fore Street primary shopping area, with vehicular access proposed from Bulford and pedestrian access from Bulford, South Street and Fore Street. The proposal provides for the demolition of the existing medical centre buildings and the erection of a new A1 food retail store comprising approximately 2,580 sq m of gross internal floor area, with associated parking, servicing and landscaping. An illustrative plan is included with the submission, which shows 115 car parking spaces, which compares with 97 in the existing public car park. Separate in and out vehicular access are proposed onto Bulford. A new cycleway/footpath link to South Street via the existing gated vehicular access is proposed. Two pedestrian accesses are proposed onto Fore Street, one via the existing pedestrian access alongside the Somerfield store and the other through the existing library building. A Traffic Impact Assessment and Retail Impact Supporting Statement were submitted with the original application.

Although the applicants are actively pursuing the acquisition of a re-location site within Wellington, this did not reach fruition in time to enable a supermarket operator to submit details within the period required by the original permission.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY observations as previous application.

AVON AND SOMERSET CONSTABULARY concerns regarding personal safety issues relating to the proposed footpath link to Fore Street and the security of vehicles parked in this area of the car park. There may also be road safety concerns in this area as the footpath enters the car park in the manoeuvring areas of cars parked there. The proposed car park layout will cause additional access manoeuvring problems and potential danger to pedestrians.

VALUATION OFFICER no observations to make. ENVIRONMENTAL HEALTH OFFICER the layout of the site should be designed to minimise the need for heavy goods vehicles to reverse. Vehicle mounted refrigeration units should be turned off within 5 minutes when delivery vehicles enter the unloading area and reconnected not sooner than 5 minutes prior to leaving. When it is necessary to maintain levels of refrigeration within vehicles, sufficient and suitable electrical outlets should be provided for connection to all vehicles unloading or wanting to unload. No deliveries, other than bakery and dairy products, should be made between 7 p.m. on one day and 8 a.m. on the following day. The surface of the unloading bay should be treated with sound absorbing material to minimise noise from the movement of roll cages, etc, used for the unloading of vehicles. Noise emissions arising from the air handling plant, refrigeration or other machinery on any part of the land should not exceed background levels at any time by more than 3 decibels, when measured at any point on the boundary of any residential or other noise sensitive premises. FORWARD PLAN comments made previously still apply. The proposed pedestrian linkages onto Fore Street would assist the development to function as a town centre site in terms of government guidance. The site is also an allocation in the TDLP under policy W18, although it encourages a mixed use development. Note that the existing approval is for a single use. Note that a number of assumptions in the 1999 retail statement were questioned by the then Planning Policy Unit. Such matters could affect their overtrading estimates within Wellington and hence capacity for additional floorspace. Note that there appears to be no condition on the approval limiting the net internal floorspace. This could result in the reduction of the gross floorspace in favour of additional sales area, which could further impact on capacity. Query the ability to control net retail floorspace through the reserved matters. Agree with condition limiting the premises to retail food only, ie no comparison sales. The Council's 1999 retail capacity study notes that there is only limited additional capacity for comparison floorspace in Wellington within the Plan period. It is important that the unit does not in itself become a one stop shop for all goods, thus potentially affecting the vitality and viability of the town centre as a whole. As part of the Local Development Framework, the Council is updating the 1999 retail capacity study.

TOWN COUNCIL in favour.

WELLINGTON CHAMBER OF COMMERCE object. It is vital that sufficient retail provision be made in the town if economic activity within the town is to be improved to a level where the vitality and viability of the town centre is to be protected and returned to its former level. It is understood that over 50% of retail expenditure is lost to other surrounding centres and it is therefore essential to claw back this lost expenditure. The

TDLP Inspector considered that the Council's own Retail Study did not make sufficient provision in the Local Plan to redress this situation. This site will not redress this deficiency as it is in the wrong location. The applicants have not found a supermarket proprietor willing to take the site on and that they have rejected the site because of its off-centre position, difficult access and proposed layout on two floors, which make it uneconomical for them, both financially and logistically. At the TDLP Inquiry, the council's own retail consultants indicated that the medical centre scheme would be unlikely to attract a large foodstore operator because of these restraints. Without such an operator it will not be possible to enhance Wellington's attraction to the required level to recover this lost expenditure. Believe that there will be an increasing level of expenditure to Taunton. If permission is renewed, it is unlikely to be implemented and will therefore frustrate the achievement of the principal objective for retail policy in Wellington. Renewal will treat the site as a commitment and as such prevent any alternative scheme which might be more likely to be implemented. Feel that a further foodstore site should be provided in the heart of the main shopping streets, to encourage one of the premier division of supermarket operators. The application is not supported by an up-to-date retail assessment. The 1999 assessment takes no account of the Inspector's recommendation that the floorspace requirement should be monitored regularly in order to assess whether the assumptions made in the capacity study about sales densities and claw back are reflected in the changing situation. A decision should therefore not be made until a new review has been carried out. No replacement site for the medical centre has been found and no planning consent applied for. Further delays will occur until a new site is found and enhancement of the town's retail position accomplished. Believe that no such site exists. No consent for this retail development should be granted ahead of a consent for a new medical centre. The circumstances have changed significantly since the last consent was granted and it is therefore no longer appropriate to grant a new consent on this site.

