

## SWT Planning Committee

Thursday, 13th January, 2022,  
1.00 pm

**Somerset West  
and Taunton**

**The John Meikle Room - The Deane  
House**

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**Members:** Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Ed Firmin, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

### Agenda

**1. Apologies**

To receive any apologies for absence.

**2. Minutes of the previous meeting of the Planning Committee**

To approve the minutes of the previous meeting of the Committee.

**3. Declarations of Interest or Lobbying**

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

**4. Public Participation**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

(Pages 5 - 8)

### **Temporary measures during the Coronavirus Pandemic**

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

Following the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), the council meeting rooms will have very limited capacity. With this in mind, we will only be allowing those members of the public who have registered to speak to attend the meetings in person in the office buildings, if they wish (we will still be offering to those members of the public that are not comfortable in attending, for their statements to be read out by a Governance and Democracy Case Manager). Please can we urge all members of the public who are only interested in listening to the debate to view our live webcasts from the safety of their own home to help prevent the transmission of coronavirus (COVID-19).

5. **43/20/0086 Erection of a Class E (a) foodstore with associated parking, landscaping and access works on land north west of the Nynehead Road/Taunton Road/Torres Vedras Drive Roundabout, Wellington**
6. **Latest appeals and decisions received**

(Pages 9 - 78)

(Pages 79 - 106)



**ANDREW PRITCHARD  
CHIEF EXECUTIVE**

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chair will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate. Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chair will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: [www.somersetwestandtaunton.gov.uk](http://www.somersetwestandtaunton.gov.uk)

The meeting room, including the Council Chamber at The Deane House are on the first floor and are fully accessible. Lift access to The John Meikle Room, is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter. For further information about the meeting, please contact the Governance and Democracy Team via email: [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

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**SWT Planning Committee - 16 December 2021**

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Mark Blaker, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Ray Tully, Sarah Wakefield, Brenda Weston and Loretta Whetlor

Officers: Alison Blom-Cooper, Rebecca Miller, Martin Evans, Jo O'Hara, Gareth Clifford, Michael Hicks (Planning Specialist) and Tracey Meadows

(The meeting commenced at 1.00 pm)

**80. Apologies**

Apologies were received from Councillor Wheatley

**81. Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 25 November 21 circulated with the agenda)

**Resolved** that the minutes of the Planning Committee held on 25 November 21 be confirmed as a correct record.

Proposed by Councillor Hill seconded by Councillor Habgood

The **Motion** was carried.

**82. Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Description of Interest	Reason	Action Taken
Cllr M Blaker	Wiveliscombe	Personal	Spoke and Voted
Cllr S Coles	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr Mrs Hill	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	Wellington	Personal	Spoke and Voted
Cllr C Morgan	Stogursey	Personal	Spoke and Voted
Cllr C Palmer	Minehead	Personal	Spoke and Voted
Cllr R Tully	West Monkton	Personal	Spoke and Voted

Cllr B Weston	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Whetlor	Watchet	Personal	Spoke and Voted

No further declarations were declared.

83. **Public Participation**

Application No.	Name	Position	Stance
10/21/0016	Mrs Rifath Cllr Henley (via Zoom)	Applicant Ward Member	In favour In favour
36/21/0012	Mr P Tillen	Applicant	In favour

84. **10/21/0016 - Replacement of bungalow with a two-storey detached dwelling at Beaches, Taunton Road, Churchinford**

**Comments from members of the public included;**  
(summarised)

- The existing building was suffering from structural degradation and was non-compliant with building regulations;
- The proposal sat within the existing footprint and aligned with the neighbouring properties ridge line;
- The development would be of a low embodied carbon construction method;
- The proposal would not touch existing vegetation;
- The proposal complied with Local Plan Policies, DM1,CP8 and the NPPF;
- The proposal complied with the Blackdown Hills ANOB Policy PD2;
- The proposal was not in the village of Churchinford and was within the farming community;
- No objections were received from consultees;
- This was an exemplar new development in the Blackdown Hills;
- No added traffic concerns;

**Comments from Members included;**  
(summarised)

- Concerns with the use of modern materials for the proposal;
- The proposal was in the wrong location as it sat in a prominent position in the Blackdown Hills;
- Concerns that the metal cladding did not fit in with the surrounding area;
- Concerns with the layout and lack of voltaic panels on the roof;
- Incongruous building in this location;
- Concerns with the interior design;
- Concerns with transport issues;
- The building needed to be replaced and the materials replicated the existing building;

- The footprint would not be increased;
- Content that the building would be carbon neutral;
- The proposal was in a rural community and needed to be innovative to survive and prosper;

Councillor Hill proposed and Councillor Aldridge seconded a motion for the application to be **REFUSED** as per Officer recommendation.

The motion was carried.

85. **36/21/0012 - Erection of extension to summerhouse for use as welfare facilities for harvesting and Christmas tree farm at the Pump House, Curload Road, Curload, Stoke St Gregory (part retention of works already undertaken)**

**Comments from members of the public included;**  
(summarised)

- The proposal was needed to provide staff with welfare facilities;
- As responsible owners the public footpath would be maintained every fortnight during the growing season;
- Portable facilities brought on sight would be dangerous due to the current entrance of the land being on a blind bend;
- No plans to turn this proposal into a home;

**Comments from Members included;**  
(summarised)

- Satisfied that the applicant was trying to make a go of this business;
- The building would be good for the welfare of the staff;
- Small business trying to get going;
- Happy with the amended condition;

Councillor Hill proposed and Councillor Aldridge seconded a motion for **Conditional Approval** to be approved as per Office recommendation with an amendment to condition 3 to read;

The building hereby permitted shall be used as a welfare facility strictly necessary for the well-being of employees, solely linked to agricultural activities taking place on site during reasonable daytime working hours and shall be used for no other purpose;

Reason – To ensure the building is not used for any overnight stay, leisure use or any other use not directly linked to necessary agricultural welfare, which is appropriate to this rural location and in line with Core Strategy policy DM2;

The motion was carried.

86. **38/21/0429 - Erection of a single storey extension to the rear of 27 The Avenue, Taunton**

No comments were received on this application.

Councillor Hill proposed and Councillor Habgood seconded a motion for Conditional Approval to be **APPROVED** as per Officer recommendation.

The motion was carried.

87. **Access to Information - Exclusion of the Press and Public**

Exclusion of the press and public at this point in the meeting.

Proposed by Councillor Hill and seconded by Councillor Habgood.

The motion was carried.

88. **Confidential Enforcement Report**

Councillor Hill proposed and Councillor Habgood seconded a motion for Enforcement Action to be **APPROVED** as per Officer recommendation within the confidential report.

The motion was carried.

89. **Latest appeals and decisions received**

Appeals and decisions noted.

(The Meeting ended at 2.53 pm)

43/20/0086

LIDL GREAT BRITAIN LTD

**Erection of a Class E(a) foodstore with associated parking, landscaping and access works on land north west of the Nynehead Road/Taunton Road/Torres Vedras Drive Roundabout, Wellington**

Location: NYNEHEAD ROAD/TAUNTON ROAD/TORRES VEDRAS DRIVE  
ROUNDABOUT, WELLINGTON

Grid Reference: 314593.121413 Full Planning Permission

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## **Executive Summary**

- **Proposed development for the erection of a 2098 sqm foodstore with associated car park, landscaping and new vehicular access off Nynehead Road.**
- **Land allocated as employment land under Policy SS3 'Wellington Longforth' of the Taunton Deane Core Strategy 2011-2028 and earmarked for Swallowfield and Relyon (Wellington's two biggest employers). Swallowfield and Relyon have indicated they do not wish to relocate to this area.**
- **Application advertised as a departure to the development plan.**
- **Site in close proximity to the boundary of the Grade II\* registered park and garden surrounding Nynehead Court and listed structures within the park and garden.**
- **Wellington Town Council object. No objections received from other statutory consultees subject to conditions and a S106 legal agreement to secure a Travel Plan as recommended by the Highway Authority and a replacement roadside hedge to address landscape and heritage impact.**
- **Over 500 letters received in support of the application, 26 against and 23 writers raise concerns. Objections from Waitrose and Asda who have stores in Wellington.**
- **Sequential test met and retail impact assessment demonstrates no significant impact on Wellington town centre or other local centres.**
- **Proposed development offers benefits in terms of job creation, access to the surrounding employment land enabling further investment and the proposed access may also serve as the vehicular access to a new railway station/halt for Wellington.**

- **Recommend that conditional planning permission is granted subject to prior completion of a S106 Obligation to secure a Travel Plan and the replacement planting of the roadside hedge with additional oak trees. Officers to be granted delegated Authority to refuse the application if the said S106 Obligation is not completed within six months of the Committee resolution.**

## **Recommendation**

### **Recommended decision: Conditional Approval**

**Subject to the prior completion of a Section 106 Obligation to secure a Travel Plan and the replanting of the roadside hedge with additional oak trees to the rear of the northern visibility splay along Nynehead Road. Officers to be granted delegated authority to refuse the application if the said S106 obligation is not completed within six months of the date of the Committee resolution.**

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

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

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

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

AD 101 Location Plan Rev D  
AD 110 Proposed Site Plan Rev H  
AD111 Proposed Building Plan Rev A  
AD112 Proposed Roof Plan Rev A  
AD113 Proposed Elevations Rev B  
AD114 Proposed Boundary treatments Rev F  
AD 115 Proposed Site Finishes Rev C  
AD116 Proposed Landscaping Rev L  
AD118 Proposed Site Topographical Overlay Plan Rev C  
AD 119 Proposed Site Sections Rev C  
AD 120 Proposed Street Scene Rev D  
Lighting Design Plan (rev 2)  
Lighting Design Report (Relux 5th August 2020)  
    - Lighting Details and Specification (December 2020)  
    - Calculations and drawing showing light overspill submitted by email 10th January 2021

Solar PV Roof Plan re SQ4S-PV-LIDL-W-R-B Rev B  
Tree Protection Plan ref EV-3587-C-TPP-04-20 Rev A  
Tree Constraints Plan ref EV-3587-TCP-04-20  
AD 131 Visibility Splay and Hedgerow Plan

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

3. At the new vehicular access leading on to Nynehead Road as shown on Drawing No. AD110 Proposed Site Plan Rev H, there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 104 metres to the north and 50 metres to the south. Such visibility shall be fully provided prior to commencement of development and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

4. At the proposed foodstore access (leading on to the estate road) as shown on Drawing No. AD110 Proposed Site Plan Rev H, there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres in either direction. Such visibility shall be fully provided prior to the development hereby permitted being first brought into use and shall thereafter be maintained at all times.

Reason: In the interest of highway safety.

5. The details of the proposed vehicular access shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of development, and thereafter constructed in accordance with the details approved and shall be made available for use before first occupation of the development. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: A pre-commencement condition is required to ensure that the development is served by a vehicular access that is acceptable on highway safety grounds.

6. Before the development is first brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development can be accessed by sustainable

modes of transport.

7. Prior to first use of the development hereby permitted, covered spaces for not less than 10 staff and visitors' bicycles shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is accessible by sustainable modes of transport.

8. The parking and turning area shown on the submitted site plan, Drawing No. AD110 Proposed Site Plan Rev H, shall be marked out in accordance with a scheme to be submitted to and agreed by the Local Planning Authority prior to the said parking area being brought into first use. The parking, turning and access areas thereto shall thereafter be kept clear of obstruction at all times and not used other than for the parking and turning of vehicles in connection with the development hereby permitted or for the purpose of access.

Reason: In the interest of highway safety.

9. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved plan. The Construction Environmental Management Plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- All construction deliveries being made off highway;
- Expected number of construction vehicles per day;
- All contractor vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- On-site vehicle wheel washing facilities and the regular use of a road sweeper for local highway;
- A scheme to encourage the use of public transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: A pre-commencement condition is required to ensure that before development starts the amenities of the surrounding area are satisfactorily protected and in the interests of highway safety.

10. A condition survey of the existing public highway shall be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all

works have been completed on site.

Reason: A pre commencement condition is required to ensure that an assessment of the condition of the public highway is made prior to works commencing to ensure that on completion of the construction works, the public highway is returned to its original condition in the interests of highway safety.

11. Prior to construction of any part of the development above damp proof course level, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
  - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved lighting design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy 2011-2028.

12. The vegetative clearance and groundworks required for the development shall not in any circumstances commence unless and until the Local Planning Authority has been provided with either:
  - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
  - b) a statement in writing from a licensed great crested newt ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition is required in the interest of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy 2011-2028

13. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, in any year unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared has provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the

Local Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy 2011-2028.

14. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles and or hedgehogs that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between April to September inclusive in any year under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Written confirmation of these operations and any findings shall be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with Policy CP8 of the Taunton Deane Core Strategy 2011- 2028.

15. The following must be integrated into or mounted upon the buildings or otherwise provided:
- a) A Beaumaris Woodstone maxi bat box or similar mounted at least 4 metres above ground level and maintained thereafter.
  - b) Two Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high.
  - c) Three Vivara Pro Barcelona Woodstone Bird Boxes (open front design) or similar mounted between 1.5m and 3m high.
  - d) A strip of wildflower grassland surrounding all aspects of the development. This habitat will be created adjacent to existing hedgerow/bank habitats to create a varied ecotone. This will buffer the existing hedgerow/bank corridors and form a more robust corridor for commuting species. New native grassland seeding shall be undertaken without incorporating topsoil into the site. Additional formal areas of grassland shall be seeded with a seed mix such as Emorsgate EL1 Flowering Lawn.
  - e) Shrubs planted up with native species selected from the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle.

Photographs of the installed features shall be submitted to the Local Planning Authority prior to occupation of the buildings.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

16. A Landscape and Ecological Management Plan (LEMP) shall be submitted to,

and be approved in writing by, the Local Planning Authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;-
- b) Ecological trends and constraints on site that might influence management;-
- c) Aims and objectives of management;-
- d) Appropriate management options for achieving aims and objectives;-
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);-
- g) Details of the body or organization responsible for implementation of the plan;-
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy CP8 of the Taunton Deane Core Strategy 2011-2028.

17. No development shall be commenced until details of the surface water drainage scheme to prevent discharge onto the public highway and based on sustainable drainage principles, shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the development is first brought into use and thereafter maintained at all times.

This said scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS (sustainable drainage systems)) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Justification for the use of the pumped system, summary of key design principles, demonstrating that flood risk will not increase elsewhere by using these systems, details of a failure event, details on maintenance and assessment of residual risk, with supporting calculations
- Flood water exceedance routes both on and off site. No part of the development site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: A pre-commencement condition is required to ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework.

18. There shall be no external storage of goods on the site unless first agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

19. Prior to the construction of any part of the development above damp proof course level, details of external materials to be used in the construction of the foodstore building shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be constructed in accordance with the agreed details.

Reason: To protect the visual amenity of the area.

20. i) The landscaping/planting scheme shown on the submitted plan AD 116 Rev L shall be completely carried out within the first available planting season following the date of commencement of the development.

(ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority. The boundary hedgerow surrounding the foodstore building and car park shall be maintained at a height of 1.5m to 1.8m and trimmed annually. Any hedge that ceases to grow, shall be replaced with new hedgerow of similar species or other as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

21. The use of the foodstore building hereby approved shall be limited to the following:

- Total net sales area of 1,350 sqm net and a gross floor area of 2,098 sqm gross internal area within the foodstore.
- The net sales area within the foodstore devoted to the sale of convenience goods shall be 1,080 sqm net.
- The net sales area within the foodstore devoted to comparison goods shall be 270 sqm net.
- There shall be no dedicated butcher, fishmonger, pharmacy, photo, dry cleaning, optician or delicatessen counters within the store.

Reason: To protect the vitality and viability of Wellington town centre in accordance with Policy CP3 of the Taunton Deane Core Strategy 2011-2028.

22. The foodstore building hereby approved shall not be subdivided into separate retail units without the prior written consent of the Local Planning Authority.

Reason: To protect the vitality and viability of Wellington town centre in accordance with Policy CP3 of the Taunton Deane Core Strategy 2011-2028.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification, no extensions or alterations to the foodstore building shall be made without the further grant of planning permission.

Reason: To protect the vitality and viability of Wellington town centre in accordance with policy CP3 of the Taunton Deane Core Strategy 2011-2028.

24. The site and foodstore shall be used only for retail purposes within Class E(a) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To prevent changes to unacceptable uses to protect the vitality and viability of Wellington town centre in accordance with Policy CP3 of the Taunton Deane Core Strategy 2011-2028.

25. If within five years of implementing the approved landscaping scheme as shown on drawing No. AD 116 Rev L it becomes unacceptable to have trees within the drainage 'easement' area to the south of the site as shown on approved drawing No. AD 116 Rev L, following the submission of a written justification to and approval in writing from the Local Planning Authority to the tree(s) removal, replacement trees of a similar size and species to those removed shall be planted in a position and within a timescale that is to be agreed in writing with the Local Planning Authority. For the remainder of the five year maintenance period, the replacement trees shall be protected and maintained in a healthy weed free condition and any trees that cease to grow, shall be replaced by trees of similar size and species as agreed by the Local Planning Authority.

Reason: To protect the visual amenities of the area.

26. There shall be no retail trade from the site except between the following times:  
07:00 hours to 22:00 hours Mondays to Saturdays and for no more than six consecutive hours between 10.00 hours to 18.00 hours Sundays, Bank and Public Holidays.

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties.

27. Prior to the commencement of the use of the development hereby permitted, the photovoltaics as shown on Drawing No. SQ4S-PV-LIDL-W-R-B shall be installed on the roof of the foodstore building and be fully operational and thereafter maintained as such.

Reason: In the interests of sustainable development.

28. Notwithstanding the details hereby permitted, no approval is given to any signage or advertising logos to be erected on either the elevations of the building hereby permitted or within the application site area.

Reason: In the interests of protecting the visual amenities of the surrounding area in accordance with Taunton Deane Borough Council's Core Strategy

29. There shall be no trading from the foodstore hereby permitted until the Traffic Regulation Order is in force extending the 40mph speed limit a further 105 metres in a northerly direction along Nynehead Road.

Reason: In the interests of highway safety.

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

2. Designing out crime .

The applicant is advised to consult the guidance available in the police approved 'SBD Commercial 2015' design guide available on the SBD website [www.securedbydesign.com](http://www.securedbydesign.com).

The applicant is advised to consider using the following design features to ensure the building is designed in a way that reduces opportunity for crime:

- Any climbable features that could enable access onto the roof should be fitted with anti climb measures.
  - All external doorsets should be tested to PAS 24:2016 security standard or equivalent as a minimum.
  - Any easily accessible windows should be tested to PAS 24:2016 security standard or equivalent as a minimum.
  - A suitable form of electronic access control i.e. proximity fob, swipe card or similar system should be installed for use by management/employees.
  - A suitably designed, fit for purpose, monitored intruder alarm system should be installed. Consideration should be given to the system incorporating panic buttons for use by staff.
  - A suitably designed, fit for purpose CCTV system should also be installed to monitor appropriate areas including main entrance, tills, stockroom and car park.
3. Highway Authority advice:
- This scheme includes the alteration to an existing speed limit which is required to be in place prior to the use of this development. This process includes the need for an amended Traffic Regulation Order (TRO) which requires a full consultation to be undertaken. As this is a standalone legal process there is no guaranteed outcome. In the event of the TRO failing the developer may be required to revisit this scheme if it is thought the amendment of the speed limit is required to make the scheme acceptable in highway terms.

- The application will be required to secure an appropriate legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
4. The applicant is advised that a separate Advertisement Consent will be required for the display of signs on the site.
  5. The applicant is advised to pursue the Great Crested Newts Licensing scheme. Please contact Natural England for further advice.

## **Proposal**

The proposal is to construct a Lidl foodstore with associated parking, landscaping and access works. The foodstore will be sited to the western side of the site and will have a gross internal floor area of 2098 sqm with a sales area of 1350 sqm. A car park will be created to the front of the store and the site connected to existing pedestrian / cycle routes to the south. A new vehicular access will be built off Nynehead Road via a new priority junction arrangement for use by customers, staff and delivery vehicles.

A number of sustainable measures are incorporated into the proposal.

## **Site Description**

The 1.89 ha application site is relatively flat, agricultural land occupying a corner site bordered on two sides by public highway. To the south is, the B3187 (Taunton Road) and to the east Nynehead Road. The north western boundary is bordered by a hedgerow and the northern/north east by agricultural land. Cadeside Caravan Park is to the east on the opposite side of Nynehead Road and Cades Farm residential area is to the southern side of Taunton Road. The residential development of Longforth Farm is approximately 450m to the west separated from the site by agricultural land.

## **Relevant Planning History**

The site is allocated as employment land under Policy SS 3 'Wellington Longforth' of the Taunton Deane Borough Council Core Strategy 2011 - 2028. The application site forms part of 11 hectares of employment land for general industrial and storage and distribution. Under the policy, this area is also designated for the relocation of the two biggest employers in Wellington, Swallowfield and Relyon.

The application was advertised as a departure to the development plan.

Land to the west comprises a strategic urban extension site (Longforth Farm) that was granted outline planning permission for up to 503 dwellings with associated infrastructure in January 2013 (43/11/0104). The illustrative masterplan submitted by

Bloor Homes consisted of:

- 13.7 ha of housing development
- 1.27 ha school site
- 2.2 ha of playing fields
- 3.16 ha of native planting
- 1 ha of retained/enhanced existing orchard

## Consultation Responses

### **WELLINGTON TOWN COUNCIL - Initial comments:**

This application should be refused on the following grounds:

- The site is greenfield and outside the Wellington settlement boundary.
  - The site is a gateway to Wellington and should not be spoiled by a supermarket development constructed to attract traffic from the highway.
  - The site is elevated above the highway and the development with its glass façade will be a visual eyesore for nearby housing, especially at night time.
  - The proposed vehicular access off the Nynehead road would cause conflict with the access opposite to the long-established caravan park which brings visitors to the town.
  - The footpath from the town, from a point just beyond St John's Parish Church and running alongside the main road to the Longforth Farm roundabout, is too narrow to safely accommodate the anticipated footfall which would be attracted by the development.
  - The site is already allocated as employment land in the strategic plan for developing that area.
  - The proposed use conflicts with SWT's recently announced Local Development Order for Small Scale Employment Space because this site has been allocated for employment purposes, not retail use, and as the site is outside the settlement boundary for Wellington it would clearly fit the aspirations of the LDO.
  - The proposed use is not included in the aims of the LDO, which specifically permits three planning classification uses, which are light industry, offices, and research and development of products/processes.
  - The proposed out of town development would cause severe harm to trade in the town centre, where the district council seeks to preserve retail integrity, by drawing customers away from existing retail premises.
  - The general traffic impact on the Nynehead Road and the roundabout will be detrimental.
  - There are concerns about the proposal causing light pollution issues. Particularly for those surrounding properties that face onto the Taunton Road.
- Councillors further proposed that if it were the case that the application was given approval there should be a planning requirement for screening to protect nearby homes.
- from the light pollution caused by the building.

### *Further comments following additional information and amended plans:*

The application be refused on the following grounds:

The revisions to this application were discussed in detail and at length by the town council and correspondence received from Lidl by both the Town Council and Cllr Thorne were read out by The Clerk. Following lengthy discussion a proposal was made and seconded to express support for the application but this was not carried

on the casting vote of the Mayor following a tied vote – 3 voted in favour, 3 against and 4 abstained. In that context it was agreed that a narrative in relation to the application should be submitted for the Planning Authority's consideration. The Council wish to be clear that it supports the opening of a Lidl store in the town, the key issue is around the location and other considerations as detailed in the minutes of the October Planning Meeting. The vote reflected the position that for some councillors the additional information provided by Lidl was not sufficient to address the concerns raised by the Town Council in October whilst others considered that there was sufficient mitigation provided to support the application. The Town Council would welcome further discussions about possible alternative locations for a Lidl store in the town.

**SCC - ECOLOGY** - An Interim Ecological Appraisal of the application site was carried out in August 2020 by Devon Wildlife Consultants. The proposed development site is currently utilised as an arable field and comprises a recently ploughed field surrounded by hedge banks and fencing with limited species-poor semi improved grass.

The arable habitat which dominates the site is considered to be of low value to bats. However, the hedge banks/rows provide flightlines which bats utilise for commuting to and from roosts or foraging areas. The site is therefore considered to provide only a very small proportion of the potential foraging habitat available to bat species within the area. The submitted lighting plan does not demonstrate that areas used by commuting bats would not be kept dark. Therefore the following condition will be required to maintain the Favourable Conservation Status of local populations.

A lighting design for bats condition is recommended.

The hedge banks and southern hedgerow represent habitats with low potential to support dormice due to the limited structural and species diversity, although they may potentially be used for commuting through the landscape. However, the species has been recorded in poor quality hedgerow in Somerset and cannot be dismissed.

There is one pond located within the survey area and there are fourteen further ponds within a 500m radius of the site. The survey area is considered to have potential to be used by great crested newts as it supports a strip of grassland, scrub, hedgerows, and woodland and is linked to the ponds by suitable habitat. Great crested newts are present in seven of these ponds. It is proposed that the Natural England district licensing scheme be used for the proposed development. Conditions are recommended to ensure that Somerset West and Taunton Council fulfils its legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998).

The hedgerows and dense scrub within the site are considered likely to support a range of nesting birds, likely to comprise commonly-encountered species. A condition is recommended to protect these.

The 2m buffer of species-poor semi-improved grass represents potential foraging and basking habitat for reptile species such as slow worm, and the hedge banks

may provide shelter and dispersal corridors, with rabbit burrows and tree roots providing suitable hibernation sites. The application site also lies within the dispersal range of grass snakes according to SERC records. The dense scrub on site is considered to provide suitable foraging and refuge habitat for hedgehogs, a priority species listed on s41 of the Natural Environment and Rural Communities Act 2006 for which the Local Planning Authority has to have regard for the conservation of in carrying out its role. A condition is recommended regarding vegetation clearance.

The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. This should be conditioned.

In order that habitats along the western boundary, etc. are managed for the benefit of bats and other wildlife a condition should be imposed requiring approval of a Landscape and Ecological Management Plan (LEMP).

*Additional comments following additional lighting information*

Taking this and the amended lighting installation on the western elevation within the bat section from the technical note dated February 2021 into consideration, I am satisfied any light spill would be minimal.

I have no additional comments and no objection.

*Further comments in response to an objection from Asda -*

With regards to ecology objections ASDA have stated:

“it is considered that impact on protected species (including bats and Great Crested Newts) has not been properly considered and assessed, including the lack of necessary licenses not secured from Natural England”.

As per the ecologist's initial mentioning (and condition):

“It is proposed that the Natural England district licensing scheme be used for the proposed development. The following is required to be conditioned in order that Somerset West and Taunton Council fulfils its legal duty of ‘strict protection’ of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998).

1. The vegetative clearance and groundworks shall not in any circumstances commence unless the Local Planning Authority has been provided with either:  
a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead;  
or b) a statement in writing from the licensed great crested newt ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy”

Only a licence is required in relation to Great Crested Newts for this application,

typically Natural England will not supply a licence until planning permission is granted as the planning reference number is used during the preparation of the licence application.

As no bat roosts are impacted, a licence is not required for bats (as suggested in the letter). However, lighting design for bats is the condition ensuring no likely significant effect or disturbance to their foraging and commuting routes.

**LEAD LOCAL FLOOD AUTHORITY** - A condition is recommended to approve a surface water drainage scheme, based on sustainable drainage principles. The scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit. The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield run off rates and volumes.

### **SCC - TRANSPORT DEVELOPMENT GROUP -**

*Initial comments -*

#### Traffic impact

The applicant has derived trip rates for discount food stores from the TRICs database. In this regard it is considered appropriate to question the categorisation of Lidl foodstores as discount food stores given how Lidl stores have evolved in recent times and appear to be increasingly similar in terms of the range and types of goods sold by conventional supermarkets and the resulting shopping habits of customers. In this instance however, it is noted that the surveyed sites used for the purpose of this proposal were all Lidl stores and are therefore considered to be representative and appropriate in this instance.

It is noted that the applicant has used GIA figures as opposed to GFA which is generally preferred, however, the difference between the two figures in this particular case is negligible. Whilst there may be a slight difference in trips generated by the store, the figures will not be significantly different and therefore I do not consider it to be onerous in highway terms.

I also note the access road to be constructed off Nynehead Road will, in time, not only cater for this store but I understand there is to be a further extension of commercial units on adjoining land. In this regard, the junction onto Nynehead Road will have to be of suitable geometry to cater for all the traffic associated with not only the store, but also the additional commercial units and therefore any slight increase in traffic accessing the store will, again, not be onerous in highway terms. Overall the submitted TA is considered to be acceptable in its consideration of resulting traffic impacts of the proposed development both on the proposed new junction as well as elsewhere on the local highway network. On this basis it would be unreasonable for the Highway Authority to object for this reason.

#### Travel Plan

A Travel Plan (TP) was submitted in support of the application which has been audited by the Highway Authority's Travel Planning Team. A copy of their audit report can be made available to the applicant to assist in the development of a suitable TP.

The audit process identified a number of significant changes that would be required to develop a fully acceptable TP. Whilst some of these matters have now been addressed (although a revised TP has not been provided to reflect this), a number

remain including the level of car parking proposed, which exceeds the optimum levels set out within the Somerset Parking Strategy 2013 (SPS) by 14 spaces. Of particular note however is the absence of a commitment to the appropriate TP fee (2,000 plus VAT) and safeguarding sum of £54,375.

Whilst there are shortcomings with the TP that must be addressed, this is not a reason for the Highway Authority to recommend refusal to the LPA, however, a suitable TP must be secured by way of a Section 106 agreement should the LPA be minded to approve this application.

### Access

The site access is to be provided from a new estate road which it is anticipated will facilitate access to future employment development on land adjoining the site. Both the site access and new estate road junctions will be in the form of priority junctions, with the latter connecting to Nynehead Road just to the north of the Taunton Road / Vedras Drive Roundabout. A Safety and Technical Audit has been undertaken on the access arrangements.

In relation to the new junction connecting to Nynehead Road it is proposed for the existing 40 mph speed limit to be extended north of its current location by a minimum of 105m.

It should be noted that in order to extend the 40 mph speed limit an amended Traffic Regulation Order (TRO) will be required and that this should be in place prior to the development commencing.

Based on speeds of 40 mph and factoring in 85%ile speeds, splays measuring 2.4m by 104m to the north and 2.4m by 50m to the south are to be provided for motorist emerging from this access.

The proposed new junction arrangements are to cater for both delivery vehicles as well as staff and customers. The vehicle tracking details provided demonstrate how delivery vehicles will be capable of entering and leaving the site on to the public highway safely and that there is sufficient space for a delivery vehicle to turn so that it can enter and leave site in forward gear.

### Off-Site Works

A number of issues have been raised regarding off-site works / arrangements by Safety Audit, including:

- It is intended to construct a new footway linking to and from the proposed development access off Nynehead Road which will join an existing dedicated cycle track. The changeover point from footway to cycle way could present a hazard to pedestrians, as such it is recommended that the cycle track is widened and converted to a shared-use footway / cycleway route to link back up with the existing highway infrastructure of shared-use at the roundabout junction.
- A secondary access to the south of the development is to be provided which will connect into the existing shared route, however at this point just beyond the bus stop, cyclists are on-carriageway and there is only a footway. The existing infrastructure should be amended to allow cyclists to leave the carriageway just beyond the bus stop and a shared route allowing access into the new development. It is further recommended that this should be extended to tie in to the existing shared route further south east near the roundabout.
- To minimise the risk of collisions occurring between vehicles emerging from the site and vehicles passing along Nynehead Road and trip/slip hazards for pedestrians it is recommended the existing street lighting is reviewed to establish if any improvements are required;
- There is a risk of side-impact collisions occurring between vehicles emerging from the Lidl Store access and vehicles on the proposed estate road due to the absence

of centreline road markings;

- A number of further details will be required as part of the approval process for works on or affecting the highway, including crossfall sections, longitudinal sections, landscaping within highway limits, surfacing, highway lighting, kerb details, service diversions, road markings and signing and aids to movement. The above, however, are all matters that can be dealt with at detailed approval stage and should not hold up the determination of this planning application.

### Internal Layout

All internal roads and footways will remain in private ownership, therefore the Highway Authority's comments on the proposed internal layout are limited to issues that may affect the safe operation of the existing public highway.

As previously noted service vehicles will utilise the same access as staff and customers with the service vehicle manoeuvring on site to access the delivery bay. The swept path analysis provided demonstrate how a 16.5m delivery vehicle could manoeuvre into the delivery bay and be capable of entering and existing the site on to the new estate road and adjoining public highway in forward gear.

Further to the above comments, it is the applicant's responsibility to ensure that the detailed design properly caters for the expected use, for example in terms of footway widths, crossing locations, parking bay dimensions and delivery arrangements. It is noted however that the size of parking spaces 44-55 are substandard in their length and could result in vehicle / pedestrian conflict as a result of parked vehicles over-hanging the adjacent pedestrian crossover.

### Parking

As stated above, the proposed car parking provision is not in accordance with the SPS. The optimum provision for A1 use in 'Zone B' (based on a 2,175 sqm GFA) would be 109 car parking spaces and 10 cycle parking spaces. It is noted that an amended parking layout has been provided reducing parking levels slightly to a total of 123 spaces however this still leaves car parking levels significantly above the optimum levels set out within the SPS. No explanation has been provided to justify this and we would therefore seek that this is addressed.

The scheme includes two electric vehicle charging bays and the amended layout now incorporates motorcycle parking equivalent to 6 spaces and the level of disabled parking has been increased to eight spaces, which is acceptable.

The provision of 12 cycle parking spaces is noted and is acceptable. Such parking should be safe, secure and weatherproof, there is limited information within the submission as to the design of these facilities to demonstrate that this will be the case however it is accepted that such details can be secured by an appropriate condition.

### Drainage

The proposal should ensure that no private surface water enters the public highway. Full details will be required of the highway drainage for the works on or affecting the public highway. This can be provided subsequent to the grant of any planning consent through a suitable condition.

Further to the above, it is noted that reference is made within the submitted Drainage Strategy report of a discharge option into a highway drain running along Nynehead Road. The Highway Authority is unable to accept any such connection from this development unless the landowner can prove that there is an existing right of discharge to this drain and can satisfy both the Local Planning Authority and the Lead Local Flood Authority in terms of off-site flood risk.

### Other matters

Local concerns forwarded by the LPA regarding the location of the proposed development and its access, suggesting that it would be better located off the Longforth Farm roundabout are noted. The Highway Authority however is obliged to consider the scheme as submitted and cannot offer a view on the merits of any alternative sites or access arrangements.

My attention has also been drawn to a proposal to develop a cycle route between Wellington and Taunton. It is understood that a feasibility study has now been undertaken for this proposal which envisages a cycle path along the north side of Taunton Road between Nynehead Road and Lillebonne Way to the west. The project leaders are seeking to secure a 4m wide strip along the site frontage with Taunton Road to help in facilitating this route. The applicant is encouraged to liaise with the LPA and project leaders with a view to securing this link.

### Conclusion

With the above comments in mind, the Highway Authority raises no objection to the principle of the proposed development.

Should the LPA be minded to approve the application it is recommended that a TRO requiring the extension of the 40 mph speed restriction along Nynehead Road and an appropriate Travel Plan be secured under a Section 106 agreement, and that the following conditions and advisory notes form part of any consent granted:

- No obstruction to visibility at the new access leading onto Nynehead Road
- No obstruction to visibility at the proposed foodstore access
- Details of the proposed access to be agreed prior to commencement
- New pedestrian and cycle arrangements to be in place before the development is brought into use
- Covered spaces for not less than 10 staff and visitors' bicycles to be provided before the development is brought into use
- Provision for the disposal of surface water to prevent discharge into the highway
- Parking and turning areas to be marked out in accordance with an approved scheme
- No development to commence until a construction environmental management plan is approved and the development carried out in accordance with the plan
- No development to commence until a Travel Plan is approved and implemented

Advisory notes to cover:

- Application for a Traffic Regulation Order
- Need for an appropriate legal agreement for any works within or adjacent to the highway.

*Additional comments following revisions to the Travel Plan, further information re car parking and a request from the applicant to change the requirement for the TRO to be in place prior to the use commencing instead of before the development commences:*

### Travel Plan

A revised Travel Plan has been submitted to this authority by the applicant which has been reviewed by our Travel Plan (TP) Team. Unfortunately a number of issues have been identified with the revised TP which still need addressing before it can be found to be acceptable. A copy of the TP Audit has been forwarded to the applicant so they are aware of these issues, in brief the key concerns can be

summarised as follows:

- The car parking threshold is still too high. Under a previous audit 116 spaces were accepted (which is already above the TP guidance threshold), a further increase to 123 spaces is not acceptable.
- Table 4.1 relating to targets set within the Travel Plan are inadequate and require further expansion and detail. A further breakdown in modal shift is required in order for this to be accepted.
- The developer's arguments regarding the safeguarding sum are not accepted. Our accepted method for calculating the safeguarding sum is set out within Appendix 12 of SCC's Travel Plan Guidance, when using this method the figure comes to £52,450. This sum should be secured through an appropriate S106 agreement.
- Details for the use of iOnTravel during the lifespan of the plan need to be expanded.
- Previous audit comments required staff lockers to be implemented within the plan. This has not changed.
- Dedicated motorcycle spaces have still not been allocated to the site. A compromise has been suggested to convert some of the oversubscribed car parking spaces to motorcycle ones.

Full Travel Plans should be secured via an S106 agreement, however should the developer wish to continue with a Unilateral Undertaking, SCC would require examples of other successful UU applications within SCC's catchment to explain why they were accepted. Whilst the lack of an acceptable TP is not a reason for the Highway Authority to recommend refusal of this application, the applicant should be reminded that a suitable TP will need to be agreed prior to any grant of planning permission so that it can be secured through an appropriate legal agreement.

#### Traffic Regulation Order (TRO)

The requirement for a TRO to extend the 40 mph speed limit a further 105 metres in a northerly direction along Nynehead Road was set out within the HA's previous comments. It was previously advised that the TRO should be in place prior to works on the development commencing however it has since been accepted that a more reasonable timing would be prior to first occupation, given how lengthy the TRO application process is. As TRO's fall under separate legislation to planning, this requirement will need to be secured through a S106 agreement.

#### Cycle path along Taunton Road

The need for a 4.0 metre wide strip of land to be made available for the purpose of a new strategic cycle route connecting Taunton to Wellington was raised within the HA's earlier comments. Following our meeting last week however it became apparent that there are several options available for this section of the cycle route, with the north side of Taunton Road, i.e. that which includes site frontage, being the least practical option. Whilst the exact layout of this stretch of the cycle route has yet to be determined, given the alternative more favourable routing option to the south side of the road it is difficult to insist that a 4.0 metre strip be retained for this purpose as part of the current proposal.

Putting aside the matter of the strategic cycle route, the proposed scheme includes pedestrian and cycle links within the Taunton Road frontage. A number of issues have been identified with these arrangements through a Road Safety Audit, which

will need to be addressed at detailed approval stage, however, these matters should not hold up the determination of this application:

- All shared pedestrian/cycle routes should be a minimum of 3m wide with either a 1m grass separation strip between the route and the edge of the carriageway or an additional 0.5m hard margin where it is adjacent to the carriageway.
- Footways should be a minimum of 2m wide in accordance with the requirements of the DfT's Inclusive Mobility.
- The Transport Assessment states that the secondary access to the south will connect into the existing shared route, however, at this point just beyond the bus stop, cyclists are on-carriageway and there is only a footway.
- The existing infrastructure should be amended to allow cyclists to leave the carriageway just beyond the bus stop and join a shared route allowing access into the new development. This should be extended to tie into the existing shared route further south east near the roundabout.

### Conclusion

Other than the matters addressed above, the Highway Authority's original response remains valid in all other respects. With this in mind, the Highway Authority raises no objection to the principle of the proposed development. Should the LPA be minded to approve the application it is recommended that a Traffic Regulation Order requiring the extension of the 40 mph speed restriction along Nynehead Road and an appropriate Travel Plan be secured under a Section 106 agreement, and that the previously advised conditions and advisory notes form part of any consent granted.

### *Final comments from the Highway Authority -*

Following my comments of 06/05/2021, the applicant has approached the HA directly querying a number of matters included within my previous recommendations to which I provide an updated response as follows:

### Travel Plan

The applicant has queried the need for an up-front legal agreement to secure the necessary Travel Plan, arguing that this could be achieved instead by condition. You will already have seen that I have responded separately to the applicant setting out why the HA cannot agree to this in this instance, which, put succinctly, is due to the nature of the obligations included within the travel Plan, and in particular the financial obligations. On this matter my recommendation remains unchanged to the effect that a suitable Travel Plan needs to be secured through appropriate legal agreement.

With this in mind, it has been brought to my attention that the proposed condition for the Travel Plan amounts to a duplication and it is agreed that this condition is not necessary on the basis that it will be secured through a legal agreement. My recommendation can therefore be amended to omit the Travel Plan conditions but remains subject to a suitable Travel Plan being secured by an appropriate legal agreement prior to planning permission being granted.

### Traffic Regulation Order

My previous recommendation included a requirement for the applicant to seek a TRO to extend the speed limit along Nynehead Road in order to make the proposed access arrangements acceptable in terms of visibility splays. This

requirement is unchanged however it has been agreed that this could be secured under a later s278 application (which will be necessary to secure the access and other off-site works) rather than an up-front s106 agreement. It has been agreed that a reasonable point for when the TRO needs to come into force can be prior to occupation as opposed to prior to commencement. With these comments in mind I would ask that the recommended informative relating to the TRO be amended to reflect this revision.

Other than the matters addressed above, the HA's previous response remains valid in all other respects. Should the LPA be minded to approve the application the HA would see that an appropriate Travel Plan be secured through a suitable legal agreement prior to planning permission be granted.

**ENVIRONMENT AGENCY** - I have checked our records and we have assessed the above application and can confirm that we have no comments to make as this consultation did not fall within a category to which we required a consultation on.

**ENVIRONMENTAL HEALTH** - A noise assessment and some additional information has been provided with the application:

- Noise Impact Assessment, New Food Store, Lidl, Longforth Farm, Wellington Ref 8351/SL. Acoustic Consultants Ltd July 2020
- Lidl, Longforth Farm, Wellington – Changes in Road Traffic. Acoustic Consultants Ltd. 20<sup>th</sup> January 2021

#### Plant Noise

The Noise Impact Assessment looks into the possible impact of noise from the plant that would be located at the store. It uses the data on noise levels of the proposed equipment and then uses modelling to predict the sound level of the plant in the surrounding area. The report found that the predicted levels would be 23 dB  $L_{AeqT}$  at the boundary of the caravan club, and 18dB  $L_{AeqT}$  at the nearest dwelling to the south. The assessment applies relevant ratings and compares these levels to the measured background level using British Standard BS4142:2014. It estimated that the rated level from the plant would be 2dB below the background levels at the worst-case receptor (the caravan club) at night and even lower during the day and at the nearest houses. It concluded that the plan noise will have a low impact on noise-sensitive receivers in the area.

#### Traffic noise.

The information provided by the applicant gives levels of traffic on the adjacent roads with and without the development of the supermarket. It shows that the biggest change in traffic levels will be on the Nynehead Road. An estimate is made of the change in noise levels from traffic that would be caused by the increase in traffic and the highest predicted increase would be an increase in traffic of 87% at Nynehead Road in the afternoons resulting in an increase in noise levels of 2.7dB. Taunton Road shows a 1.9dB increase in the mornings and increases in other roads are much lower. The report concludes that this will result in a negligible impact based on current guidelines.

#### Hours of use

Some additional information has been provided which states that:

'The proposed opening hours are 07:00 to 22:00 Monday to Saturday and 10:00 to 18:00 on Sundays. No restrictions are sought on delivery hours. Likewise no

restrictions are sought on when the store can be open to employees only i.e. cleaning staff and Lidl employees stacking the shelves while the store is closed to the General Public. To clarify the only restriction we believe are necessary are in relation to trading hours'.

#### Comment

The Noise Impact Assessment is a good assessment of the potential plant noise. I note that the plant is to be located at the northern side of the store, furthest from any noise sensitive properties. I can accept the conclusion that the noise levels from the plant would have a low impact on any nearby premises.

The estimates of traffic noise are based on predicted traffic levels. The predicted increase in noise levels are based on the fact that a doubling of a noise source will lead to a 3dB increase in noise (although with traffic this is not a precise calculation due to so many variables). Taunton Road and the B3187 are both busy roads and so the increase will be less noticeable than on Nynehead Road. Torres Vedras Drive, which is a residential road, will be barely affected by the increase in traffic (although some of the houses in the residential development are closer to the main road). In general acoustic terms an increase of less than 3dB is not normally noticeable, hence the conclusion that the increase in traffic will have a negligible effect. The store will result in an increase in traffic, but I can accept the consultant's conclusion that the impact will be low.

The applicant has provided information saying that they do not propose to have a restriction on the hours of delivery at the store. They have not provided an assessment of the potential noise from deliveries so it is not possible to make an objective comment on this. However, I note that the loading bay is located at the north side of the store, furthest from any residential properties on the south side of Taunton Road, and is partly shielded by the store itself. It is also about 100m from the caravan site on Nynehead Road. There are other supermarkets in the area that are closer to residential premises with night-time deliveries and these have been able to operate without causing unreasonable disturbance to neighbours. Therefore, while it is possible that there may be some noise from deliveries at night, the store should be able to put measures in place to minimise any disturbance.

**LANDSCAPE** - No objection subject to a condition to ensure replacement planting within the parking area should any of the trees within the easement area not be able to be planted.

*Further comments following Historic England's comments* - Following up from comments made by Historic England regarding the impact on the Registered Park and Garden (RPG), I recommend that, to properly assess the impact of the proposed development on the RPG, the application should include an assessment of effect on views from the viewpoints shown on the map below. Viewpoints 1 to 6 are all located on the public right of way or public highway and easily accessible and have been checked by myself. I also think it is necessary to assess a view from the terrace to the south side of Nynehead Court, viewpoint 7. Unfortunately, access to this area is not public and will require permission from the Nursing Home.

*Additional comments to the revised landscaping scheme revision L*

- I have looked at the proposed Landscape Design and Specification, revision L.

The information provided on the additional hedge planting is acceptable.

However, I would expect to see information on how the hedge will be managed in the long term. Once the hedge is established, there would be an expectation for it to form an effective visual screen, to a minimum height of 1.5m. I recommend that this is achieved by trimming the top of the hedge to a height of 1.5 – 1.8m once per year as a minimum.

I also recommend that landscape management proposals are also provided for the hedge around the car park. I have checked through the file but cannot see any information on this. If I have missed this do please forgive me. If this has not been provided, I would recommend that this hedge is trimmed a minimum of three times per year (outside of bird nesting season). With the aim for the hedge to be a minimum of 1.5m in height.

*Additional comments following submission of Heritage Addendum -*

Thank you for consulting me on the Heritage Addendum that has been provided to address Historic England's concerns and the impact of the proposed development on the Nynehead Court Registered Park and Garden (RPG).

The Heritage Statement and Addendum have provided useful, further understanding as to the significance of the RPG. The source of this understanding being:

- Historic England's listing entry which provides a useful summary of the historic development of Nynehead court;
- historic mapping which includes the 1839 Nynehead Tithe map, 1888, 1903, 1957, 1969 and 1988 Ordnance Survey Maps; and
- analysis of land ownership the revealed in the Tithe map apportionment.

The listing entry gives useful evidence as to the creation of the south drive and the construction of the new bridge over the River Tone. It also describes how changes to the layout of the estate, in particular the creation of the parterre to the south of the house and the alteration of the south drive coincided with the construction of the railway in 1844. The historic map regression would seem to support these changes.

The information provided goes some way at helping to understand the significance of the RPG and the impact of the proposed development on the (RPG), much of which I agree with, particularly that:

- the designed landscape is focused on the house and contained by the Long Cops to the south east of the house which blocks views out to the south east in the direction of the site and focuses views out towards the bridge over the River Tone and the Wellington Monument on the Blackdown Hills.
- The Tithe map and apportionment show that the land south of the river was, in part, agricultural land of fields and hedges rather parkland / designed landscape.

However, although I appreciate that:

- the focus of the designed landscape lies around the house;
- that changes have taken place to the layout of the south drive which have eroded the importance of the south drive approach;
- that much change came about as a result of the canal and railway and an industrialisation of the park; and
- that the peripheral part of the estate in the southeast corner was farmland rather than wood pasture,

I do not agree with the downplaying made in the Heritage Addendum that the south east quarter of the RPG, that lies closest to the proposals site, seems to lack significance. In my mind, the presence of the south drive and the major historic approach to the estate in this corner counters this and makes it a significant part of the Nynehead Court designed landscape that should be given high regard.

With regard to the Heritage Addendum conclusions, I am happy with some of the points made but not all. My comments relating to the conclusion are set out in the table below:

<b>Conclusions presented by the built heritage statement and addendum</b>	<b>My comments</b>
The Site forms a peripheral and largely unappreciable element of the setting of the Nynehead Court RPG	I do not fully agree with this statement. In my opinion, the site is close to the former entrance to the estate. This may be at the edge of the estate, however the carriage driveway forms a significant part of the infrastructure and the presence of the drive is signposted by the gate piers.
The Site was historically part of the wider landholding (though tenanted and operated separately) before being sold in the 20th century as part of a wider subdivision of the entire estate	Happy to accept this.
The proposed development will not be visible from within the majority of the RPG, including the key views and parkland, or from Nynehead Court	I think that it would be helpful if this was demonstrated in the form of assessed viewpoints - from the viewpoints previously recommended. I'm concerned that the site maybe "theoretically" visible from parts of the RPG and could be actually visible if there is tree loss and when the leaves are off the trees. I think that from the designed landscape immediately around Nynehead Court the site will be screened by Long Cops and so not visible and as a consequence an assessment of the views from here will not be necessary. However outside of Long Cops the site may be theoretically visible and from the parts of the RPG in close proximity to the site the site will be visible. I am also satisfied that as a consequence of the site elevation, topography, intervening existing vegetation and the fact that the presence of the bridge and Wellington Monument focus views out from the site towards the Blackdown Hills, mean that the proposed development will not be visible from key views.
The proposed development will not alter the character of the RPG, or its setting which is now a mixture of arable land, commercial and residential	I am concerned that the site entrance of the proposed development will, albeit in a small way, alter the character Nynehead Road and the and the setting of former entrance of the Nynehead Court RPG. I appreciate that the entrance is no

development	<p>longer in use and in separate ownership but that the gate piers are part of the heritage story and regard should be given to conserving and enhancing their setting.</p> <p>I am minded that the site is allocated as an employment site and the baseline is therefore one where the presence of big sheds should be expected. However, in considering the planning application there would be an expectation that harm would be minimised, and, in this instance, I question why the site access is being taken off Nynehead Road.</p>
The proposed development will have no impact on the significance of the Nynehead Court RPG, or any listed buildings contained within it	The proposed development will have negligible impact on the significance of the Nynehead Court RPG, I will leave the listed buildings to the Conservation Officer.
This Addendum and the Built Heritage Statement clearly meet the requirements of paragraph 194 of the NPPF and provide sufficient information in relation to the heritage significance of the surrounding heritage assets to allow the local planning authority to make an informed judgment regarding the heritage impacts of this application	Agree

**Conclusion and recommendations**

The proposals site lies outside the Nynehead Court RPG and the proposed development will have no direct impact on it, however:

- The proposals site lies in close proximity to the former south drive approach and entrance to the Nynehead Court estate. Although the south drive has been eroded away, the gate piers remain, and a sense of the historic entrance to Nynehead Court remains strong and provides a valued heritage asset that should be conserved and enhanced. I am concerned that the proposed development accesses the site from Nynehead Road in close proximity to the Nynehead court former entrance and that the urbanising character of the entrance to the proposed development will erode the rural historic character of Nynehead Road and have an adverse effect on the quality on the RPG heritage asset.
- Having said that, I am minded that the site is allocated as an employment site in the local plan and the baseline is therefore one where the presence of big sheds and hard standing and urbanising characteristics should be expected and that the proposed development will be little different in terms of its character than other employment uses. However, in considering the planning application, there would be an expectation that harm would be minimised, and, in this instance, I question why the site is being access from Nynehead Road. It would be preferable in historic landscape terms if the site entrance was repositioned so that it had less direct relationship with former Nynehead Court entrance. However, I appreciate that there may be good

highways reasons why access from Nynehead Road is desirable and I note that traffic priority will be altered so that traffic has priority into the employment site and that Nynehead Road will then be a side road off this. This will help to mitigate the harm, however as well as this, I would recommend that in addition to the boundary hedge planting that oak trees are planted at 10m centres along the boundary with Nynehead Road to help to reinforce the sense of the approach to Nynehead Court forming an echo of the recent planting along the carriage drive within the RPG.

- Although designed views out from the pleasure garden and parkland around the house are restricted by the presence of Long Cops which screen the site from view and focus views out towards the Wellington Monument on the Blackdown Hills to the south west, the site will theoretically be visible from other parts of the designated the RPG and I recommend that an assessment is made of the impact of the development on viewpoints previously proposed. Having said that I see no point in assessing the views from the pleasure garden and parkland around the house. I anticipate that the site will largely be hidden from view by existing planting however I think the applicant should demonstrate this and provide additional planting if necessary to bulk up the existing.

*Further comments following the submission of a Heritage Views Assessment:*

Review of the submitted Heritage Views Assessment in terms of landscape.

### **Summary and recommendations**

- In terms of landscape, it is recommended that Heritage Views Assessment is amended to indicate the position and extent of the proposals site in the views. This is to help others who may scrutinise the evidence to have a clearer understanding.
- Otherwise, subject to the amendment of the landscape proposals to show oak trees at 10m centres along the boundary with Nynehead Road, it is considered that the impact of the proposed development on the RPG will be negligible.
- If these recommendations are followed, there would be no landscape objection to the proposed development.

### **Justification**

The position and extent of the proposals site is not annotated in the viewpoint images. It is noted that the accompanying text describes what is seen in the photographs and explains that, in most cases, there is vegetation in the way and the proposal site will not be seen. I am in no doubt of this, however, if the position of the site could be shown on the photographs, I think this would help others who may scrutinise the evidence to have a clearer understanding and better appreciation that the situation. For the purpose of complete clarity, it is recommended that Heritage Views Assessment is amended to indicate the position and extent of the proposals site in the views. This should be done with arrows and such like and labelled as "extent of proposals site".

The Heritage Views Assessment has confirmed that the proposed development will not be visible from key views out from Nynehead Court Registered Park and Garden (RPG), however it does show that the proposed development will be visible

from the parts of the RPG that are close to the site – these being from viewpoints 4 and 5. With regard to the implications of this, it is noted that: a) the proposals include on site tree planting along the northern boundary of the site and b) the site is only once parcel within the employment allocation, and that screening will also be provided by other development between the proposals site and the RPG, both in the form of buildings and landscaping, and as a consequence, the proposed development will be adequately screened without the need for further planting.

Viewpoint 6 confirms that the proposed development (which includes the new site access and proposed landscaping) would be visible in the same view of the entrance to the former Nynehead Court south drive approach flanked by gate piers which forms the edge of the RPG. Whereas the presence of the proposed development would not diminish the ability to experience and appreciate the former entrance, it would place modern built development alongside the heritage asset and, in a small way, erode the quality of its setting. As stated in the previous report that reviewed the Heritage Addendum, it is noted that the proposed changes to the highway priority on Nynehead Road will help to minimise the effect, however I recommend that oak trees planted at 10m centres should be included in the hedge that is shown along the boundary with Nynehead Road. This is to help to reinforce a sense of the approach to Nynehead Court and forming an echo of the recent planting along the carriage drive within the RPG.

*Final comments following an amendment to the Heritage Visual Assessment as request by the landscape officer -*

I am happy with the revision to the visual assessment.

**WESSEX WATER** - No comments received.

**ECONOMIC DEVELOPMENT** - The site subject to this application is located on employment land which was originally notionally being earmarked for local indigenous business expansion. The area of the site that Lidl intend to occupy is a relatively small piece of the overall employment land area, and therefore should not significantly inhibit the possibility of other business growth in this area.

The location of a supermarket would create a small number of jobs which is positive. However, some of these may be displacement of others in the town and the majority of roles are likely to be relatively low skilled.

Therefore from the Economic Development perspective, there is no objection to the application.

*Additional comments in response to the objection to the loss of employment land:*

Whilst the wider 11 hectare employment site is allocated in the Development Plan Document for general industrial, storage and distribution to assist with the relocation of the two biggest employers in Wellington, the adopted Core Strategy is over 8 years old. In the intervening years this employment site has not progresses. The application for Lidl is only 2 hectares of the total 11 hectares.

Somerset West and Taunton have provided support to both of these companies

which have been affected by the Covid19 impact on their businesses which has caused them to focus more on stabilising their operations in the near term, although indications are that they could return to growth in the next year or two. It must be said that these are two major strategic employers for the small town of Wellington and it is important that the Council provides any support it can with regard to their ongoing survival in these difficult to determine trading circumstances which Covid currently presents, but both companies have ambitions to grow as the economy picks up again.

Both companies are aware of the Lidl application and the indication is that these companies will be determining their plans for growth but not in the current climate for the next year or so. The immediate concerns are focusing on their existing site and operations in the near future and investing in their existing sites for the time being, as any relocation would require additional financial investment which is not their current priority. Furthermore, with the development of the railway and housing around Wellington, they cannot determine what the future options might look like which will be factors for consideration in any future relocation..

An additional option for either Relyon and Swallowfield could be the 8.67 hectare Strategic Employment Site near J26 allocated for a single strategic user.

The Council has begun the process of producing a new Local Plan 2040, which includes reviewing its employment land requirements. No response was received from Relyon or Swallowfield to the Issues & Options Consultation (Jan-March 2020).

*Officer update - The Council had begun the process of preparing a new local plan and that evidence from the Issues and Options consultation will support a new unitary plan in light of Local Government Reorganisation*

**WESTERN POWER DISTRIBUTION** - No comments received.

**POLICE ARCHITECTURAL LIAISON OFFICER** - Designing Out Crime Officers (DOCO) working in partnership have a responsibility for Crime Prevention through Environmental Design projects within the Somerset West & Taunton District Council area. As a Police Service we offer advice and guidance on how the built environment can influence crime and disorder to create safer communities addressing the potential of the fear of crime and anti-social behaviour.

Sections 2, 8, 9 & 12 of the National Planning Policy Framework January 2019 refer to the importance of considering crime and disorder at the planning stage. Paragraph 127(f) states:-

“Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience”.

Guidance is given considering ‘Crime Prevention through Environmental Design’, ‘Secured by Design’ principles and ‘Safer Places Lite’.

Comments:

- Crime Statistics – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/10//2019 - 30/09/2020 is as follows:-

Arson and Criminal Damage – 1 Offence

Public Order Offences – 2

Violence Against the Person - 11

Total – 14 Offences

ASB reports for the same area and period total 11

These are classed as low levels of reported crime and ASB.

- Design & Access Statement – the DAS provides no information regarding any proposed crime prevention measures to be implemented.
- Boundary Treatment/Perimeter Security – the proposed boundary treatments are appropriate for the crime risk i.e. 1.1 metre railings to the front, 2 metre Paladin fencing to the rear and 3 metre Paladin fencing and double gates enclosing the plant/storage area. All these boundary treatments are aesthetic in appearance, of substantial construction, difficult to climb or cut and allow visibility through them so assisting passing surveillance of the store.
- Entrance/Vehicle Parking - I support the installation of two manual rising barriers at the vehicle entrance which should help deter gatherings of 'boy racers' and other forms of ASB outside normal store opening hours. Customer parking spaces are in straight rows to the front of the store which assists natural surveillance.
- Cycle/2 Wheel Parking – covered cycle stands should be provided near the store entrance in an area with good surveillance from the store. There does not appear to be any designated parking for motor cycles or other forms of transport.
- External Lighting – is to be provided which should illuminate main entrance, other access doors to the side and rear, car park and building elevations.
- Landscaping/Planting – is to be provided around the perimeter of the store and, in areas where visibility is important to assist natural surveillance, plants should be selected which have a maximum growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. Defensive planting (thorny shrubs) could be used in appropriate areas to deter trespassers.
- Building Shell Construction – the building is of a regular, rectangular design with clear sight lines around it and no deep recessed areas, which could be potential areas of concealment for the criminal.
- Roof Construction – the roof incorporates a large solar PV array so anticlimb guards should be fitted to downpipes. Any other potential climbing aids should also be designed out.
- External Doorsets – I recommend that all external doorsets be tested to PAS 24:2016 security standard or equivalent as a minimum.
- Windows/Glazed Walling – the design incorporates large areas of glazing, particularly at the front of the store, and all external and any easily accessible windows should also be tested to PAS 24:2016 security standard or equivalent as a minimum.
- Access Control – a suitable form of electronic access control i.e. proximity fob, swipe card or similar system should be installed for use by management/employees.
- Intruder Alarm – a suitably designed, fit for purpose, monitored intruder alarm system should be installed. Consideration should be given to the system incorporating panic buttons for use by staff.
- CCTV – a suitably designed, fit for purpose cctv system should also be installed to monitor appropriate areas including main entrance, tills, stockroom and car park.
- Secured by Design (SBD) – if planning permission is granted, the applicant is advised to consult the additional comprehensive guidance available in the police approved 'SBD Commercial 2015' design guide available on the SBD website.

**CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE** - No comments received.

**HISTORIC ENGLAND** - The proposed development comprises a Class A1 foodstore with associated parking on land to the south, and in close proximity to, the complex of designated heritage assets at Nynehead Court. Historic England notes that the application was originally submitted in August 2020 and that only after your authority's own Heritage Officer drew attention to the potential impacts on those designated heritage assets was a built heritage assessment submitted dated June 2021.

#### Significance of Designated Heritage Assets

The special historic interest of the landscape at Nynehead Court (NHLE 1000528) is recognised by its registration at Grade II\*. The registered park and garden is of particular significance because of the extensive surviving early 19th century landscape laid out in the Picturesque style by William Ayshford Sandford, and includes further 19th century developments.

The design makes use of the rolling topography and surrounding geographical features in providing a sequence of interesting and attractive ornamental features, scenes and views. Vistas, both from the principal building (Grade II\* listed country house; NHLE 1307540) and from various parts of the landscape are framed and directed to the setting beyond, along the Blackdown Hills, particularly to the hill on which the Wellington Monument (also a Grade II\* listed building, NHLE 1060281) stands. These views are appreciated from the former principal carriage drive, now a public right of way, that runs to the west and south of the main house. Neither the various iterations of the Landscape and Visual Impact Assessment (LVIA) nor the recently submitted Built Heritage Assessment currently consider the significance of Nynehead Court's mid 19th century Picturesque designed landscape in the context of the importance of views experienced when travelling through the grounds.

#### Impact of Proposed Development

The proposed development site lies within the setting of and a short distance to the south of Nynehead Court and the Grade II listed stone piers that mark the entrance to the south drive. The land was once under the same ownership and this spatial and historic relationship between Nynehead Court and the site indicates that its development has potential to impact on the significance of its associated designated heritage assets. Were the proposed development to intrude into the experience of Nynehead Court gained through the views described above in which the designed landscape can best be appreciated, this would have potential to cause harm to the significance of its heritage assets. Since this aspect of significance has not been fully assessed, the potential impact of the proposed foodstore has also not been fully assessed in this regard.

#### Planning Policy Context

Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets by the Government's recently revised National Planning Policy Framework (NPPF 2021).

As identified above, harm may arise from the intrusion of the development into historic views that contribute to the significance of Nynehead Court. Your authority should therefore consider whether you have sufficient information to assess

whether such impacts exist and if so whether they can be avoided or minimised in the interest of the heritage assets' conservation [NPPF 195].

Historic England is not convinced that all aspects of that significance relevant to the proposed development site have been adequately assessed in accordance with the requirements of the NPPF [NPPF 194]. Such assessment may demonstrate that the proposed development would not be visible when travelling through the grounds or from key locations within which the designed use of the surrounding topography can best be appreciated. However, this information is necessary in order to enable your authority to make your determination in line with the policies of the NPPF.

In due course, your authority should ensure that in making your determination you have given great weight to the conservation of the designated heritage assets at Nynehead Court [NPPF 199], as appropriate for assets considered to be an irreplaceable resource [NPPF 189] and of the highest significance under the policies of the NPPF [NPPF 200b]. If you consider that there is evidence to suggest that the proposed development will cause harm to the significance these assets derive from their settings, you should ensure that clear and convincing justification has been provided [NPPF 200].

#### Historic England's Position

Historic England considers from our familiarity with Nynehead Court that it is possible that the proposed development may not be visible within the views described above which make a particular contribution to the significance of the designed landscape. Consequently it is possible that the proposals will not harm this aspect of the experience of Nynehead Court or its special historic interest. However, we consider that your authority will need to ensure you are satisfied in this regard with provision of any additional information as necessary, and/or as guided by the advice of your own conservation advisers.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. Those concerns relate to whether the impact of the proposed development on the significance of the designated heritage assets potentially affected has been satisfactorily assessed in the submitted documentation. The aspect of significance with which we are primarily concerned is the experience of the designed sequence of ornamental features, scenes and views which is gained from particular locations and when moving around the estate.

Your authority should ensure you are satisfied that the potential impacts on this aspect of Nynehead Court's significance have been sufficiently addressed prior to making your determination, guided by the advice of your conservation, archaeological and placemaking specialists.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 195, 199 and 200 of the NPPF.

#### *Further comments received following submission of the heritage addendum -*

Historic England was first consulted in September 2021 and advised that we had concerns relating to whether the impact of the proposed development on the

significance of the designated heritage assets potentially affected at Nynehead Court had been satisfactorily assessed in the submitted documentation. The aspect of significance with which we were primarily concerned was the experience of the designed sequence of ornamental features, scenes and views which is gained from particular locations and when moving around the estate.

### *Impact of Proposed Development*

An addendum to the Heritage Assessment has now been submitted responding to the comments of your authority's own Heritage Officer and Historic England's initial advice regarding the additional assessment needed to address the requirements of the National Planning Policy Framework (NPPF). We note however that the advice of your authority's Landscape Officer requesting a specific series of viewpoints from identified locations has, disappointingly, not been referred to or responded to in this document.

The Addendum concludes that *"the proposed development would not be visible from within the vast majority of the Nynehead Court RPG due to the strength of planting. It would not be visible from the southern approach, the former principal approach to Nynehead Court, and would have no impact on the designed view to the Wellington Monument, with the Site sitting on lower ground, beyond dense intervening planting and well to the east of this view."* No visualisations have been provided to evidence the text based assessment bar a small number of photographs at the end of the report taken from the site and close to it.

### *Planning Policy Context*

Harm may arise from the intrusion of the development into historic views that contribute to the significance of Nynehead Court. Your authority should therefore consider whether you have sufficient information to assess whether such impacts exist and if so whether they can be avoided or minimised in the interest of the heritage assets' conservation [NPPF 195].

Your authority should ensure that in making your determination you have given great weight to the conservation of the designated heritage assets at Nynehead Court [NPPF 199], as appropriate for assets considered to be an irreplaceable resource [NPPF 189] of the highest significance under the policies of the NPPF [NPPF 200b]. If you consider that there is evidence to suggest that the proposed development will cause harm to the significance these assets derive from their settings, you should ensure that clear and convincing justification has been provided [NPPF 200].

### *Historic England's Position*

The additional information submitted has concluded that the aspects of significance with which we were principally concerned would not be harmed by the proposed development. However, only a limited number of additional photographs were submitted to demonstrate the lack of impact and none from higher ground illustrating longer and wider views across the registered landscape. We therefore consider that your authority will need to ensure you are satisfied in relation to the extent of the additional information submitted, as guided by the advice of your own heritage and landscape specialists following their site visit.

In view of the additional information submitted, we therefore recommend that your authority consult your heritage and landscape officers and ensure you are satisfied on the basis of your own site visit that the potential impacts on this aspect of Nynehead Court's significance have been sufficiently and accurately assessed. We further recommend that you ensure, with their advice, that you are confident that the scheme will not result in any harm that could be avoided or minimised prior to making your determination to address the requirements of paragraphs 194, 195, 199 and 200 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

**COUNCIL'S HERITAGE ADVISOR** - Nynehead Court grade II\* and Nynehead Park grade II\* lie to the north of the Longforth Wellington allocation for employment land. The gate piers to the house and park are independently grade II listed and are in closest proximity to the site. Although the proposed store would be built on a green field allocated site, the design statement has not assessed or provided any information on any impact on setting of the designated heritage assets.

Given the proximity, it is likely that any impact can be ameliorated by careful consideration of the landscaping between the site and the assets. The current approach to the gate piers is by a road with a hedge line along the road. If this is to be altered through provision of visibility splays then the softer green approach should be maintained in the new scheme. Consideration should also be given to lighting and position of any new road signs so as not to adversely impact on the setting.

*Further comments June 21:*

*NPPF 189 - 'In determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of details should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environmental record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets within archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.*

Nynehead Court is grade II\*

Nynehead Gardens grade II\*

Nynehead gate piers grade II

Within Nynehead there are higher grade buildings such as the Church.

When I visited the site on 18.3.21 I also visited Nynehead Court and could see

nothing of the site from there nor from the village – I also consulted the Historic Environment Record myself.

There was nothing in the application to say the applicant had considered heritage assets in their submission. The site itself doesn't include heritage assets in itself. I would advise that the applicants produce a heritage assessment including an impact assessment to show how their development and landscaping impacts on the heritage assets. I can then review their findings along with the landscaping scheme to consider the impact.

*Further comments received following submission of a heritage statement* - I do not consider there is sufficient information in the heritage statement prepared to determine the impact on the heritage assets in accordance with NPPF 194 particularly as Nynehead Court and gardens are both designated grade II\* assets.

The registered park and garden is of some size and as a designed landscape would normally have views out from the park to topography or key features and there may be key views of the park from other areas. The heritage statement should demonstrate an understanding of the significance of the designed landscape and its relationship to Nynehead court and its key views. It doesn't relate anything of how the garden developed or could be understood. Wellington monument was commenced in 1817 and the park was redeveloped in the early 19th century and there may be connecting views towards it; there are potentially important views from key features within the garden that may have an impact on development outside it.

Following receipt of further information the impact of the proposed development could then be better understood on the designated assets.

I concur with Historic England that

“Since this aspect of significance has not been fully assessed, the potential impact of the proposed food store has also not be fully assessed in this regard.”

The further information should include an historic map analysis, consult the Historic Environment record, a plan of the garden demonstrating key features and an analysis of key views into the asset and out of the asset. The assessment should be in accordance with Historic England guidance GPA 3 should also refer to how the asset will be experienced. Nynehead Court, Nynehead registered park and garden and the gate piers are the key assets that may be affected by the proposal however the statement should also consider whether other assets are affected to say a 1km radius of the site. The information provided to date is mainly textual and photographic views and maps would help support the statement.

The list description for Nynehead park and garden refers to: Tithe map for Nynehead parish, 1839 (M5301/1), (Somerset Record Office) which should be included within the document.

I agree with the comments made by Historic England 6 October 2021. When this information has been received I would recommend Historic England and the Gardens Trust are re-consulted.

*Further comments received following submission of a Heritage addendum* -

I agree with the comments of the landscape officer 16/11/21. I agree that the

Heritage statement and subsequent addendum and maps has provided useful information in understanding the heritage assets in accordance with NPPF 194. It has however not included some key views.

Addendum Item 19 refers to the site and that it does not play a part in any planned views.

Landscape officer: "However, although I appreciate that:

- the focus of the designed landscape lies around the house;
- that changes have taken place to the layout of the south drive which have eroded the importance of the south drive approach;
- that much change came about as a result of the canal and railway and an industrialisation of the park; and
- that the peripheral part of the estate in the southeast corner was farmland rather than wood pasture,

I do not agree with the downplaying made in the Heritage Addendum that the south east quarter of the RPG, that lies closest to the proposals site, seems to lack significance.. In my mind, the presence of the south drive and the major historic approach to the estate in this corner counters this and makes it a significant part of the Nynehead Court designed landscape that should be given high regard." and walls linking aqueduct and railway bridge

Addendum item 20 Key views should also include the gate piers to the south drive. Although pictures have been provided of these assets a key view of the site from the canal lift and towards the gate piers should be included to assess the impact and to help consider any necessary landscape treatment towards these views. I do not consider that the site will be visible from the close environs of Nynehead court or the church.

With regard to the landscape officers comments, the built form of heritage assets and the importance of the south carriage drive now used by the lodge, I would agree with his conclusions and would question whether the entrance could be relocated away from the Nynehead Road and the south drive entrance. The allocated site does, however, allow for employment units and they would need to be accessed and if this is not possible the hedge along Nynehead Road should be an upgraded strong boundary hedge.

Item 23. I would agree that the significance and setting of the canal and railway structures differs from the historic south drive entrance to Nynehead court. Although views of the site are possible from the canal lift, though more long reaching, suitable landscaping along the western boundary of the site would help soften its impact but overall may not be harmful to the canal lift.

#### Conclusions

- I consider the proposals will have an impact on the south drive entrance and gate piers through urbanising the character and approach along Nynehead Road. As such this may be minimised by relocating the entrance. I am mindful that this is an allocated site and that the relocation of the access may not be possible and this is an allocated site. If this is the case strengthening the hedge along this boundary will help soften the approach.
- Consideration should be given to the western side of the proposed site to

soften views from the canal lift.

- The additional information requested to include proposed viewpoints should be amended to include a viewpoint of the south drive/gate piers entrance along Nynehead Road.
- I do not consider that there will be an adverse impact on the Nynehead Court building or church.
- The impact on the registered park and garden is discussed by the landscape officer.
- The heritage statement should assess assets up to a 1km radius rather than a selected list of assets but should also include mention of the lodge at Nynehead.

*Final comments following the submission of an amendment to the Heritage Views Assessment requested by the Landscape*

Further to my previous consultation in heritage terms, the amendments to the Heritage Views Assessment and additional viewpoints are acceptable in accordance with NPPF 194 and demonstrate they have considered the significance and viewpoints at Nynehead Court and the registered park and garden.

The Heritage Views Assessment has confirmed that the proposed development will not be visible from key views out from Nynehead Court and Registered Park and Garden which concurs with my own site visit.

It is recognised that viewpoints 4 and 5 show the development will be viewable from closer areas in the registered park and garden and it is noted there is proposed on site tree planting along the northern boundary; the site is only one parcel of land in the allocation and there will be other forms of development between it and it is considered with the landscaping there will be adequate screening between the site and Nynehead Court assets and the registered park and garden (NPPF 195).

Viewpoint 6 confirms that the proposed development (which includes the new site access and proposed landscaping) would be visible in the same view of the entrance to the former Nynehead Court south drive approach flanked by gate piers which forms the edge of the Registered Park and Garden. The new development will minimally erode some of the setting to the gate piers and entrance to the park and garden through siting modern development along the road however the changes to the highway priority will minimise the impact and the proposed landscaping scheme will see new oak trees planted at 10m centres with new hedge will reinforcing the green approach to the drive and piers. The new development would not diminish the ability to experience and appreciate the former entrance or registered park and garden

I have no further comments to make and consider that the landscaping scheme has addressed the significance, viewpoints and setting of the heritage assets at Nynehead Court.

**Policy**

**GARDENS TRUST** - We were pleased to see that the application documents include a Heritage Statement that considers the impact on the historic setting of features within Nynehead Court and especially the entrance drive gate piers. Whilst we are not entirely enthusiastic about the application from a wider landscape point of view, the replacement roadside hedgerow, if trees are added, would be sufficient to address any concerns regarding the impact on the gate piers. We would urge your officers to suggest the applicant plants oak trees within the hedgerow at 10m spacings.

*Further comments received following submission of Heritage addendum* - We would like to reiterate our earlier comments that we would urge your officers to suggest the applicant plants oak trees within the hedgerow at 10m spacings. At this stage in the scheme changing the landscaping scheme slightly should not present any problem.

## **ACTIVE TRAVEL OFFICER -**

### **Travel Plan**

*Re: 1.9 The main objective of this Travel Plan is to seek to minimise the number of single occupancy staff car journeys made to and from the site, to promote travel by sustainable modes of transport, and to manage the overall transport impacts of the site.*

- To minimise single occupancy car journeys made to and from the site, a robust and detailed strategy is required which is not made available.
- How travel modes other than the car and car sharing will be promoted by the TPC/ Area Manager is not detailed. Training that will be provided to the Area Manager to be sufficiently skilled in promoting the Travel Plan is not detailed.
- The use of noticeboards as effective means of communicating alternative transport modes to staff and customers is tokenistic and will not result in modal shift. It is recommended that Lidl offers staff the salary sacrifice Cycle to Work scheme to encourage more cycling to work.
- Monitoring of the Travel Plan's impact over the stated 5 years is not detailed and is therefore unlikely to adequately report on success or failure. An annual review should be undertaken, at minimum, and detail how failure to meet targets would be addressed.
- There is no stated provision for cyclists entering the site from Taunton Road. It is therefore presumed there will be no priority junctions or cycle lanes to safely guide cyclists to the cycle parking at the other end of the car park. A junction to the site that seeks to prioritise cycles and pedestrians, a marked cycle lane to cycle parking and a clear pedestrian route to the store is therefore advised.

### **B3187 Taunton Rd**

The existing main footway on the B3187 from Wellington is too narrow to accommodate any significant increase in footfall which will undoubtedly result from

the development. This would contribute to a reduction in active travel and encourage more car use.

Re: *2.7 Shared footway/ cycleways...* Shared footways and cycleways are no longer considered adequate provision for cycling. LTN 1.20 states cycles must be treated as vehicles, not pedestrians and segregated cycle lanes should be provided. Therefore, any reference to shared provision should not be considered as adequate, especially considering the increase in footfall and cycles the proposed development would bring.

### Nynehead Rd

*2.9 single carriageway road...* The character and size of road would not be able to safely accommodate the likely increase in car traffic, so would be likely to create a busy environment that would discourage cycling. The majority of the shared footways and cycle ways leading to the proposed site are too narrow to accommodate current levels of cycles and pedestrians; any increase would require segregated cycle lanes to be added.

Re: 2.23 as stated, there are numerous 'tracks' one of which is the popular West Deane Way that can be used for cycling in the area. However, the consideration for safety on the feeder roads from these tracks to destinations is paramount; a significant increase in vehicular traffic onto the Nynehead Road would create a less safe, less pleasant, and potentially discouraging environment for cycling.

*3.5 Measures to encourage walking and cycling-* Although lockers for personal effects are mentioned there is no indication that staff will be offered showers or changing facilities to encourage the use of active travel.

*4. Targets - 3.6* states 'a high proportion of staff will be recruited from the immediate area'. It is therefore considered that Lidl's target of 11.4% of staff walking and cycling to work is unreasonably low. As well as a number of SWT's priorities to increase cycling and walking, the Government's Cycling and Walking Investment Strategy details an ambition to increase walking and double cycling by 2025 and 'make cycling and walking a natural choice for shorter journeys' (DfT 2017). A more ambitious target of around 50% of staff using active travel to get to and from work accompanied by an explanation of how these targets will be met and monitored is recommended.

### **Potential Impact on Taunton to Wellington Cycle Route**

A feasibility study for the creation of a cycle route between Taunton and Wellington was carried out by Sustrans in 2019 and is an active travel priority for SWT. This route is viewed as strategically important for a number of Somerset West and Taunton Council (SWT) and Somerset County Council (SCC) transport and climate change plans and policies, such as SCC's Future Transport Plan and its Implementation Plan; SCC's Active Travel Strategy; Climate Change Strategy and Action Plan. The proposed development could have a number of negative impacts on the development and promotion of this route.

The proposed cycle route will contribute to a significant increase in active travel and therefore improve health and wellbeing and air quality whilst reducing a reliance on

private car use. However, as we have seen above, the proposed Travel Plan does not present adequate measures to encourage cycling for staff or customers so is therefore likely to result in an increase in car-use.

Sections 7 and 8 of the proposed cycle route intersect at the Nynehead Roundabout which is the site of the proposed development. Any increase to vehicular traffic on this road will reduce the safety of cyclists and create an environment that is discouraging to new, less able or less confident cyclists. The impact of an increase in traffic impact are likely to have significant implications on the experience of both existing cyclists and those who have considered taking up cycling.

If the proposed foodstore is permitted, a thorough examination of how to adequately integrate the proposed cycle route and improve existing cycle infrastructure is recommended; S106 contributions should be committed to this effect.

*Additional comments following further discussions concerning the cycle route.*

If the proposed foodstore is permitted, a thorough examination of how to adequately integrate the proposed cycle route and improve existing cycle infrastructure is recommended; a 4m strip of the site should be contributed to enable the cycle route on the north side of the Taunton Road to route wherever necessary. However, if this is not possible, it is hoped CIL funding will be available to contribute to the development this route and will be sought independently

## **Representations Received**

Following the LPA's public consultation exercise approximately 540 letters of representations were received between September and December 2020 in support of the application, 26 against and 23 raised issues for consideration.

### **PUBLIC COMMENTS**

The reasons for supporting the scheme include:

- at a time when unemployment is rising and our economy is being change its make perfect sense to have a Lidl store in Wellington. With its own employment track records and the competition is would bring to current Wellington supermarkets it can only be welcomed.
- Having to currently use the Taunton site this being much closer, will be better for the environment.
- Many people travel to Lidl's at Taunton, Cullompton, Minehead, Tiverton, Chard and Honiton for better value- this would cut those journeys.
- Lidl support British Farming.
- Wellington will be very limited when all the houses are built so a new store is of great value.
- The site has lay vacant for too long. This will kick start the future development which may also see the long awaited Railway Station.
- This will bring jobs to the area and help employment.
- Wellington is a gravy town and doesn't have much choice in supermarkets. Lidl has a good cheaper range which will help residents.
- Would reduce traffic congestion in town centre.
- Waitrose as an additional store benefited the town although caused highway

problems.

- Lidl's pricing structure would not affect the town's independent shops.
- This will be a huge asset to the town.
- With so few shops in Wellington and houses being built more shopping is needed.
- Without an out of town option more people from the outlying areas will go into the town centre causing more traffic issues.
- Coop has severe access issues especially for disabled so Asda is the only suitable option.
- Those that use supermarkets as opposed to butchers. fruit shops will always do so just depends on which supermarket.
- Not everyone can get into the town to park to use in town shops.
- The site is a suitable place near an existing roundabout and housing and can be easily accessed from within or without Wellington.
- It will reduce the carbon footprint a little as people will not travel to other Lidl's which they do.
- With companies like Lidl and McDonalds coming to Wellington it will encourage other businesses which will be good as a growing town.
- Wellington needs a Lidl as it attracts those from nearby areas.
- Waitrose is at out of a price range of a lot of residents. Lidl would be an option for people with less disposable income.
- Lidl are generous payers and have a well respected graduate training scheme which would serve young people of the town well.
- We should encourage companies to trade in our town - if McDonalds was given the go ahead how can this be declined.
- The town is going outwards and this is the one main road in and out of the town and is within the town centre, 15 years ago Cades and Longforth Farm were also fields.
- It is within walking distance and 2 housing estates with more homes being built nearby.
- Any concerns re traffic are unreasonable. The town's increasing housing estates have increased traffic far more than a supermarket will.
- Asda never has the money saving offers it has in its larger stores. We also have to pay to park at Asda - Lidl would help the residents.
- Asda is only a customer attraction because of lack of competition.
- The impact of a deep discount supermarket will be felt in Taunton rather than Wellington.
- The town cannot sustain the large no. of houses being built. The 3 supermarkets are all very small offering a small selection of products. Having a bigger more competitive supermarket would reduce people's time travelling to larger stores.
- Wellington needs more than coffee shops, hairdressers and charity shops.
- Will bring more visitors to the town.
- Rather have a supermarket than more houses.
- People need to stop being NIMBYS - didn't bother them when they bought their houses on Cades and Longforth Farm - can't have it both ways.
- Building a Lidl is an opportunity to set the standard for tomorrow.
- There was a supermarket included in the plans for Cades Farm anyway so people who bought their homes there must have expected extra traffic.
- As sad as it is to lose even more countryside, this will cut down car emissions and other such pollutants as no longer will have to travel to other Lidl's at least once a week. because the Wellington stores don't always stock items.
- The residents of Cades do not want noise or light but the residents of Priory had

to put up with their estate being built for 10 years.

- If go to Lidl in Castle Street, Taunton will see very little light pollution - the roundabout light pollution with Cades Farm and Longforth is much bigger than 1 Lidl will ever have.
- Re deliveries would only be 1 or 2 per night as have no stock and would only sell what they have on the shelves.
- There isn't much employment in Wellington and 40 jobs is 40 jobs.
- If this was for offices their lights would be on 24/7 and all employees turning up by car so what's the difference?
- If it was a factory would have more lorries and noise from manufacturing.
- Where else can it go?
- Does Wellington want to be a tourist town or a thriving employment town? That is the question to be answered. No one says lets go on holiday to Wellington.
- This will not interfere with the Station development.
- The increase in traffic will be no worse that on Sylvan Road to Waitrose.
- As Lidl will be employing 40 people this *is* employment land.
- Our town and council need to move with the times and welcome new businesses instead of pushing them away.
- Pleased only 2 trees will be felled and hedges retained.
- Bring Lidl and maybe other retailers will follow.
- Driving to Lidl in Taunton is becoming more and more difficult with rapidly increasing traffic on Wellington Road.
- Will enhance the area unlike the proposed use for industrial purposes: construction of utilitarian buildings..
- The underlying opinion of over 4000 people (at last count) on the Wellington facebook page are in support of this application.
- The fact that 4882 residents support the application via a petition shows a large number of people are in favour.
- The centre of Wellington has been in decline for a number of years - Lidl will help maintain footfall by attracting customers from Taunton.
- This will allow residents a cheaper alternative which is much needed since Covid and a number of low income households in the area - far too many children already going hungry.
- The Town Council is mistaken in believing this site is not suitable because of access etc - nearby Summerfeild Homes are constructing houses with a far more dangerous access.
- As we live in a democracy this should happen given the large majority who wish to have the store as shown on social media.
- Wellington serves a number of smaller villages and hamlets both in Somerset and Devon. So many smaller community shops have closed meaning residents from much further a field have to drive to Wellington. The 2 small supermarkets are just not sufficient.
- This is a main road into Wellington so is already busy , there may be more traffic but the factor remains this is a key road and will always be busy. As with any decision there are going to be positives and negatives.
- 'Councillors are not listening to local people again!'
- The roundabout is already lit 24 hrs so can't see how lighting is an issue.
- For the two large housing estates close to the site, to buy a pint of milk requires a trip into town. There will be pedestrian access to the store.
- Have never seen any traffic congestion on Nynhead Road.
- Can't keep building houses with no infrastructure.
- At the rate Wellington is expanding outwards towards Chelston this store will be

central to that development rather than on the perimeter negating the argument it will be 'out of town'.

- Wellington has a cramped 'horse and cart' system and its roads and car parking reached capacity years ago. There are high levels of pollution with vehicles trapped at traffic lights.
- Can't believe turned down planning permission for a Lidl - not everyone is well off - think of people living on a rapidly shrinking pension.
- It will inject life into Wellington.
- Having approved thousands of houses locally you seem to be balking at the addition of a retailer. Local community both wants and needs this to go ahead.
- With all the new houses there will be plenty of customers for all the supermarkets.
- Dismayed when heard the application was to be turned down.
- To say residents around the site would be subject to more noise is not a convincing argument - they bought a property on a main road in the first place.
- The site is earmarked for employment yet Wellington Cllrs who dictated that, now state Lidl is not wanted. A pure contradiction. Wellington has been hamstrung by its own Town Council for over 66 years with ludicrous decisions and judgements - time to allow a sensible and sustainable European company to establish itself and provide competitive supply and pricing.
- Planners should support coherent, practical and honest designs which respond to the world we live in. People say Wellington will be spoiled by Lidl seemingly unaware that just across the road is a sprawling mess of energy inefficient housing scattered across the landscape. The Lidl store is an energy efficient structure which uses minimum materials- even easy to dismantle and re use if needed. Need to start building practical, sustainable buildings in Wellington and avoid current spreading of poorly laid out pastiche buildings.
- Believe Bloor Homes also wish to develop site as Phase 4 of Longforth View. If this is the case should not proceed as already have huge amount of housing. The need is for shops.
- Wellington is a lot bigger than it was 10 years ago. Wellington struggles on reduced facilities of doctors and dentists due to increased capacity. We should be influencing our community to shop more in town not only small local businesses but to help competition. People have lost jobs due to Covid so let's try to bring jobs in.

Supermarkets in Wellington compared to Taunton:

Wellington-Coop, Waitrose, Asda  
Lidl

Taunton (Outskirts) - Sainsburys, Aldi,

Taunton (Central) -Tesco, Sainsburys,  
Asda, Coop, Morrisons, Lidl, Iceland, Tesco Express x 6

- Planning laws should never be used to protect established business from competition.
- In 1999 the population of Wellington was 6.500 to 7000 to now more than 14.500 and set to increase. Honiton has a population of less than 12,000 and supports a large Tesco, Aldi, Lidl and 3 smaller supermarkets and many excellent shops and cafes which all thrive in a competitive market.
- This is not going to become industrial land - businesses are not going to spend money relocating, when sales and production are down.
- A typical weekly shop at Asda £85, Waitrose, £120, Sainsburys or Tesco's £100,

- Lidl £65 - you would travel to Lidl in Taunton for value for money.
- The short term increase in plant traffic during construction will be easily outweighed by the benefits of residents who shop at other Lidl stores.
  - The Town Council sought to show that the proposed site is not the best site. Short of building on one of the in town car parks can't think of a better site. The town's people still have in mind the poor show the Town Council put up in support of a new Saturday cattle market.
  - Wellington has to move to the 21st century.
  - This is the best that's been planned in the 23 years a resident has lived in the area.
  - The construction of the Lidl would compliment the caravan park.
  - Moved to Wellington 5 years ago from Burnham on Sea - same objections were raised to a similar application. The relevant Council were overwhelmingly agreeable to Lidl even though in competition with a large Tesco, Asda within 1 mile.
  - If Bloor can build houses outside of the development plan and McDonalds are given permission when there are town takeaways, coffee shops etc then should be allowed a Lidl.
  - The town has been in decline for too long with loss of banks and other businesses - new investment is needed.
  - This will bring prosperity.
  - This is mainly a rural area and people use their own transport . Good proximity to M5.
  - Employment opportunities after job losses at Pritex, Relyon and Swallowfield.
  - This will have an impact on the town but a *great* impact.
  - Historically when Asda and Waitrose opened it increased footfall to small business, The same will happen.
  - With no disabled parking in Taunton currently drive to Minehead Lidl, why should Wellington lose out to Minehead?
  - The local council refused this without any consultation with residents.
  - This is an ideal site with a bus stop.
  - It is extremely important to listen to what local residents want especially at this time.

The reasons for objecting to the scheme include:

- Transport assessment is inadequate.
- Development will have adverse impact on highway safety contrary to Policy CP6 - particularly Nynehead Road.
- There are no crossing facilities across the access to site (only informal facility).
- No alternative footway on opposite side of road.
- Doesn't provide appropriate provision for cyclists required by Section 7.2 of SCC Parking Strategy.
- Cycle parking is not close to building entrance.
- No evidence why 126 parking spaces required when 105 is actually required.
- Data collected for Nynehead roundabout is over 10 years old.
- Passer by trips equated to 30 % of trips - justification is with reference to TRICS Report 95/2 but this has been superseded by TRCIS Report 2014/1.
- Junction modelling has not been provided for at the congested junctions including Chelston and the town centre.
- A supermarket is not employment.
- This is a residential area and this will be a 'shed on the bypass'.

- Noise from anti social hours for deliveries.
- Light pollution - already bright due to LED street lights. Nynehead already sees light pollution from Budgens/fuel station. The heaters in the greenhouses at Blackdown garden centre give off an orange glow.
- This amount of noise/light/activity does not equate to light industry.
- Better sites are available.
- Will devalue the enjoyment of the area.
- Extra vehicles will possibly lead to respiratory diseases.
- Busy caravan park opposite the entrance.
- Pavement will not be safe for school children.
- Next to conservation area where endangered mammals and amphibians - would drive animals away.
- Cars parking along Torres Vedras way make it dangerous to access Cades to the roundabout.
- Dust grime, devaluation of property.
- This is not an industrial site in the making.
- It is a supermarket and not a LAD (Limited Assortment Discounter/Convenience Store) as claimed by Lidl as regularly compares itself to other supermarkets on tv adverts.
- Nynehead Road is heavily used since Waitrose opened so does not need further load.
- Best placed in an industrial/business estate as they are in many towns.
- It is a bland design with no architectural merit.
- Numerous accidents on the road to Nynehead go unreported.
- Site would be a box dominated by car parking when approached from Chelston, visual impact of signing and lights - no details of landscaping provided.
- The Landscape visual impact assessment ignores the communities which would be most affected.
- The proposal includes a large Lidl sign on the southern wall no doubt illuminated at night.
- The site is next to the Grade II listed former entrance gateway to Nynehead Court.
- Will take footfall from the already depleted high street and already have 3 supermarkets.
- The heavy metal detention access gates are totally out of keeping with the area.
- Any future developments should be at Westpark.
- Wellington has developed a strong identity as a 'food town' helped by Waitrose and other food stores. Given Lidl's own figures, the future of Waitrose must be in doubt.
- There is an allocation for a local centre at Jurston/Cades Farm and Longforth Farm developments. The store would make these non viable.
- More important things need adding to Wellington like the railway station.
- Pollution from the extra lorries, the building and customer vehicles could have a negative effect on the health of children. There are 2 schools nearby at Longforth Farm and St Johns. There are plenty of alternative sites outside of residential areas.
- The site is allocated for relocation of Relyon and Swallowfield. It would compromise an important gateway to Wellington and the green wedge between Wellington and Chelston.
- This site would encourage one stop shopping without linked trips unlike the town centre supermarkets.
- The store would prejudice future vehicular access.

- The proposal does not represent the local centre as separated from the Longforth Farm site by 18 ha of green wedge. The local centre is only intended to contain small elements of local convenience shopping ( as opposed to Wellington's largest food store).
- Employment uses do not need to be seen from the road and can be set back. Retail uses need to be seen. To locate a large foodstore would repeat Westpark where a business part employment allocation is a highly visual, brightly lit, fast food, drive through with advertise signage and lighting.
- Questions on the applicant's response cards only asks the principle of a Lidl in Wellington and doesn't specifically ask about this location.
- Sustrans Route 3 enters Chipley Lane from Nynehead hollow. Nynehead Road will be a rat run.
- If approved, other applications by Aldi or other stores will follow.

Other issues to consider include:

- Delivery traffic with alarms should be the other side of the store.
- Limitations should be made on the size and nature of vehicles.
- There should be improvements to cycleways up and down the main road.
- Footpath will need to be widened and improved leading to Chelston and footpaths into town.
- Transport assessment based on figures in 2010 in aid of Cades Farm Phase 2 study. Several housing estates have been built since then and a school. An up to date survey and vehicle count should be done.
- A 30mph speed limit should be introduced before the vets and the road surface should be replaced to reduce tyre noise.
- Cades Farm roundabout is 40mph - difficult to judge speed of traffic due to vegetation on the roundabout. With the new school opening at Longforth there will be more children walking to school.
- A path for walkers to Poole should be provided.
- Should be out at Chelston Business park or by the House of Somerset.
- Only 2 electric vehicle charging points - not aligned with SWAT declaring a 'climate emergency and should not be approved until consistent with aims in Climate Action Plan.
- It would be good if Lidl would take on the post office.
- This is a prominent site and should be a high standard of design.
- Trees could be used to line the southern interface with the main road - much of lighting problems could be resolved.
- How will overspill parking be dealt with in peak times?
- Why were residents not informed of the change from mixed or light industrial to retail?
- Road access should be off Longforth roundabout.
- More free parking should be available in the town centre so small independent shops get customers.
- Restrict night time deliveries.
- Time limited number recognition should be used to prevent parking overflow into Longforth Farm and Cades Farm and narrow roads towards Nynehead.
- Would be really good if could reinstate bus from Wiveliscombe to Wellington via Milverton (what was no. 9 route) to help people have more choice out of Taunton.
- Solar panels are likely to cause dazzling.
- Security needs to be addressed as car park likely to be a meeting ground for youngsters especially with the new McDonalds. Gates should be locked

overnight.

- Should be more provision of sustainable features - 50 % electric vehicles, ecological site management plan with SUDS, dedicated habitats with wild planting and planting of native species , bird/bat boxes.
- Need a bike parking area.
- Need a tunnel under the road for hedgehogs and other creatures- Taunton Road cuts in half the north-south wildlife corridor of the town.
- This is class 1 agricultural land - land should become a market garden supplying the town to compensate more planting should be done in the car park.
- More water run off could be provided by providing a roof over the car park enabling more solar panels.
- The store colours should blend into the background.
- Online shopping is reducing the need for stores. There is a mothballed, up market, food retail building at the former Moon beams site near Jurston Farm development with better access that maybe more appropriate.
- Although the previous s106 agreements required the building of a retail unit on the estate opposite the council have not enforced it.
- Suggest Lidl erect a sign directing people to Wellington and the park .
- With a little imagination there is already space for a new supermarket in the town just off the town centre .
- Why not develop the site where Travis Perkins was?
- The Design and Access Statement does not consider the impacts on the designated heritage assets.

Having notified those who had made representations that the application was due to be considered at the planning committee on 7th May 2021, 7 further letters of representation were received.

6 of those letters were in full support of the application for the following reasons:

- The town has for many years been held back by the town council.
- Ideal location within the complete curtilage of Wellington.
- Many people travel to Taunton and Tiverton to shop this would keep residents in the area benefiting smaller traders. Would cut down greenhouse gases. Many residents would be within walking distance.
- Extended travel to and fro out of town to shop is necessary.
- Wellington town councillors are out of touch with the vast majority of residents. One has since lost his seat reflecting local peoples' views on the matter. The town council is not acting in the best interests of the vast majority of residents and a decision was made on a personal preference. All the excuses the town council made for rejecting the application are excuses.
- It will compliment the 3 smaller supermarkets and is a great asset.
- It will encourage people to shop locally.
- There is no problem with traffic on Nynehead Road and the site is located at the end of this road. It is by no means a busy road.
- Due to the vast no. of new houses the town will benefit from a new supermarket. It would prove beneficial.
- Offers much needed employment and will help the local economy.
- There is huge support for this.
- Need to limit travel into the town centre where no parking so streets get congested.

1 writer objected for the following reasons:

- It will add nothing to Wellington town centre being on the outskirts.
- Wellington is well served by food shops and there are 2 Lidl's 9 miles away in Taunton.
- Would be building on a beautiful green area when there are empty sites in other areas of Wellington that are already brownfield.

The application was advertised as a departure to the development plan in June 2021. Two further letters of representation have been received since that time.

The first writer fully supports the scheme making reference to a further objection from Asda due to noise from delivery vehicles. The writer states Asda is in the centre of the populated part of town and also receives deliveries. They say this is 'sour grapes' and it should be noted Asda has put in an application for extended opening hours.

The second writer maintains their previous objection for the following reasons:

- Position of store will have detrimental affect on people living nearby and using the Nynehead/Poole Road.
- The drawings do not show the 'S bends/blind corners beyond the caravan site which are already a problem and will be worse.
- Over the last few years there's been a huge increase in people using the recycling/landfill site. With more houses this will be worse.
- To permit the store in this position with traffic exiting between a major round a bout and blind corners increases risks of further accidents.
- Alternative sites should be considered.
- The Nynehead Road has increased usage since traffic lights were installed at the Waitrose junction as people look to avoid delays. This has a negative effect on the people of Nynehead and when this returns to the levels pre- Covid will be even worse.

Representations have also been made separately on behalf of two supermarkets in Wellington. Both object to the application for the following reasons

### **WAITROSE-**

1. The proposal is contrary to policy, seeking the provision of retail uses on a site allocated for employment use.
2. The Retail Impact Assessment (RIA) set out in the submitted 'Planning & Retail Statement' (PRS) underestimates the amount of trade which will be drawn from foodstores in Wellington and overstates the 'clawback' the proposal will have from centres such as Taunton.
3. The RIA adopts a 'design year' of 2025, when it is likely that the store will be constructed and trading over a much shorter period of time.
4. The PRS does not undertake an assessment of the current vitality and viability of Wellington town centre, meaning that conclusions on the impacts forecast by the PRS cannot be robustly drawn.
5. The PRS does not draw any overall conclusions on the impact of the proposed development against the NPPF's retail impact policy tests, and also omits any qualitative considerations of impact.

### **ASDA-**

1. The proposal is significantly contrary to the employment use allocation.
2. It has not been adequately demonstrated that the proposed development would not have a significant effect on allocated centres.

A further letter from Asda was received maintaining their objection but for the following reasons:

- Impact on protected species (including bats and Great Crested Newts) stating their impact has not been properly considered and assessed and licenses have not been secured from Natural England.
- Lack of information on noise in particular no assessment of the potential noise from deliveries and no restriction on the hours of delivery at the proposed store.
- Failure to properly assess the heritage assets, in particular Nynehead Court and the surrounding parkland, the council has not secured proper information, in accordance with Para 189 of the NPPF and has not complied with section 66 of the Listed Building Act by properly assessing the harm. Also that the Heritage Officer's comments seem to accept there would be no adverse impacts, however the council does not draw clear conclusions in this respect or apply national planning policy relevant to heritage assets.

**NYNEHEAD PARISH COUNCIL** - does not object to a Lidl in Wellington but a site closer to the town centre would be preferable, thus protecting the heart of other town centre shops and freeing the applicant site for a Industrial premium job creating use. If the planning authorities do grant permission, the following recommendations should be applied, funded by Lidl:

a) The proposed entry\exit will create significant conflict between store traffic and Nynehead Road traffic which is already increasing in volume, serving, as it does, Nynehead, East Nynehead, Langford Budville, Milverton, Oake and Bradford on Tone. In addition, there is heavy traffic to the busy Poole Industrial Estate and Re-Cycling Centre. To avoid this, access to the store should be via the Longforth Farm roundabout.

b) Any store sited at this roundabout will inevitably increase traffic to Nynehead and the above cited villages. Effective road traffic management would have to be a priority, with a 20mph speed limit introduced through Nynehead \ East Nynehead and appropriate traffic calming measures such as speed bumps or cones.

c) Robust planning conditions would be required to ensure that the guidelines set out in National Planning Policy Framework {NPPF} Clause 180 {c} and Taunton Deane Adopted Core Strategy 2011-2028, Clause 6, 46 are applied. Both of these recognise the importance of limiting the impact of light pollution from artificial light on local\residential amenity, dark landscapes and dark night skies. In order to minimise light pollution, we request that any outdoor lights associated with this proposed development should be fully shielded or baffled\louvered, directed downwards {mounted horizontally to the ground and not tilted upwards}, switched on only when needed {no dusk to dawn lamps}, use low energy LED lamps and be designed by a competent person to comply with the current ILP Guidance Note {for reduction of obtrusive light} GNO1 and be approved as such by the Borough Council prior to installation\use.

d) The standard of Architectural and Landscaping design needs to be significantly improved to reflect the prominence of the gateway site to the historic town of Wellington.

**TAUNTON AREA CYCLING CAMPAIGN** - The Travel Plan provides very little to support sustainable travel. Cycle parking is located some distance from the entrance. The details of the type of cycle parking are not clear and details should be provided. There is no direct cycling access into the site from Taunton Road (although a pedestrian access is proposed). The out of town scheme will discourage walking and cycling and increase traffic from parts of the town. There will be a negative impact of cycling and walking in the Nynehead area turning an already busy Nynehead road into an unsafe road for people walking, cycling and driving. The proposal will be prejudicial to the proposal to develop a cycle route linking Wellington and Taunton. A feasibility study, part funded by the town council and SWAT envisages a cycle path on the north side of Taunton Road . This is identified as a short term action in the SWAT's Climate Action Plan. A strip of land and contributions should be secured in a S106.

### **ONLINE PETITION**

A letter submitted from the applicant dated 2nd November 2020 highlights the findings of an online petition carried out by the applicant and pre paid response cards that were sent out to all local residents. The applicant claims a response of 4882 of which 4268 (or 87%) express their support for the store, 518 (11 %) object and 96 (2 %) are undecided). 11 lever arch folders containing the pre paid responses were deposited at the council offices (These have not been viewed by the planning officer due to access restrictions in light of covid).

## **Planning Policy Context**

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

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

Relevant policies of the Development Plan are listed below.

CP8 - Environment,  
A1 - Parking Requirements,  
D7 - Design quality,  
DM5 - Use of resources and sustainable design,  
SS3 - Wellington Longforth,  
CP3 - Town and other centres,  
CP1 - Climate change,  
CP2 - Economy,  
CP6 - Transport and accessibility,  
SP1 - Sustainable development locations,  
DM1 - General requirements,  
EC1 - Other uses in employment areas,  
TC4 - Primary Shopping Areas (PSA),  
TC5 - Out-of-centre proposals,  
A2 - Travel Planning,

A3 - Cycle network,  
A5 - Accessibility of development,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
D2 - Approach routes to Taunton and Wellington,  
SD1 - Presumption in favour of sustainable development,  
TC3 - Local shopping,  
SS5 - Wellington - Strategic Employment Site,

Other relevant policy documents include:

The Council undertook public consultation in January 2020 on the Council's Issues and Options Report as part of the local plan review. However this document and the responses cannot be considered as material planning considerations in the determination of the application.

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021).

Somerset West and Taunton Council's District Wide Design Guide SPD (December 2021)

The National Planning Policy Framework - July 2021

There is no Neighbourhood Plan in force in the area.

## **Habitats Regulations Assessment**

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the new commercial development will not significantly increase nutrient loadings at the catchment's waste water treatment works. This is on the basis that people working in or using the proposed retail store are likely to live in the catchment area and therefore there will be no additional impact on the Ramsar site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the said Habitats Regulations 2017.

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of retail floorspace of 100sqm or larger is CIL liable.  
Proposed development measures approx. 2102sqm

The application is for retail development outside of Taunton and Wellington town centres where the Community Infrastructure Levy (CIL) is £140 per square metre. Based on current rates, the CIL receipt for this development is approximately £294,250.00. With index linking this increases to approximately £418,000.00.

## **Determining issues and considerations**

The main issues in the consideration of the application are:

- Principle of development
- Sequential test and retail impact assessment
- Design
- Highways
- Ecology
- Landscape / visual impact
- Economy
- Residential amenity
- Flood risk
- Heritage impact.

### **Principle of development**

As stated above, S38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine the application in accordance with Development Plan policies, unless material considerations indicate otherwise.

The proposed development is within the settlement limits.

Taunton Deane Borough Council Core Strategy (CS) Policy SS3 'Wellington Longforth' identifies the application site as part of a larger employment allocation: *'11 hectares of employment land for general industrial (B2) and storage and distribution (B8) at the eastern edge of the allocation. This area is designated for the relocation of the two biggest employers in Wellington'*.

The Longforth allocation also includes the provision of a new local centre with associated infrastructure including *'local convenience shopping'*. The applicant claims that the proposed foodstore could be considered as the new local centre. On the concept plan this was shown to be at the most western area of the Longforth Allocation.

Taunton Deane Borough Council Site Allocations and Development Management Plan (SADMP) Policy TC3 'Local Shopping' defines the role and function of local centres as promoting sustainable patterns of development by reducing reliance on cars. Accordingly, Policy TC3 states that the proposed local centres should provide a mix of units including a small foodstore (up to 250 sqm) catering to a local 'walk-in' catchment. Lidl's requirement for a store of 2,098 sqm gross with around 120 car parking spaces is not consistent with the role and function of local centres.

The development would be for a retail use. CS Policy CP2 'Economy' states that proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the overall benefit outweighs the disadvantages of the loss of employment or potential employment of the site. The Plan review would decide if this land allocation is still required going forward - however this process was at the very early stages and is now on hold due to local government reorganisation so can offer no weight in the determination of the application. The adopted Policy SS3 therefore still stands. That being said, although staffing levels have yet to be finalised, based on existing Lidl's elsewhere, the proposed store is likely to provide up to 40 job opportunities. The

creation of local jobs should be supported and is a material planning consideration.

Officers consider that, as the proposed development would not represent the local centre nor would be for the relocation of Swallowfield or Relyon (the town's largest employers), it is not in accordance with the Development Plan read as a whole. A departure to the local plan and has been advertised accordingly.

That said, Policy SS3 was adopted back in 2012 and since that time Relyon and Swallowfield have not come forward to relocate to the site. The Council's Economic development team have been informed that the companies are aware of the Lidl application, have not objected and do not wish to relocate to this site for operational reasons.

Were they to change their minds, there is still employment land (8.67 ha) available at Chelston (Policy SS5 'Wellington - Strategic employment site') identified for the former B1, B2 and B8 use. The development of the Lidl therefore would not prohibit the relocation of Swallowfield or Relyon in the future. The proposed development will also provide for a vehicular access into the employment land that may attract future investment. Officers consider these are relevant material considerations that need to be taken into account in the determination of the proposal.

Para 122 of the National Planning Policy Framework (NPPF) states:

*'Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:*

*a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*

*b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area'.*

As stated above, the Council began a local plan review but with the Government announcement in July 2021 for the creation of a Somerset wide authority, work undertaken will form part of the evidence base for a new unitary plan. As a result, a new adopted local plan is unlikely before 2025 and, reallocation or deallocation of the land as part of a plan update in the short term is unlikely.

Policy SS3 supports the re-opening of the old Wellington Station. However with Relyon and Swallowfield not relocating, this is no longer an option. With the recent announcement in the Autumn 2021 Budget that funding has been secured to deliver a new railway station for Wellington, indications are that the preferred site for the station / railway halt could be accessed utilising the access built under this proposed development. The proposed development could, therefore, contribute to delivering the town's railway station and thus the development is considered by officers to comply with Para 122 part (b) of the NPPF. This, in addition to the material planning considerations previously discussed, on balance provide sufficient weight for the LPA to justify a departure to the local plan.

## **Sequential test and retail impact assessment**

### **Sequential Test**

NPPF Para 87 requires Local Planning Authorities to apply a sequential approach to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan.

The NPPF sets out a range of considerations which should be addressed in undertaking the sequential test:

- The sequential status of the application site and connectivity with the town centre.
- Has the applicant demonstrated flexibility on issues such as format and scale?
- Has the applicant fully explored opportunities to use suitable town centre or edge of centre sites?

NPPF paragraph 87 confirms that alternative sites can be considered available where they are expected to become available within a reasonable period.

Para 88 of the NPPF states when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Para 91 of the NPPF states '*Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more considerations in paragraph 90, it should be refused*'.

Para 90 reads as follows:

*'When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm of gross floorspace). This should include assessment of:*

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'*

CS Policy CP3 'Town and other centres' sets out the requirements for development of this type and in particular states:

*'Proposals for main town centre uses will be assessed sequentially. Any proposal for such uses on the edge of or outside the centres defined under part a. of this policy above 500 sq.m. gross comparison floorspace or 500 sq.m. gross convenience floorspace will also be required to undertake an impact assessment in order to protect the Plans strategy to protect and enhance the vitality and viability of defined centres'.*

The policy goes on to state that the availability of floorspace requirements further strengthens the need for a sequential approach to new proposals in order to prevent less sustainable locations potentially impacting on and undermining the Plan's

strategy to promote regeneration and vitality and viability within defined centres.

SADMP Policy TC5 'Out-of-centre proposals' confirms that retail proposals outside existing centres will only be considered acceptable where:

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

*B It would not have a significant adverse impact on the vitality, viability and diversity of an existing or allocated centre including local consumer choice and trade in the centre and taking into account the cumulative impact of recently completed developments, planning permissions and development plan allocations.*

*C. It would not impact on existing, committed or planned investment within a centre.*

*D. The proposal is well related to the town centre or Primary Shopping Area for retail proposals and accessible by public transport, cycling and pedestrians for all proposals'*

A Retail Assessment and Sequential Test were submitted in support of the application. The findings of the Retail Assessment and Sequential Test were checked and verified by Stantec on behalf of the LPA.

The initial review by Stantec found that the applicant's conclusion that there are no in-centre or edge-of-centre sites suitable and available had not been satisfactorily evidenced. No details were provided of any vacant units. Further, the sequential assessment did not consider the local centre allocations at Cades/Jurston or Longforth Farm which are both sequentially preferable sites.

The applicant submitted an updated sequential assessment in December 2020 identifying all alternative sites and reasons why they would not be suitable/available. Stantec reviewed the additional evidence and agreed with the findings of the applicant and advised the LPA in February 2021 that the development complies with the sequential approach outlined in the Para 86 previous version of the NPPF, now Para 87 (none of the alternative sites identified by the applicant are suitable and available for the proposed development) and the advice in the National Planning Policy Guidance (NPPG).

Officers are, therefore satisfied that the application meets the sequential test.

### Retail Impact Assessment

Waitrose and Asda have stores in Wellington town centre. Both object to the application. Waitrose state that the retail impact assessment underestimates the amount of trade and overstates the amount of clawback. Asda object on the basis that the proposals do not demonstrate there is no significant effect on the allocated centres.

Objections have also been made that the town's existing trade will be harmed by the proposed development.

In terms of impact, in Stantec's initial review of the applicant's Retail Assessment, they raised concerns of the robustness of the assessment and recommended the applicant submitted additional information.

The applicant submitted additional information in December 2020. However the applicant's assessment was based on the impact on just the convenience sector alone, whereas the NPPF is clear that it is the impact on the town centre as a whole which must be considered. Stantec highlighted that Wellington contains a range of comparison shops, service and leisure facilities which contribute to the turnover and support the vitality of the town. Stantec undertook a high-level combined impact assessment to consider the impact of the combined convenience and comparison turnover to the town under two scenarios.

The first scenario assumes 29 % of the proposed Lidl convenience turnover and 20 % of the proposed Lidl comparison turnover is diverted from the town centre.

The second scenario assumes 40 % (as suggested by Waitrose) and 20% respectively. The results show that the quantitative impact on the town centre lies probably between the two resultant impact figures -9.0% and -6.7%.

Stantec advised that, based on the available evidence, Wellington town centre is healthy. Further based on the available town centre health check and Stantec's own assessment they concluded that the proposed development is unlikely to give rise to a significant adverse impact on the vitality and viability of Wellington town centre.

In response to Waitrose's specific objection, the impact figures provided by Waitrose relate to impact on the convenience sector only, whereas as stated above, the NPPF is clear that it is the impact on the town centre as a whole that must be considered. Wellington contains a range of comparison shops, service and leisure facilities all of which contribute to the turnover and support the town's vitality and which must be taken into consideration.

Officers are satisfied that the impact of the proposed development on Wellington's town centre has been fully assessed and although there will be some limited impact, the proposed development will not result in a significantly adverse impact on the town centre's vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (NPPF Paras 90(b) and 91).

Concerning the impact on planned investment in local centres (Longforth and Cades/Jurston urban extensions), the applicant states the proposed foodstore will serve a different purpose to the local centre at Cades/Jurston which would primarily serve for top-up shopping. Stantec agree the proposed development would be unlikely to undermine the investment in this centre as the two developments would not be competing directly for investment and the Cades/Jurston retail units would likely only draw from the localised area.

In terms of the local centre in the Longforth Farm allocation, again the Lidl store will not directly compete against this top-up shopping and the local centre allocation would also contain a wide range of facilities not provided by the Lidl store. The applicant does recognise that the Lidl would compete with the local centre for local expenditure however, Stantec highlight that the NPPG advises that progress made towards securing investment must also be considered when deciding if there is an impact. There has been no planning application to date for the Longforth Local Centre and the land in which the centre is shown on the concept plan is still occupied by employment. Given the limited progress made towards delivering the Longforth Local Centre, Stantec consider there is no 'eligible planned investment at

Longforth which the proposed development could impact on'.

Stantec have advised the LPA that the proposed development is not likely to give rise to a significant adverse affect on existing, committed and planned public and private investment in either the town centre or the local centres described above (NPPF Paras 90 (a) and 91).

Contrary to what Asda have stated, the above clearly demonstrates that the proposal will not have any significant effect on any allocated centres.

Asda, in objecting also imply that it would be unreasonable for the LPA to reach a conclusion on the impact of the proposed Lidl while the full affects of the pandemic are unknown. NPPG Para 17 however states '*the impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible*'. In this case, Stantec have used the 2017 health checks and the 2020 town centre study.

The LPA is, therefore, satisfied that the application passes the retail impact test in NPPF Para 90.

### Design

The foodstore building will be set to the rear of the site with 123 car parking spaces to the front. The building being a foodstore is a single storey, block design with floor to ceiling glazing across the southern elevation that then wraps around to the eastern elevation which faces the car park.

Entrance to the store is in the south eastern corner closest to where the pedestrian link and cycle links enter the site and disabled parking.

The external walling will be a combination of red brick cladding broken up by a blue/grey brick plinth and blue/grey brick clad piers spaced at intervals along the walling. Parapet cladding will be silver. The roof will be a grey mono pitch roof to match the wall cladding and fitted with solar panels. Galvanised cycle stands will be located to the south elevation in front of the glazing so can be overseen from within the store. A stainless steel trolley store will be located to the side of the store entrance. A condition will be imposed to agree samples of the materials.

The scheme is designed to comply with the latest government guidance and the new Part L Building Regulations by bettering the target for maximum carbon emission levels. The proposal contains various sustainable elements such as: sustainable surface water drainage scheme, solar panels, electric vehicle charging spaces, recycled materials in insulation and floor finishes, use of water-based paints on steelwork, high efficiency LED lighting incorporated internally and externally, lighting to be installed with movement detectors, dual flush toilets, sensor taps to reduce water consumption, improved air leakage and enhanced U-Values where possible and building management system controlled lighting by Lux sensors.

Energy demand is reduced in the first instance through passive design and consideration of efficient operational procedures will ensure that the proposed foodstore's ongoing environmental impact is minimised.

In addition to all of the above design features, the new store will also reduce the need to travel (to further stores) which will reduce vehicle mileage and emissions. In considering the Council's Interim Guidance Statement on Planning for the Climate Emergency, the proposed development is considered to comply with the relevant parts of CS Policy DM5 'Use of resources and sustainable design'.

The Police Architectural Liaison Officer (DOCO) supports the proposed boundary treatment given the low level of crime in this area. The installation of the 2 manual rising barriers at the vehicular entrance is also supported as the DOCO thinks this will assist in reducing 'gatherings' outside of store opening hours. The provision of car parking to the front of the store is supported as it there is surveillance to the front of the building. Covered cycle storage to the front of the store is also recommended by the DOCO. Amended plans were requested which now show the repositioned cycle storage close to the front entrance. A condition will be imposed to agree the design of the cycle storage facility to ensure they are covered. The DOCO also supports the regular, rectangular design of the store as this offers clear sight lines with no deep recesses where an intruder/criminal can hide.

Comments from the DOCO that anti climb features should be installed on the building to prevent climbing onto the roof will be addressed by an informative. The informative will also include advice regarding the type of access control to use for staff entry to the building, the type of intruder alarm, CCTV system and the use of glazing tested to PAS24:2016 security standard. Comments made by the DOCO regarding motorcycle parking are addressed in the highways section and comments regarding the nature of the boundary planting are addressed in the landscaping section.

The Council has recently adopted (December 2021) a Districtwide Design Guide as a supplementary planning document. The guide emphasises the Council's commitment to climate emergency and requires carbon neutrality to be a key influence in the design of a development. This has been considered above.

The Design Guide refers to non-residential developments requiring such developments to follow the street building line. There is no existing street line in this case. The Design Guide states that frontage set backs for parking, or hard or soft landscaping should be avoided. As discussed above, the DOCO supports the parking area to the front of the store to offer surveillance from the public highway and those dwellings at Cades Farm that look towards the site. Furthermore with the hedge to the rear of the building important on ecological grounds, the Council's Ecological Advisor does not want the hedge to be illuminated by street lighting and car lights and any protected species that may use the hedge disturbed by a car park.

A justification in the guidance for car parking, servicing bays and recycling storage to be located towards the rear of the site is to minimise nuisance for neighbouring properties. There are no neighbouring properties in close proximity to this site.

Regardless, servicing and waste storage will be to the northern side of the building away from the site frontage. In balancing the views of the ecologist and DOCO against the advice in the Districtwide Design Guide, it is considered with the proposed landscaping, which will soften the visual impact of the parking area on this approach into Wellington, an exception to the Design Guide is warranted. The Design Guide supports the proposed use of photovoltaics on the roof to reduce the

massing effect and a condition will ensure these are installed and operational before the building is brought into use.

The NPPF identifies the importance of high quality design and creating beautiful and sustainable buildings (Para 126). Para 134 of the NPPF states that development that is not well designed should be refused, taking into account any supplementary planning documents such as design guides. The LPA's Districtwide Design Guide requires commercial developments of 5000 sqm or significant proposals to be considered by the Quality Review Panel. The proposed foodstore will have a floor space of 2098 sqm which falls under the required threshold. However, given the site's prominent location on a main approach route into Wellington, it would have been preferable for the scheme to have gone through the Quality Review Process had this been a requirement from an earlier date.

### Highways

The Highway Authority have raised no objections to the proposal subject to conditions and a S106 legal obligation to secure a Travel Plan.

The scheme has been amended to address matters initially raised by the Highway Authority- in particular the provision of cycle parking close to the front of the store and a reduction in car parking from 126 spaces to 123. Although this is still greater than Somerset County Council's parking standards by 7 spaces, the Highway Authority accepts that users would most likely travel by car to the store and therefore accepts that in this instance more parking may be required. The applicant has demonstrated that it is possible to achieve the optimum parking level required by the Highway Authority through the submitted plans.

The Highway Authority's recommendation sets out a requirement for an acceptable Travel Plan to be agreed and secured through an appropriate legal agreement (S106 obligation) prior to any permission being granted. This requirement allows for the discrepancy in parking levels to be addressed without unduly holding up the decision making process. In assessing the parking provision against the Council's own parking standards as set out in appendix E of the SADMP, a maximum of 133 spaces would be required. Appendix E states that developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision. The site is well served by a regular bus service from Wellington and will be accessible by foot and bicycle. In comparison to a recent Lidl granted in Roman Road, Taunton where car parking was provided at the ratio of one space per 16.1 sqm of store floor area, this store would see 1 space per 17 sqm of floor space.

A comment was made by the Highway Authority regarding the length of parking bays 44 -55 stating they are substandard in length and collisions could occur between cars and pedestrians. These spaces however all have a 0.8m wide path running along their length which means with a 0.3m wide overhang, these spaces will be long enough. Overall, this means that parking spaces 44 -55 will be 5m in length and therefore meet the parking standards.

Disabled parking spaces are to be provided close to the store entrance. Dedicated motor cycle parking has not been provided but as final approval of the car park layout will be agreed by condition, some of the additional car parking identified by

the Highway Authority could easily be converted to motorcycle use. Cycle storage capacity, design and location will also be finalised through condition taking on board the advice of the DOCO.

The Highway Authority is satisfied that the proposal is acceptable on highway safety grounds subject to conditions and the extension of the 40mph speed limit on Nynehead Road beyond the visibility splay to the north. The proposed scheme includes pedestrian and cycle links to the south to connect the store with the B3187. Following a highway safety audit a number of safety issues have been identified. These include the width of the shared pedestrian/cycle routes, the width of footways and the connection of the pedestrian/cycle access points with the public highway. These matters however will be addressed at the detailed approval stage by the Highway Authority. A Traffic Regulation Order will also need to be secured outside of the planning application process prior to occupation of the store.

In terms of location, the site is well connected to Wellington by existing footways and cycleways and there is a public bus stop immediately to the south of the site. It has been suggested that a dedicated bus should be provided by the applicant from Wellington to the store however 'First Bus' operate a bus service (No. 22 /22A ) that runs from 6.30am on a Monday to Friday half hourly until 8.00am and then every 15 minutes with the last bus returning to Wellington at 8.22pm. On a Saturday the No. 22 leaves Wellington High Street at 6.55 am with the last bus returning at 9.05pm and on Sundays and Bank Holidays there is an hourly bus service between Wellington and Taunton leaving Wellington at 9.08 am with the last bus returning at 6.55pm.

Nynehead Parish Council have requested traffic calming and a 20 mph speed limit within Nynehead and East Nynehead however this is not considered a requirement by the Highway Authority to mitigate against the development.

The applicant submitted a Travel Plan in support of the application which is still not to the satisfaction of the Highway Authority or the Council's own Active Travel Officer. This is not a reason however to refuse the application but an acceptable Travel Plan will need to be agreed before permission is granted. The approval of the Travel Plan and details of its implementation, monitoring and funding will be secured through a S106 legal obligation.

Reference has been made by the Taunton Area Cycling Campaign to the future provision of a cycle route from Wellington to Taunton. A feasibility study has been carried out and the provision of a route is identified as an action in the Council's Climate Action Plan.

The Council's Active Travel Officer and the Highway Authority have both looked at the provision of this route and whether the proposed development would impact on it's delivery. Initially it was requested that a 4m strip of land was made available by the applicant along the southern boundary of the site and/or a financial contribution was provided. Given the feasibility study identifies two routes, one to the north side and one to the southern side of the B3187 there is no defined route that the development would affect. Given the cycle route is not required as a form of mitigation and there is an alternative option to the south, it would be unreasonable to require the provision of land. Furthermore, were a 4m wide strip required, this may result in the loss of vital screening requested by the Landscape Officer.

Concerning the request for a financial contribution, as stated above, the cycle route is not required as a form of mitigation. As such, a requirement for such a financial contribution would be contrary to Regulation 122 of the CIL Regulations 2000 (i.e. not necessary to make the development acceptable). Funding towards the cycle route however could be gained outside of the planning application via CIL payments.

### Ecology

The application was supported by an Interim Ecological Appraisal which identifies the site as arable land of low value to bats with limited species poor semi improved grassland. The hedgerows however can provide valuable flight lines for bats. At the request of the ecologist, further lighting information was submitted to ensure lighting did not cause disturbance to bats utilising the hedgerow to the west (rear of the building) which will be retained as part of the development. The lighting scheme will comply with BCT guidance on bats and lighting. No objection is raised by the Council's Ecological Advisor subject to a lighting design for bats condition.

The applicant accepts the presence of Greater Crested Newts (GCN) in the vicinity and that there is a possibility that GCNs are using the site. Any landscaped areas will include a flowering meadow grassland to provide additional habitat for GCNs and logs from the felling of trees will be used to create several 'hibernacula'.

Conditions have been recommended to require compensation and biodiversity enhancements (net gain) and to control the timing of work on the site.

At the request of the Ecological Advisor a bat box, 2 nest boxes and 3 bird boxes will be attached to the western elevation of the building. Due to the construction of the building (being mainly steel) it is not possible to incorporate Schwegler 1a swift bricks. The landscaping scheme has been revised and now includes the planting of native hedge mix and areas of flowering lawn turf which will provide habitat for wildlife including pollinators and nesting areas for birds, which helps to address the concerns raised in the representations. This will also provide a green corridor for birds, bats, mammals and invertebrates. The management of these habitats will be achieved through a condition requiring the approval and implementation of a Landscape and Ecology Management Plan (LEMP).

Following a further objection from Asda stating that the impacts of the proposal on bats and Great Crested Newts had not been fully assessed, the Council's Ecological Advisor was reconsulted and reconfirmed that Natural England's district licensing scheme will be used for the proposed development and a condition should be imposed with regards to vegetation clearance. The Ecologist also confirmed that only a licence is required for Great Crested Newts and that Natural England will not supply a licence until planning permission is granted.

It is considered that the proposal complies with the requirements of Policy CP8 and the NPPF.

### Landscape / visual impact

The site is adjacent to the B3187 which is the main approach road into Wellington

from the east. SADMP Policy D2 'Approach routes to Taunton and Wellington' states that development that would harm the visual qualities of routes into and out of Taunton and Wellington will not be permitted.

Extensive negotiations have taken place regarding the landscaping of the site and concluded with the submission of a scheme acceptable to the landscape and tree officers. Comments of the DOCO recommending that foliage does not restrict surveillance of the store / car park have been considered. The DOCO requests a 1m clearance from the top of the boundary hedge to below the leaf line of trees. The Landscape Officer however wishes for the hedge to be maintained at a minimum height of 1.5m. Given the nature and spacing of the trees along the perimeter of the site, maintaining the hedge at 1.5m will still offer a suitable degree of surveillance. Hedges will include hawthorn as advised by the DOCO to restrict entry. Trees will be planted around the perimeter of the site and amongst the car park. A group of trees in the south west corner will account for those lost to the development with additional trees. This group of trees will soften the impact of the development when viewed from the public highway travelling out of Wellington towards Taunton. A turf strip will be laid around the perimeter of the site utilising a flowering lawn seed mix. Shrub planting will also be carried out.

The boundary treatment will consist of a 1.1m high galvanised graphite grey railing around the southern and eastern boundaries being the most visible boundaries. The rear (western) boundary will have a 2m high galvanised graphite grey paladin fence and the same fencing but at 3m high with gates will surround the delivery area. At the entrance into the car park will be 2 no. manual rise security barriers.

A condition is recommended to ensure the maintenance of the planting for a period of 5 years (to include hedge maintenance as recommended by the Landscape Officer and a further condition to ensure that if any trees to the southern side of the site (closest to B3187) need to be removed due to the proximity of a drainage easement, replacement planting within the car park will be required.

The roadside boundary hedge on Nynehead Road needs to be removed to create the northern visibility splay. A new hedge will be replanted to the rear of the visibility splay. The Landscape Officer raises no objection to this, subject to the use of a suitable mix and number of native species and offers advice on maintenance. To reduce the impact of the development on the nearby listed gate piers and as recommended by the Gardens Trust and Landscape Officer, Oak trees will also be planted within the hedge. As the hedge will be on third party land, it's planting and maintenance will need to be secured through the S106 legal agreement.

Concern has been expressed that the lighting to the car park and store will be highly visible and will add to the level of light pollution in the Chelston area. The proposed lights range in height from 3.75m to 6.0m. Unlike the Westpark site, the proposed site is fairly flat and therefore views of the lights would only be likely when in close proximity of the site or from a distance from the Blackdown Hills to the south. The lights however will be directing light downwards and will be fitted with both back and side louvres. Any lighting would be seen in the context of the existing street lighting along the B3187 and Nynehead Road and would not be introducing new lighting to the area. (A further lighting assessment is detailed below).

The Landscape Officer made further comments regarding the impact of the

development on the registered park and garden which surrounds Nynehead Court. This is discussed in detail in the Heritage section below, but following the submission of further information to assess the impact of the development on any views from within the registered park and garden, the Landscape Officer is satisfied that the views will not be harmed by the development. Subject to a condition to secure the planting and maintenance of the landscape planting scheme and a S106 agreement to secure the replacement boundary hedgerow with oak trees along Nynehead Road, the proposal is acceptable on landscape grounds.

### Economic Benefit

The loss of employment land and the future relocation of Swallowfield and Relyon to this employment site has already been discussed. The proposed development will provide for approximately 40 new jobs in the locality and for this reason is to be welcomed. As discussed, a thorough assessment has been made of the impact of the development on the town centre (including local centres) and it has been demonstrated that the development will not significantly impact on the viability and vitality of the area resulting in the loss of existing jobs. The proposal will provide for a new access off Nynehead Road that would provide an access route to the remainder of the allocated site which could attract further developers. The Council's economic development team supports the proposal.

The applicant was approached to sign up to a local labour agreement/skills and training package however this was declined. As there is no policy requirement for this, it would be unreasonable to refuse the application due to the absence of the same. However, in the planning statement it is stated that *'Lidl always seek to source labour locally and provide management opportunities for staff. The company's philosophy being to provide all their employees with opportunities for developing and progressing their careers with the company, with the longstanding corporate strategy being to promote from within the business'*.

### Residential amenity

The application site is on an allocated site for employment use. Therefore the development of this land in proximity to the caravan site to the east and the Cades Farm residential area to the south has previously been accepted in principle. The site is also a considerable distance to the Longforth Farm residential area to the west and on the concept plan for Longforth Farm would be separated from this development by a green wedge.

The proposed trading hours are 07:00 to 22:00 Monday to Saturday and 10:00 to 18:00 on Sundays (no more than 6 consecutive hours trading are allowed). No restrictions are proposed on delivery hours. Likewise no restrictions are sought on when the store can be open to employees only i.e. cleaning staff and Lidl employees stacking the shelves while the store is closed to the general public. A condition restricting trading hours is proposed.

The Council's Environmental Health Officer has considered a noise assessment and raises no objection.

Asda have objected on the grounds that a noise assessment has not been made of the deliveries. The applicant states that up to 2 deliveries a day would be made with

unloading times totalling approximately 60 minutes. Deliveries would be to the northern side of the building furthest from Cades Farm dwellings and the caravan site and delivery noise would be further reduced by quiet, manually operated bridging plates and a dock shelter. The new Lidl at Tangier, Taunton has night time deliveries and is closer to houses than the proposed store. The Council's environmental health officers did receive a noise complaint at the Tangier store but when monitoring was carried out, the noise was not found to be a statutory nuisance.

The Waitrose in Wellington was originally granted permission in 2008 subject to a condition limiting deliveries to before 8.00pm and after 8.00am. However this site is in a residential area. The condition however still enabled delivery of perishable goods such as dairy and bakery items over-night. The restriction was subsequently altered by a 2015 permission and deliveries can now be made up to 11.00pm and after 7.00am in the morning.

The Asda in Wellington, which is also in a residential area, was granted permission in 1987. There are no conditions on the permission restricting either hours of use or deliveries.

The plant area is also to the northern side of the building away from dwellings and the caravan site.

Concerning light pollution, the application is supported by a lighting assessment. The roundabout on the B3187 is already illuminated and there is a run of street lights along the edge of the highway adjacent to the southern boundary of the site to illuminate the B3187. There is also a street light on Nynehead Road on the western side almost opposite the entrance to the caravan park. The proposed lighting would be further from the residential area and the caravan site than the existing street lights.

The lighting along the eastern and southern boundaries will be no more than 1 lux (bright moonlight); and will be cowled with a UniStreet Gen 2 Louvers backlight; which will prevent any light spill from reaching the site boundaries. Along the western boundary of the site, the proposed lighting will be affixed to the exterior of the building and on a motion sensor. These motion sensors will act in a way similar to a house alarm, with the sensitivity of the sensor adjusted so that it is only triggered by people (and not animals). In addition to this, the sensors will be pointing downwards and above the fire exit. This exit will only be used in the event of an emergency. An additional precaution, shrouding the lights from above, will also be employed, to ensure any light spill is directed downwards, which will further decrease light spill.

For these reasons the proposed development is not considered to cause any material impact on the residential amenities of the surrounding area.

### Floodrisk

The site which is gently sloping arable land lies within a Floodzone 1. National Planning Policy Guidance Para 33 states that it *'should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1, unless the Strategic Flood Risk Assessment for the area, or more recent information, indicates*

*there may be flooding issues now or in the future (for example through climate change)'.*

The Environment Agency, in identifying that the primary concern with the proposal is with surface water run off, advised that the Lead Local Flood Authority (LLFA) was consulted. The LLFA requested a flood risk assessment (FRA) due to surface water flood risk on the north west, southern and eastern boundary of the site. The LLFA informed the applicant that in designing the drainage strategy, the highway drainage in the vicinity of the site is currently operating at or beyond its capacity and as it serves to collect run-off from a county primary road, there could be no reduction in performance. The LLFA highlighted historical flooding problems with the system.

The development will incorporate a modern drainage system, designed to retain surface water within the site, restricting the rate of run-off to the lowest practicable rate and thereby have a betterment over the existing scenario.

In terms of groundwater flood risk, the site will predominantly be hardstanding upon development, a permanent impermeable layer at the surface will limit the vertical migration of groundwater, inhibiting groundwater emergence at the surface.

There is a public rising main to the southern periphery of the site and public surface foul water sewers approximately 50m south of the site. The FRA concluded the risk of sewer flooding is low.

There are no canals within the vicinity and the site is not within the flood extents of the reservoir overtopping or breach event.

The FRA concludes that the baseline flood risk to the site and the impact on the development elsewhere is considered low and acceptable from all sources.

Therefore there are no site specific flood mitigation measures considered necessary. However in accordance with Building Regulations, finished floor levels will be set 150mm above surrounding ground levels, on site drainage will be well maintained and a 3.0m clearance either side of the on-site public rising main will be provided.

The LLFA raises no objection subject to a condition to approve a surface water drainage scheme, based on sustainable drainage principles.

As the site falls within Flood zone 1 which is land having a less than 1 in 1000 annual probability of river or sea flooding, the site is at low risk of flooding. Problems experienced by the existing highway drainage will not be exacerbated by this proposal due to the drainage strategy proposed which will contain and restrict the run off rate. The development is one that also falls in a low risk vulnerability classification. For these reasons a sequential test is not required. A condition will be imposed as recommended by the LLFA to ensure that the development does not give rise to surface water runoff.

#### Heritage \_

Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "*In considering whether to grant*

*planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses”.*

The northern limit of the site is just over 100m from the gate piers to the former entrance to Nynehead Court. Nynehead Court which is now a care home is a Grade II listed building and the surrounding parkland Grade II\*. The gate piers are independently Grade II listed. There are other listed structures associated with the former Grand Western Canal that are sited within the registered park and garden to north of the site beyond the railway line.

A public comment was made that the design and access statement did not consider the impact on the designated heritage assets. Adsa also submitted an objection letter which stated that the heritage impacts of the proposal had not been properly assessed.

As a result, the Council's Heritage Officer was asked to revisit their comments and advised that a Heritage Statement should be submitted. This was submitted and consultation was carried out with the LPA's Heritage and Landscape Advisors, Historic England and the Gardens Trust.

Historic England raised concerns as to whether the impact of the proposed development on the significance of the designated heritage assets potentially affected had been satisfactorily assessed in the submitted documentation. The aspect of significance with which Historic England were primarily concerned with was the experience of the designed sequence of ornamental features, scenes and views which is gained from particular locations when moving around the registered park and garden surrounding Nynehead Court.

This issue and safeguard needs to be addressed in order for the application to meet the requirements of Paras 194, 195, 199 and 200 of the NPPF.

As a result of these comments, the applicant submitted an addendum to the Heritage Statement and the further consultation was carried out in November 2021 with the relevant heritage and landscape experts and statutory consultees.

The Garden's Trust stated they were '*not entirely enthusiastic about the application from a wider landscape point view*' however consider the replacement hedgerow behind the northern visibility splay as sufficient to address any concerns regarding the impact on the listed gate piers, subject to the addition of oak trees in the hedge.

The LPA's Landscape Advisor also supported the planting of oaks in this new hedge and this would be secured through the recommended S106 Agreement.

Historic England, in light of the additional heritage information submitted by the applicant, recommended that the Council's Heritage and Landscape Officers be consulted to ensure that the LPA is satisfied that the potential impacts on the experience gained when moving within the registered park and garden have been properly assessed in the submitted documentation and that the LPA is confident that the scheme will not result in any harm that could be avoided or minimised prior to determination. Again, this is required in order to satisfy Paras 194, 195, 199 and 200

of the NPPF.

The Council's Landscape and Heritage Officers requested that the applicant submitted further information to assess any impact of the proposed development on the views achieved within the registered park and garden. The applicant subsequently submitted a heritage visual assessment in December 2021 which showed views from within the registered park and garden towards the application site. The Council's Landscape Advisor then requested the assessment was amended to add further views and indicate the location of the proposed store within the views so a proper assessment of any potential impact could be made. Although Viewpoints 4 and 5 of the assessment show the development will be viewable from closer areas in the registered park and garden, there will be tree planting along the northern boundary of the site that will offer screening over time. Furthermore the application site is only part of a much larger allocated employment site and so the principle of further development in between the application site and the registered park and garden has previously been considered acceptable in adopting the Core Strategy.

Regarding the former entrance to Nynehead Court (off Nynehead Road) with its listed gate piers, the Council's Heritage Officer recognises that some of the setting of the gate piers would be lost. It is considered, however, that the changes to the highway priority on Nynehead Road, along with the landscape planting around the site and the replacement roadside hedge with oak trees spaced at 10m centres will lessen this impact so that the experience and appreciation gained from the former entrance to Nynehead Court or the registered park and garden would not be lessened.

In accordance with Para 194 of the NPPF, the LPA is satisfied that the applicant has described the significance of any heritage assets affected, including any contribution made by their setting. The LPA has identified and assessed the significance of those assets in line with the requirements of Para 195 of the NPPF.

Para 199 of the NPPF states '*when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)*'. Para 200 further states that '*any harm to, or loss of, the significance of a designated heritage asset*' in this case from within its setting, should require clear and convincing justification. In particular, it states that any substantial harm or loss to a) Grade II listed buildings, or Grade II registered parks or gardens should be exceptional and b) grade I and II\* parks and gardens should be wholly exceptional.

The LPA is satisfied that on the information submitted the proposed development will not give rise to either substantial harm or loss to the setting of any listed features or the registered park and garden in accordance with Para 200 of the NPPF and therefore the proposed development is considered acceptable on heritage grounds.

#### Other matters -

One reason the Town Council have objected is because they believe the proposed development conflicts with the Council's adoption of a Local Development Order.

However, the proposed LDO is not applicable within the Wellington or Taunton adopted settlement boundary, within which the site is located. The development is also part of an allocated site.

Rather, the LDO focus is for small-scale/micro businesses/start ups in rural areas and small villages under 50 sqm/200sqm depending on the use class on sites of less than 1 ha.

Devaluation of property is not a material planning consideration.

Concerns regarding the safety of children walking from Cades Farm to the new school at Longforth Farm would have been assessed when granting planning permission for the school. The Highway Authority has considered the highway safety aspects of the proposed development and raises no objection.

The erection of signage will be subject to a separate advertisement consent.

Concerning comments that residents were not informed of the change of the site from mixed/light industrial to retail, the site remains an allocated employment site within the Core Strategy.

The provision of more free parking in the town centre is a matter outside of the consideration of this planning application. Likewise the applicant cannot be made to accommodate a post office within the store.

Reinstating the bus route from Wiveslicombe to Wellington is outside the scope of this planning application.

Regarding concerns that the site will be used as a meeting point, Lidl will be responsible for managing the premises. There is no reason to believe that in granting permission the development would give rise to anti social behaviour. There will be personal present during deliveries and staff on site during cleaning and restocking that would provide an element of surveillance. The DOCO raised no objection.

With regards to the loss of agricultural land, the site is an allocated site in the Core Strategy so the principle of the loss of agricultural land to development has already been accepted.

Regarding the statement that other stores will follow - If any such applications were forthcoming, they would need to be judged at that time on their own merits and this must not affect the determination of this application.

Comments that Bloor Homes are looking to develop this site for housing are not relevant to the determination of this application.

The pricing structure of the proposed foodstore compared to other supermarkets is not a material planning consideration.

Consideration of an alternative access off the roundabout of the B3187 with Longforth Farm cannot be made as the application must be judged on the proposed access arrangements which the Highway Authority are satisfied with.

How the applicant manages its parking is outside of the remit of the LPA.

Concerning the provision of a roof over the car park to provide additional space for solar panels, this is not considered essential to make the development acceptable in terms of design, to meet parking requirements or to satisfy Policy DM5.

The applicant cannot be made to erect a sign directing people to the town centre as this is not relevant to the determination of the application.

There is no evidence to say that the traffic that would utilise the foodstore would give rise to increased pollution that would then create respiratory diseases. A significant proportion of journeys to the foodstore will be passing along the B3187 to start with.

Concerning the location of highway signage and street lighting along Nynehead, this would be determined by the Highway Authority post permission.

### Conclusion

The proposed development, which is for a retail development on employment land is considered a departure to the local plan and has been advertised accordingly. Officers are, however, satisfied that the benefits to be gained by the development (creation of jobs, provision of access to the adjoining employment land which could attract future investment and potentially the creation of the vehicular access to a new railway station / halt for Wellington and the surrounding area), outweigh the loss of this small section of employment land. The development will also not affect the future relocation of the town's two biggest employers Swallowfield and Relyon should they ever decide to relocate. In line with both national planning policy and guidance and development plan policies, the proposed development has met the requirements of the sequential test and will not significantly impact on the vitality and viability of Wellington town centre or local centres. Notwithstanding that the development does not accord with the Development Plan, Officers consider that the material considerations detailed above indicate that planning permission should be granted.

It is, therefore, recommended that conditional planning permission is granted subject to prior completion of a S106 Obligation to secure a Travel Plan and the replacement planting of the roadside hedge with additional oak trees.

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

**Contact Officer: Mrs K Wray**



## APPEALS RECEIVED – 13 JANUARY 2022

**Site:** 1 TAUNTON ROAD, BISHOPS LYDEARD, TAUNTON, TA4 3BN

**Proposal:** Change of use of vacant shop premises to residential accommodation with alterations to former shop front at 1 Taunton Road, Bishops Lydeard

**Application number:** 06/21/0024

**Appeal reference:** APP/W3330/W/21/3282280

**Decision:** Delegated Decision - Refusal

**Enforcement Appeal:**

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**Site:** Zine Farm, Zine, Stogursey, TA5 1TL

**Proposal:** Application for prior notification for the erection of an agricultural cylinder grain silo made of curved corrugated steel

**Application number:** 3/32/21/012

**Appeal reference:** APP/W3330/W/21/3282779

**Decision:** Delegated Decision – Prior Approval is Required and Refused

**Enforcement Appeal:**

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**Site:** LAND AT OTTERFORD 322621.115998

**Proposal:** Erection of a general purpose agricultural building on land at Otterford (resubmission of 29/20/0011)

**Application number:** 29/20/0018

**Appeal reference:** APP/W3330/W/21/3276334

**Decision:** Delegated Decision – Refused

**Enforcement Appeal:**

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**Site:** 1 HEATHFIELD FARMHOUSE, CREECH HEATHFIELD ROAD,  
CREECH HEATHFIELD, TAUNTON, TA3 5ER

**Proposal:** Replacement of porch to the front of 1 Heathfield Farmhouse, Creech Heathfield Road, Creech Heathfield

**Application number:** 14/20/0047/LB

**Appeal reference:** APP/W3330/Y/21/3280627

**Decision:** Chair – Refused

**Enforcement Appeal:**

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**Site:** BIRDS FARM, HIGHER KNAPP LANE, KNAPP NORTH CURRY,  
TAUNTON, TA3 6AZ

**Proposal:** Replacement of barn with the erection of 1 No. dwelling at Birds Farm, Higher Knapp Lane, Knapp, North Curry (amended scheme to 24/19/0027)

**Application number:** 24/21/0031

**Appeal reference:** APP/W3330/W/21/3285797

**Decision:** Chair Decision - Refusal

**Enforcement Appeal:**

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**Site:** Farm End, Pemswell Road, Minehead, TA24 5RS

**Proposal:** Erection of a 2 metre high fence at the end of the back garden adjacent to the highway

**Application number:** 3/21/21/070

**Appeal reference:** APP/W3330/W/21/3285192

**Decision:** Delegated Decision

**Enforcement Appeal:**

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# APPEAL DECISIONS – 13 JANUARY 2022

**Site:** SWAYNES, STOKE ROAD, MEARE GREEN STOKE ST GREGORY,  
TAUNTON, TA3 6HY

**Proposal:** Application for a Lawful Development Certificate for the proposed use as a dwelling house within Class C3 use without restrictions at Swaynes, Stoke Road, Meare Green, Stoke St Gregory

**Application number:** 36/20/0027/LP

**Reason for refusal:** Dismissed

**Original Decision:** Delegated Decision



The Planning Inspectorate

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## Appeal Decision

5 Site visit made on 22 November 2021 by **Gareth**

**Symons BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

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### Appeal Ref: APP/W3330/X/21/3279394 Swaynes, Stoke Road, Meare Green, Stoke St Gregory, Taunton TA3 6HY

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr Peter Matravers against the decision of Somerset West and Taunton Council.
  - The application Ref: 36/20/0027/LP, dated 16 November 2020, was refused by notice dated 15 June 2021.
  - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use for which a certificate of lawful use or development is sought is as a dwellinghouse within Use Class C3 without restriction.
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### Decision

1. The appeal is dismissed.

## Background and Main Issues

2. 'Swayne's is a large mobile home sited on land that was originally part of the garden of the neighbouring property known as 'The Cottage'. It had temporary three-year planning permissions granted in 1988 and 1991. In 1994, permanent planning permission was granted for "*Siting a mobile home*" (LPA Ref: 36/94/0010). That permission was subject to one planning condition stating "*This permission shall enure for the benefit of Mrs E.M. Gregory only and not for the benefit of the land. On cessation of the aforementioned occupancy the mobile home shall be removed, and the land returned to its former use/condition*".
3. The afore-mentioned Mrs Gregory died on 9 February 2010. After that, 'Swaynes' was occupied by Mrs Gregory's daughter and son-in-law until his death in 2014. The daughter-in-law continued to live at 'Swaynes' until August 2018, when 'Swaynes' and 'The Cottage' were sold to the present owners.
4. The appellant's case that 'Swaynes' is an unrestricted C3 dwellinghouse is threefold. First, that over time, and more than ten years ago, the mobile home became a building, and it was occupied as a permanent dwelling for over ten years. Secondly, that a material change of use occurred when 'Swaynes' became a building with a C3 use separate from 'The Cottage', also over ten years ago. Thirdly, that the original occupancy condition has been breached for over ten years. In all three cases, it is put that the time limit for taking enforcement action has expired and the use applied for is therefore now lawful and unencumbered by any occupancy restriction. These are the main issues which I shall consider to reach a view about whether the Council's decision to refuse the LDC was well founded.
5. The application has been made for a proposed use under s192(1)(a) of the 1990 Act. However, the arguments made about events already having occurred, such as the caravan now being a building and its residential use, as well as the time limits referred to and the potential immunity from enforcement action, means that the application should have been made under s191 of the 1990 Act. I therefore agree with the Council on this point. Nevertheless, like the Council did, I shall consider the evidence on its face and make my decision accordingly. This is less of an issue because I am not granting the LDC.
6. The consideration to be given to the appeal is a legal determination that does not have regard to matters of planning merit. The onus to make out the case in legal grounds of appeal rests with the appellant and the appropriate test of the evidence is the balance of probabilities.

## Reasons

### Building

7. There does not appear to be any dispute that when the mobile home arrived at the site it did not meet the definition of a caravan in the Caravan Sites and Control of Development Act 1960 (CSCDA 1960). Therefore, despite its large size, this factor alone does not show that it is now a building. This issue therefore turns on whether the caravan has lost its mobility having regard to its attachment to the ground and its permanence.

8. The lean-to extension/porch added to one side of the caravan is attached by the wooden batten mounted at eaves level which supports the joists that hold up the corrugated Perspex roof. However, other than that, the roof and other parts of the wooden extension, such as the door frames and sections of timber panelling, merely abut the caravan. It is not built into the caravan and it is a lightweight structure that could very easily be detached. The extension is also attached to the adjoining double garage, but it is the extent of the attachment to the mobile home that is the issue here.
9. The extension also only functions as a covered space which does not contain anything integral or essentially needed for living such as a kitchen or bathroom. These are still contained within the original caravan. Thus, the extension has not affected the mobility of the mobile home or its status as being a structure designed or adapted for human habitation.
10. I saw the brick chimney/flue, the gutters, and down pipes and that the caravan is attached to mains services, including a sewerage connection. However, most large 'static' caravans have such features, and they are easily detachable. Looking underneath the caravan I saw that it is secured by chains, but this is again very common to prevent the unit moving in high winds for example. The caravan could be readily delinked from its securing points. I also saw that the unit is supported on what appears to be original jacks and the subframe with axles and sets of wheels are still in place.
11. Against this background, whilst the extension itself as operational development is probably immune from enforcement action and I appreciate that the caravan has been in place for over 33 years, none of what has been added to it means that the original unit is no longer mobile. Moreover, given that the burden of proof rests with the appellant, there is nothing to substantiate that the mobile home is not capable of being moved from one place to another. Whilst its appearance is not an essential test of mobility, it is still easily identifiable as a large static/park style home, particularly given its elevation by about 2 feet off the ground and the identifiable subframe, axles and wheels. Having a separate postal address has no bearing on whether the caravan has progressed to become a building.
12. I have had regard to the appeal decision referred to by the appellant (Ref: APP/D0840/X/21/3269674). However, the extension attached to the caravan in that case appeared to be significantly larger and more integrated than is the case in this appeal. The other appeal decision therefore carries little weight.
13. For these reasons, as a matter of fact and degree, the caravan is not a building. It is still a caravan. I therefore do not need to consider the length of time that it has been residentially occupied. This evidence does not show, on the balance of probability, that a dwellinghouse within Use Class C3 is lawful.

## **Material Change of Use**

14. I note what the appellant says about the 1994 planning permission and the misgivings over the precise effects in planning terms over what was granted. The appellant goes on to give their interpretation of what the 1994 planning permission allowed. Nevertheless, in the context of what has been applied for in this appeal, the crux of the appellant's case is that a material change of use occurred when 'Swaynes' was converted to a permanent building and a C3 residential use separate from 'The Cottage' and the use of land for the siting of a residential caravan.

However, given that I have found 'Swaynes' is not a building, while Mrs E. M. Gregory was in occupation, she was living in a caravan in accordance with the condition on the planning permission.

15. Reference is also made to the creation of a separate planning unit. However, the reason for imposing the condition on the 1994 planning permission refers to its relationship to 'The Cottage'. The Council has also drawn attention to what appears to have been an ancillary relationship to the main house taken from evidence submitted with an earlier LDC application. Furthermore, although the land where the mobile home and the adjoining garage are has now been firmly fenced off from 'The Cottage', the 2018 photographs show only a low fence between the mobile home and the main part of the garden to 'The Cottage'. The fence appears to stop short of the steps into the caravan on the side wall next to 'The Cottage' garden, thus there was no barrier to persons going from the mobile home across to 'The Cottage'.
16. Against this background, it is not clear that there was any new planning unit created possibly until more recently. Moreover, the caravan was occupied up until 2018 for residential purposes in the residential garden to 'The Cottage'. Given that the residential use of a caravan is a use of land, it seems likely to me that the occupation of the mobile home was consistent with the existing use of the land. Also, given that a residential use was taking place within a residential garden, and bearing in mind what I set out above, there does not appear to have been any material change to the character of the land. Thus, despite what the appellant asserts about a sui generis use, there was no material change of use.
17. All in all, the appellant has not made out their case on this point.

## **The condition**

18. I have already found above that what is on the site is still a caravan that meets the definition under the CSCDA 1960. A residential use of a caravan is a use of land. It is not a building or therefore a dwellinghouse. As such, considering whether there has been a breach of the condition on the 1994 planning permission would be tantamount to making a finding on an application under s191(c) of the 1990 Act. However, what was applied for, irrespective of whether the application should have been under s191 or s192, was a dwellinghouse in Use Class C3. I also note that the background information submitted to the Council in support of the application did not advance the immunity argument related to a breach of the condition.
19. Under s191(4) of the 1990 Act, if on an application under this section I am provided with information satisfying me of the lawfulness at the time of the application of the use, operations or other matter described in the application, or a description that could be modified or substituted, I may issue a certificate to that effect. However, that is a discretionary power which does not permit me to grant a LDC for something totally different to what was applied for. Finding that there had been a failure to comply with the condition on the 1994 planning permission could, in this case, only lead to a finding about lawfulness related to the 1994 planning permission. Such a finding would, to my mind, be fundamentally not the same as seeking to establish the lawfulness of a structure which might have become a building and had then had a material change of use to a dwellinghouse within Use Class C3. The starting and end points for considering each type of case are entirely different. I therefore decline to exercise the power under s191(4).

20. The evidence about breaching the condition is not relevant to this LDC application and it does not go to showing that there is a dwellinghouse within Use Class C3. If necessary, the breach of condition issue should be subject to a separate application to the Council. As an aside, I make no criticism of the appellant for making the case out that the condition has been breached, because they were probably responding to this being in the Council's reasons for refusal of the LDC. Nevertheless, it is not an issue for consideration now.

## **Conclusion**

21. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a dwellinghouse within Use Class C3 without restriction was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

*Gareth Symons* INSPECTOR

**Site:** CATTLEWASH, ILBEARE, FITZROY ROAD, NORTON FITZWARREN,  
TAUNTON, TA2 6PL

**Proposal A:** Alleged unauthorised change of use of land from agriculture to domestic curtilage at Cattlewash, Ilbeare, Fitzroy Road, Norton Fitzwarren, Taunton, TA2 6PL

**Application number:** E/0210/20/10

**Reason for refusal:** Allowed on Ground F and it is directed that the Enforcement Notice be varied by the deletion of “for the keeping and exercising of domestic dogs” in the requirements and the substitution of the following requirement “for domestic purposes”. Subject to this variation the enforcement notice is upheld.

**Proposal B:** Alleged breach - construction on land of two dog kennels at Cattlewash, Ilbere, Fitzroy, Norton Fitzwarren, Taunton TA2 6PL

**Application number:** E/0152/20/21

**Reason for refusal:** Dismissed



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## Appeal Decisions

Site visit made on 7 December 2021 by **P N Jarratt BA DipTP MRTPI**

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

Decision date: 13 December 2021

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### **6 Appeal A Ref: APP/W3330/C/21/3281471 Land at Cattlewash, Fitzroy, Norton Fitzwarren, Taunton, TA2 6PL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Simon Malloy against an enforcement notice issued by Somerset West and Taunton Council.
- The enforcement notice, numbered E/0210/20/19, was issued on 12 July 2021.
- The breach of planning control alleged in the notice is the change of use of that part of the land edged blue on the plan attached to the notice from agricultural use to domestic use.

- The requirements of the notice are to cease the use referred to in the allegation including the cessation of the use of that part of the land shown edged blue on the plan for the keeping and exercising of domestic dogs.
  - The period for compliance with the requirements is one month.
  - The appeal is made on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended.
- 

## **Appeal B Ref: APP/W3330/C/21/3281500 Land at Cattlewash, Fitzroy, Norton Fitzwarren, Taunton, TA2 6PL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Simon Malloy against an enforcement notice issued by Somerset West and Taunton Council.
  - The enforcement notice, numbered E/0210/20/19, was issued on 12 July 2021.
  - The breach of planning control alleged in the notice is the construction on the land of two dog kennels in the approximate position delineated in green on the plan attached to the notice.
  - The requirements of the notice are (1) to demolish the kennels referred to in the allegation, and (2) remove from the land all materials resulting from such demolition.
  - The period for compliance with the requirements is one month.
  - The appeal is made on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended.
- 

## **Decisions**

### **Appeal A**

1. The appeal is allowed on ground (f) and it is directed that the enforcement notice be varied by the deletion of “for the keeping and exercising of domestic dogs” in the requirements and the substitution of the following requirement “for domestic purposes”. Subject to this variation the enforcement notice is upheld.
- 

### **Appeal B**

2. The appeal is dismissed.

## **Procedural Matters**

3. Both notices have been issued with the same reference (E/0210/20/19), which is a confusing practice followed by the Council.
4. The notices also referred to the incorrect dates for when they take effect. The Council subsequently amended the dates to 23 August 2021.

## **The site and relevant planning history**

5. The appeal site outlined in red on the plan attached to the notices is located in open countryside and contains two distinct areas.

6. The area fronting the highway includes an old barn type building known as Cattlewash and a large dwelling under construction. To the rear and beyond a public footpath that crosses the site is a field outlined in blue on the plan which is the subject of Appeal A. Within the blue outlined land are buildings outlined in green and described in the notice as two dog kennels and which are the subject of Appeal B. Adjacent to these two kennels is a further kennels building which, I am advised, is immune from enforcement action through the passage of time.
7. It appears to me that the blue outlined area is a separate planning unit to that occupied by the buildings fronting the highway.
8. In 2012 a Certificate of Lawful Development for the continued use of the building (Cattlewash) as a residential dwelling was issued (20/12/0032). In October 2017 a replacement dwelling was approved.
9. The appellant states that the Certificate allowed the use of the remainder of the land as domestic curtilage but that aspect of the Certificate was subsequently quashed<sup>1</sup>. An application for a change of use from agricultural to domestic was refused and dismissed on appeal in May 2021.

## **Appeal A – the appeal on ground (f)**

10. In Appeal A the appellant considers that the requirements are excessive and go beyond the Council's power to prevent the exercising of dogs and that the exercising of dogs within the field does not constitute a material change of use. The Council claims that this is not a requirement of the notice. However the Council's response is somewhat puzzling as the requirements of the notice are clearly stated and refer to the ".....keeping and exercising of domestic dogs."
11. As the allegation refers to a change of use from agriculture to domestic use, it is not necessary to refer to anything more in the requirements than to state "cease the use of the land for domestic purposes" and I propose to vary the requirements accordingly.
12. The neighbours in the next door property known as 'Ilbeare' agree that the incidental exercising of dogs in the field is disproportionate but have concerns over how such use would be enforced. They suggest that the notice should specifically request the removal of all dog enclosure fencing in and bordering the field. However, the allegation makes no specific reference to enclosure fencing and nor has the Council made the removal of the fencing a requirement of the notice. I cannot make such a variation to the notice without it causing injustice to the parties and I do not intend to do so. If the Council consider it expedient in the future to take separate enforcement action in respect of any such enclosures which may require planning permission, that will be for them to determine.
13. The appeal on this ground succeeds and the notice will be varied accordingly.

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<sup>1</sup> It should be noted that 'curtilage' is not a use of land but as both parties have failed to include a more detailed planning history of the site, it is not clear why such a term was used.

## **Appeals A and B - appeals on ground (g)**

14. The appellant requests that the time for compliance be extended to 6 months. The appellant states that he is in discussion with the Council regarding the potential change of use of the small existing dwelling on the site to an ancillary use that could provide alternative kennels. Additionally, the construction of a replacement dwelling is imposing significant financial and time constraints on the appellant.
15. The Council considers that the kennels should be easy to remove and that the domestic dogs could be housed in the dwelling on site whilst the new dwelling is under construction.
16. The neighbour questions the justification for an extension of the compliance period considering that there are alternatives that would minimise any financial strain and that the keeping of dogs as a hobby should not be allowed to continue to the detriment of the public. He points out that the appellant's thoughts in respect of the use of the existing dwelling as kennels was the subject of an application in 2017 but that this application was subsequently withdrawn. He points out and that even if such an application were to be approved and the conversion undertaken all within the 6 month compliance period, this would require a significant acceleration to the pace of work since 2017.
17. Although the neighbour is critical of the period of time that has elapsed for the appellant to take action to resolve the situation, the appellant is exercising his rights to appeal the notices.
18. Notwithstanding this, a six month compliance period is excessive. It would not be in the public interest for the harm caused by the unauthorised operations and use to remain longer than the minimum necessary and the shorter period of one month would be reasonable in order for the appellant to make the necessary arrangements to comply with the requirements of the notices.
19. In reaching this conclusion, I am mindful that the lawful kennels will remain on the land albeit that neither party has considered it necessary to indicate by way of these appeals the number of dogs housed in those kennels, and indeed, whether that lawful use incorporates the exercising of dogs on the appeal site.
20. The appeals on this ground fail.

### **Conclusions**

#### **Appeal A**

21. For the reasons given above I conclude that the requirements are excessive in Appeal A and I am varying the enforcement notice accordingly, prior to upholding it. The appeal under ground (f) succeeds to that extent.

#### **Appeal B**

22. For the reasons given above I consider that the appeal should be dismissed.

*P N Jarratt* **Inspector**



**Site:** ZEALS COTTAGE, TOLLAND ROAD, TOLLAND LYDEARD ST  
LAWRENCE, TAUNTON, TA4 3PW

**Proposal:** Erection of extension to garage to form car port with store over at Zeals Cottage, Tolland Road, Tolland, Lydeard St Lawrence (retention of part works already undertaken)

**Application number:** 41/21/0001

**Reason for refusal:** Dismissed

**Original Decision:** Chair Decision



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## Appeal Decision

Site Visit made on 9 November 2021 by R E Jones BSc (Hons) DipTP MRTPI  
an Inspector appointed by the Secretary of State

**Decision date: 16 December 2021**

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Appeal Ref: APP/W3330/D/21/3280265 Zeals Cottage, Tolland Road, Tolland Lydeard St  
Lawrence, Taunton TA4 3PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Brown against the decision of Somerset West and Taunton Council.
  - The application Ref 41/21/0001, dated 20 January 2021, was refused by notice dated 1 June 2021.
  - The development proposed is garage extension to form a carport with store over.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The effect of the proposed extension on the character and appearance of the host property and surrounding area.

### Reasons

3. Tolland Road is a rural lane that serves a scattering of dwellings and farm buildings. Woolcotts, a modest dwelling along with the Old Village Hall opposite the appeal site, typify the majority of buildings along this part of the lane in having a simple vernacular appearance and symmetrical proportions. Buildings in the vicinity are often positioned close to the road or set back marginally from it. This intimate arrangement along with the understated form and appearance of buildings along it, contributes to the road's rural character.

4. The proposed extension would project from the flank wall of the existing double garage at an angle towards the side boundary of the host property. This splayed arrangement would result in the profile of the combined structure having an awkward and jarring appearance, that would be noticeably at odds with the building's opposite. Moreover, the proposal would result in the garage having an elongated frontage that combined with its 1.5 storey height and proximity to the road would give it a prominent appearance that would accentuate its discordance. Accordingly, the proposal's shape, scale and location would be visually unacceptable in the context of this part of Tolland Road.
5. The gap created in the road frontage by the appeal site is not particularly wide and it is acknowledged that in some instances passing motorists may only have fleeting views of the proposal, given the screening effect from existing roadside vegetation from longer distance views. That said, Tolland Road is a narrow rural highway where vehicles would also be travelling at low speeds in anticipation of oncoming traffic. Furthermore, I noted during my site visit a small number of pedestrians using the road. Accordingly, the proposal would be perceptible to passers-by and in this respect its incongruous appearance would be enduring.
6. The garage would be constructed using materials to match the existing garage and dwelling. Although this is supported, it would not address the effect of the building's scale and appearance.
7. Notwithstanding, my concerns regarding the proposal's effect on the road's rural character, it would be positioned at a lower land level to the more elevated and taller host dwelling, in addition to having a more reduced massing and overall scale. Therefore, when combined with the existing garage, the proposal would not overly dominate the host dwelling or harm its appearance to the extent that its setting would be unacceptably harmed.
8. Although I have found that the setting of the host dwelling would not be harmed, the proposed extension would have an unacceptable effect on the character and appearance of the surrounding area. It would fail to accord with Policy D6 of the Taunton Site Allocations and Development Management Plan (2016), which requires proposals to be less damaging to the character of the surroundings than an extension or conversion which meets the need. It would also fail to meet the requirements of Paragraphs 130 and 134 of the National Planning Policy Framework which require that proposals are visually attractive in terms of architecture and layout, whilst being sympathetic to local character.

## **Other Matters**

9. The proposal would provide additional storage and home working space at the host dwelling. There would be benefits in this given the need for more flexible ways of working and accommodation that meets that need. But, there may be other alternative, less harmful, ways of fulfilling those space requirements within the curtilage of the host dwelling.
10. Letters of support have been submitted from nearby residents indicating, amongst other matters, that the proposal would resolve the appearance of an existing dilapidated boundary fence. Presumably it is implied it would mask that boundary's appearance, however, this could be improved in ways other than the construction of the proposal. Accordingly, I attach limited weight to that argument.

11. Other nearby examples of buildings positioned close to the road have been provided. However, from my site visit, I observed that none were directly comparable to the proposal in terms of its position, angular form and overall discordance. As a consequence, I have given limited weight to those examples, and in any event, I have considered the appeal scheme on its own merits.

## **Conclusion**

12. For the reasons given above I conclude that the appeal should be dismissed.

*R E Jones*

INSPECTOR

**Site:** Rural building on land off Chilcombe Lane, Bicknoller

**Proposal:** Conversion of redundant rural building into 1 No. dwelling with associated works

**Application number:** 3/01/20/017

**Reason for refusal:** Dismissed

**Original Decision:** Delegated Decision



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## Appeal Decision

Site Visit made on 9 November 2021 by R E Jones BSc

(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

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### Appeal Ref: APP/W3330/W/21/3277247 E 311485 N 138944, Chilcombe Lane, Bicknoller, Somerset TA4 4ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Rebecca Maynard against the decision of Somerset West and Taunton Council.
  - The application Ref 3/01/20/017, dated 11 December 2020, was refused by notice dated 12 February 2021.
  - The development proposed is described as "the application comprises a request to convert a substantially built redundant rural building into a single dwelling located in close proximity to the rural settlement of Bicknoller and the transport connections on the A358".
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A previous appeal decision<sup>1</sup> at the site dismissed the change of use of the land from equestrian to residential use and the conversion of the existing stable to a dwelling. The proposal before me is broadly the same, although I note that the appellant has provided further landscaping details having regard to the site's location within the AONB.

### Main Issues

3. The main issues in this appeal are:

- the effect of the development on the character and appearance of the area and the Quantock Hills Area of Outstanding Natural Beauty (AONB); and
- whether the site is an appropriate location for residential development, in the context of the development plan and national policy and with particular regard to the accessibility to services.

## Reasons

### Character and Appearance

4. The appeal site is accessed off Chilcome Lane, a narrow rural road bounded on either side by mature trees and hedgerow. The site is located outside of the nearest settlement of Bicknoller and is within the AONB. Paragraph 176 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas. Moreover, the scale and extent of development within AONBs should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
5. The site's roadside frontage consists of a raised bank abutting the highway, which supports a dense covering of mature trees and hedgerow. This screens a stable building on the elevated land above, although it can be glimpsed through the site access and gaps between the trees. The western boundary of the site is characterised by a further line of established trees and hedgerow. The stable is cut into the slope of the land and assumes a recessed position that makes it less visible when viewed from the field and higher land to the south. The existing vegetation surrounding the site makes a valuable contribution to the immediate area's rural character and atmosphere along Chilcombe Lane, as well as limiting the presence of the stable building within this protected landscape.
6. The creation of a visibility splay at the site access with Chilcombe Lane would result in the partial removal of the bank and vegetation along the site's frontage. There are no details of the full extent of tree / hedgerow removal and whether translocation of the boundary would be a viable option. If it were, it could nonetheless take some years to re-establish. Therefore, the works along the existing boundary would likely result in the site appearing more visible from Chilcombe Lane.
7. The new tarmac section of drive and parking and turning area proposed to the dwelling's north east would have a harsh appearance in the context of the site's natural surroundings. Together with parked vehicles, external domestic paraphernalia and lighting requirements, an intensive domestic environment would be created, where currently one does not exist. The effect of this change, together with work to the roadside boundary, would unacceptably erode the scenic qualities of the AONB and the rural character and appearance of this part of Chilcombe Lane.
8. The appellant's commitment to the delivery of an acceptable landscape scheme is noted. This could be provided through a planning condition. However, in the absence of a tree survey accompanying the appeal, there is no detailed information on the existing landscape features on site, for example, their condition, scale and species and whether their loss could be acceptably mitigated. Moreover, there are no details on whether any additional planting would enhance the site's landscape qualities.

9. Comparisons have been made between the appeal proposal and a recently constructed dwelling on Chilcombe Lane<sup>2</sup>. I do not have the full details that led to the Council's approval of that scheme. However, that development, I observed, is located close to and viewed in context with the existing residential properties along Trendle Lane. The appeal site, in contrast, is more divorced from that grouping of dwellings, located further away and on the southern side of Chilcome Lane where there are largely agricultural fields and areas devoid of any development. I cannot therefore take this other decision as a compelling precedent.
10. Therefore, in light of the above, the proposal would cause significant harm to the character and appearance of the area and the AONB. It would be contrary to Policies SD1, SC1, OC1 and NH14 of the West Somerset Local Plan to 2032 (adopted 2016) (the Local Plan), which, amongst other things, require proposals to not harm the prevailing landscape character and are designed to minimise adverse impacts on the quality and integrity of the local landscape character. It would also fail to accord with Paragraph 176 of the Framework and the Council's AONB Management Plan.

### **Whether the site is an appropriate location for residential development**

11. The main parties agree that the appeal site is in the open countryside and located outside the development limits of Bicknoller, to the north. Accordingly, the proposal would need to accord with Policies SC1 and OC1 of the Local Plan. Policy SC1 includes the requirement for new dwellings to be well related to existing essential services and social facilities of a nearby settlement and there being a safe and easy pedestrian access to those amenities.
12. The proposal's proximity to Bicknoller's facilities and services has not changed since the determination of the previous appeal, while the route from the appeal site to the village core is lengthy, unlit and without footways. This is not an attractive pedestrian route, especially in poor light, which would discourage walking to access the village's services and facilities. Therefore, occupiers of the proposed dwelling would be heavily reliant on the use of a car or other vehicle.
13. The appellant's Sustainability Statement indicates that there is a bus service to larger towns nearby departing from the A358 close to the junction with Dashwoods Lane. This is around 500m away from the appeal site and would be partly accessed along the unlit Chilcombe Road. Once on the A358, pedestrians would have to travel along a very narrow footpath that would be unlit for most of its length. This route is unappealing, particularly given the proximity to fast moving traffic along the A road, and it is unlikely to be suitable for a wide range of future residents. Therefore, future occupiers would be likely to favour journeys to access amenities by car.
14. The appellant has referred to the similarities between the proposal and the dwelling the Council approved some 200m to the north off Chilcombe Lane. As referred to earlier, I do not have the full details that led to that scheme's consent. Nonetheless, it is located closer to services and facilities and residents of that property would have to walk less along the dark and narrow road to the village centre.
15. The Council approved a scheme at Ivy Cottage, Sampford Brett<sup>3</sup> that also relates to a conversion of a building to a dwelling. The appellant indicates that this dwelling is sited further away from services and facilities. Again, I do not have the full details of that case, although the Council have indicated that it was within a settlement

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<sup>2</sup> Approval Refs 3/01/15/009 (outline) & 3/01/16/004 (reserved matters)

<sup>3</sup> Approval Ref 3/28/19/002

therefore was assessed against different development plan policies. I cannot therefore take those decisions as compelling precedents.

16. In terms of national policy, Paragraph 80 c) of the more recent Framework (2021)<sup>4</sup> supports the conversion of redundant buildings to dwellings in isolated countryside locations providing proposals enhance the immediate setting. However, I have not been provided with any details of how the setting of the land surrounding the barn would be improved and whether the tree loss along the frontage and western boundary would be effectively mitigated.
17. As a conversion opportunity the proposal would align favourably with aspects of the Framework that promote the efficient use of buildings and land, as well as limiting the use of natural resources. However, this would not resolve the conflict with other aspects of the Framework that relate to dwelling conversions in isolated locations and within AONBs.
18. Therefore, the changes proposed, together with the policy arguments and case examples referred to do not persuade me that the circumstances at the appeal site have changed, such that a dwelling would be acceptable at this location. It would represent an inappropriate location for residential development, in the context of local and national policy, with particular regard to the accessibility to services and facilities and fails to accord with Policies SD1 and TR2 of the Local Plan. These require proposals to secure improvements to the social and natural environmental conditions in the area and complement existing service and facility provision nearby without generating new unsustainable transport patterns. It would also be contrary to the objectives set out in Paragraph 80 of the Framework.

## **Other Matters**

19. The Council raised no concerns in respect of the proposal's impact on highway safety, biodiversity and drainage. However, the lack of concern in those respects weighs neutrally in my assessment of the case.

## **Conclusion**

20. For the reasons given above I conclude that the appeal should be dismissed.

*RE Jones*

INSPECTOR

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<sup>4</sup> National Planning Policy Framework, 2021

**Site:** Land adjacent to 1a St Decumans Road, Watchet, TA23 0AT

**Proposal:** Variation of Condition No. 02 (approved plans) of application 3/37/20/021

**Application number:** 3/37/21/007

**Reason for refusal:** Allowed

**Original Decision:** Delegated Decision



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## Appeal Decision

Site Visit made on 27 September 2021 by **Mr S Rennie BSc**  
**(Hons), BA (Hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

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### Appeal Ref: APP/W3330/W/21/3276277 Land adjacent to 1a - St Decumans Road, Watchet, Somerset, TA23 0AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by KMS Associates Europe Ltd against the decision of Somerset West and Taunton Council.
  - The application Ref 3/37/21/007, dated 16 February 2021, was refused by notice dated 14 May 2021.
  - The application sought planning permission for the erection of a house without complying with a condition attached to planning permission Ref 3/37/20/021, dated 21 January 2021.
  - The condition in dispute is No 2 which states that:  
*The development hereby permitted shall be carried out in accordance with the following approved plans: (A1) Dr No 2409 100C Elevations and Sections (A1) DrNo 2409 101 C site layout (A1) Dr No 2409 102C Plans.*
  - The reason given for the condition is:  
For the avoidance of doubt and in the interests of proper planning.
- 

### Decision

1. The appeal is allowed and planning permission is granted for 'Variation of Condition No. 02 (approved plans) of application 3/37/20/021' for the erection of a house at land adjacent to 1a St Decumans Road, Watchet, Somerset, TA23 0AT in

accordance with the terms of the application, Ref 3/37/21/007, dated 16 February 2021, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:  
2409 302 Proposed Plot & Dwelling & Existing Woollam Place Development Location Plan (A1)  
2409 301 + C Plans Elevations & Sections  
2409 300 B Street Scene for Illustrative Purposes Only
- 2) The details regarding the works for the disposal of surface water drainage shall be installed prior to the buildings occupation and thereafter retained and maintained in that form.

## **Preliminary Matters**

2. This site has a long planning history. Planning application 3/37/19/014 was approved for a two storey dwelling, following an earlier refusal for a three storey dwelling. There have since been two approved applications to vary conditions, including the plans condition, to amend the position and design of the dwelling as approved under permission reference 3/37/19/014. The latest approval was reference 3/37/20/021, which has been partially implemented on site.
3. This appeal follows a refusal to vary the plans condition of this most recent consent, which was essentially for an alteration to the approved design and size of the dwelling, adding a third storey (loft accommodation) and an internal reconfiguration.

## **Main Issue**

4. The main issue is the effect of the proposed dwelling to the character and appearance of the area.

## **Reasons**

5. The current consent is for a two storey house with traditional pitched roof. The proposal would be to amend the design which would result in a three storey house with mono-pitched roof. The proximity, design approach and the materials proposed would mean that the dwelling would appear as part of the more modern residential development of Woollams Place. The mono-pitch roof is replicated on the existing Woollams Place and so this aspect of the design would not appear out of character.
6. A benefit of the two storey dwelling design previously approved was that it stepped down in height from the three storeys of Woollams Place to the single storey bungalow of 1a St Decumams Road. The proposal, by reason of a third storey, does not have such a significant step down from the height of the existing buildings at Woollams Place, but there still is a drop in height with the use of the mono-pitched roof. The dwelling would be lower in height than the nearest section of Woollams Place with its pitched roof, whilst the slope of the proposed mono-pitched roof would mean that its lowest edge would be closest to the neighbouring bungalow at No 1a. The edge of the side of the proposed roof nearest No 1a would not be significantly higher than the ridge of the bungalow roof (particularly due to the raised ground level of the bungalow), thereby maintaining the transitional visual stepped approach between Woollams Place and the adjacent bungalow. It may be more of a subtle and gradual step down in height, but it would be visually effective.
7. Overall, whilst I note the Council has previously refused a three storey dwelling at this plot, it is my view that the proposed dwelling would fit well with the appearance of

Woollams Place and would be of an appropriate height and form, considering its transitional position between more modern and traditional dwelling types and heights. It would not be out of keeping or dominate the bungalow, with there also being a gap to the side of No 1a which would help in this regard. As such, the proposal overall would have no harm to the character and appearance of the area.

8. The proposal would therefore be in accordance with policies NH13 (Securing high standards of design) of the West Somerset Local Plan to 2032, which seeks to require development to be of a high standard of design and make a positive contribution to the local environment, among other things.

## **Other Matters**

9. The proposal would result in a tall new dwelling in a residential area. The orientation and distance of the proposed dwelling to other existing dwellings means that there would not be any significant overshadowing of any neighbouring properties over and above existing levels or from that already approved.
10. The arrangement of the proposed fenestration coupled with the distances to neighbouring properties leads me to conclude that there would be no significant loss of privacy.
11. The proposed dwelling would not result in unacceptable impacts to neighbour living conditions for those at any of the surrounding dwellings.

## **Conditions**

12. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
13. It does seem apparent that development has commenced on site and so there is no necessity for the