TWO LETTERS OF OBJECTION (both on behalf of proposed developers of alternative sites - Somerfield Stores Ltd and Haunch Lane Developments Ltd) there has been a material change in planning circumstances since the previous planning permission was granted in December 2001 and more particularly since the supporting retail statement was prepared in December 1999 - i) Government policy on retail development has been clarified in the Parliamentary Statement on Town Planning Policies dated 10/4/03; ii) preparation of the TDLP has continued and this has included revisions of parts of the Plan relevant to retail provision in Wellington at both the Revised Deposit and Proposed Modification stages; iii) the likelihood that there will have been some change in turnover at the stores within the catchment of the proposed store, thus rendering inaccurate the calculations in the supporting retail assessment designed to assess impact. The applicant should be required to prepare a revised retail assessment reflecting current trading levels in the catchment and relevant local and national policy and guidance. Otherwise the application should be refused in line with Circular 11/95. The provision of enhanced retail facilities is critical to the well being of Wellington. A significant amount of expenditure on retail goods is lost to other centres and it is important to claw back lost expenditure. The TDLP Inspector in his Report acknowledged that the Council's retail study did not make sufficient provision to bring about any significant change in the trading position of the town. The principal objective for retail policy in Wellington will thus not be achieved. An operator of national standing is required for the new foodstore. Without such an operator it will not be possible to enhance Wellington's attraction as a retail centre and thus not be possible to secure any clawback in lost expenditure. An

increasing loss of expenditure to the higher order of settlement of Taunton will also occur. At the Local Plan Inquiry, the Council's retail consultants indicated that the Medical Centre scheme would be unlikely to attract a large foodstore operator because of the size constraints of the site, the limited car parking and its 2-storey format. The principal objective for retail policy in Wellington will thus not be achieved. The renewal of planning permission for this development, which is unlikely to be implemented, will frustrate the achievement of the principal objective for retail policy in Wellington being achieved by alternative developments. A renewed permission would have to be treated as a commitment and as such count against any alternative scheme which might be more likely to be implemented. The Local Plan Inspector recommended that the floorspace requirement should be monitored regularly in order to assess whether the assumptions made in the capacity study about sales densities and clawback are reflected in the changing situation. A renewed commitment to this development should not be entered into until such a review has been carried out. A development of the medical centre site cannot occur until a replacement site has been identified for the medical centre. No such site has been identified and no planning permission granted. Further delay to the enhancement of Wellington's retail position will occur whilst a search for a suitable site continues, and there is good reason to believe that no such site exists. In any event, planning permission for the retail development should not precede any planning permission for the relocation of the medical centre. It should be acknowledged that the best site for the medical centre in Wellington is its existing location.

ONE LETTER OF REPRESENTATION concern regarding legal right to parking across the rear of property; very large lorries that need to deliver to adjacent warehouse are not going to have enough room to either reverse safely down between the proposed car parking in front of the supermarket or turn in the area behind property.

## **POLICY CONTEXT**

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy STR2 notes that towns such as Wellington will function as locations for shopping services. Policy STR4 goes on to say that when considering development in towns, priority should be given to the re-use of previously developed land and to the encouragement of mixed use development. Policy 20 states that 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 should be prime considerations. Policy 21 goes on to say that the functional centres of towns and rural centres will be the primary focal points of new facilities particularly for shopping and other services. Other relevant policies of the County Structure Plan are 39 (Transport and Development), 40 (Town Strategies), 42 (Walking), 44 (Cycling), 48 (Access and Parking) and 49 (Transport Requirements of New Development).

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy S2 of the same plan provides guidelines for the design of new developments. Policy EC7 of the same Plan states that Taunton and Wellington town centres will be the priority location for major retail development and other key town centre uses. 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 dependant rural areas. Policy EC8 goes on to say that major proposals for retail development will be permitted within the settlement limits of Wellington provided that certain criteria are met. It is considered that the criteria are met with the proposed development. Other relevant policies of the Plan are M1 (Movement), M2 (Car Parking), M3 (Transport Provision) and EN15 (Conservation Areas).

The Taunton Deane Local Plan also has a Policy specific to this site - W18a. This states that:- A site of 0.8 hectares at Bulford as shown on the Proposals Map is allocated for town centre redevelopment, to include one or more of the following uses : retail, food and drink, leisure, entertainment and health care facilities. Residential uses will be supported as part of a mixed use commercial/residential scheme. Development will be permitted provided that; (A) the proposal facilitates the continued rear servicing of properties on Fore Street and South Street; (B) an archaeological survey is undertaken, together with (if required) excavation and/or evaluation of the deposits identified; (C) the proposal ensures the continued provision of short stay town centre car parking facilities within the redevelopment site; (D) the proposal facilitates enhanced pedestrian access to Fore Street and South Street; and (E) the proposal preserves or enhances the character of the conservation area and settings of adjoining listed buildings. In association with the development, the following will be sought: (F) 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.

## **ASSESSMENT**

The applicant's agent has responded to the points raised in the letters of representation and objection. He considers that Haunch Lane Development's objection is entirely academic as they have no interest in any land in Wellington that is included within a site identified in the adopted Local Plan for food supermarket retailing. He goes on to say that the letter from the Chamber of Commerce is from a consultant usually employed by Haunch Lane in furtherance of its schemes and that it does not represent the views held by commercial interests in Wellington, but might be seen as a second representation on behalf of Haunch Lane. In referring to the objection by Somerfield Stores, the agent contends that:- (i) there have been no material changes in Wellington since the original permission, (ii) the scheme anticipated the Local Plan, which has now been adopted, and was prepared in full light of then current and proposed planning policy guidance, (iii) the Local Plan allocates this site for food supermarket use, and (iv) the applicants have now secured a re-location site, thus removing any uncertainty once this permission is renewed.

The comments of the Avon and Somerset Constabulary can be taken into account at the reserved matters stage. The points raised in the letter of representation are in the main private legal issues. However the applicants confirm that any parking/delivery access rights in favour of others are fully satisfied in the proposed scheme. The proposed yard dimensions are greater than the existing, so it is considered that the opportunities for access and delivery adjacent properties will be improved should the scheme proceed.

The 1999 retail capacity study identifies capacity for convenience retail floorspace and the original outline permission was granted after the study's publication. Whilst the Council is currently updating the study, it is considered that there are no grounds for withholding permission, since the site lies within a defined town centre and is allocated for retailing in the very up to date Local Plan. The Plan also allocates a site for possible retail development to the rear of High Street (there is also a current application on that site), but whilst there may not be the capacity for two new retail stores, Government guidance is clear that within the town centre it is for the market to decide what the market can take.

A Section 106 Agreement was concluded for the original outline permission providing for suitable pedestrian and cycle access from the site onto the highway network, in South Street, enhanced pedestrian crossing on Bulford, contribution towards enhanced bus provision in the area, consultation for advertising of and implementation of Traffic Regulation Orders restricting the use of the western section of Bulford by heavy goods vehicles and appropriate measures to prevent long-stay parking on the proposed shoppers car park. This Agreement remains in place.

It is considered that there has been no material change in circumstances since the previous planning permission to justify refusal of the application.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limits, submission of details, materials, materials for hardsurfacing, rainwater goods, mortar, landscaping (hard and soft), levels, retention/protection of trees, no service trenches beneath canopy spread of trees, no felling/lopping, screening of service areas, retail foodstore only, underground services, details of lighting, petrol/oil interceptors, boundary treatment, visibility splays, no vehicular access other than from Bulford, parking, cycle parking, programme of archaeological works, the layout of the site to be designed to minimise the need for heavy goods vehicles to reverse, vehicle mounted refrigeration units to be turned off within 5 minutes when delivery vehicles enter the unloading area and reconnected not sooner than 5 minutes prior to leaving, when it is necessary to maintain levels of refrigeration within vehicles, sufficient and suitable electrical outlets to be provided for connection to all vehicles unloading or wanting to unload, no deliveries other than bakery and dairy products to be made between 7 p.m. on one day and 8 a.m. on the following day, the surface of the unloading bay to be treated with sound absorbing material to minimise noise from the movement of roll cages etc used for the unloading

of vehicles, noise emissions arising from the air handling plant refrigeration or other machinery on any part of the land not to exceed background levels at any time by more than 3 decibels when measured at any point on the boundary of any residential or other noise sensitive premises, single retail unit and not sub-divided, provision of replacement health centre within Wellington, design statement, mains power sockets for refrigerated delivery vehicles and pedestrian access to Fore Street. Notes re food hygiene regulations, delivery vehicles, rights of way, high standard of design, illustrative layout, disabled access, energy/water conservation, secure by design, S106 Agreement, TPO trees, fire safety measures, Wessex Water, unloading, no damage to boundary walls and remembrance trees.

REASON FOR DECISION:- The site is a town centre site, the development of which is in conformity with the retail policies set out in the Structure and Local Plans, in particular Taunton Deane Local Plan Policies S1, EC7, EC8 and W18a.

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES: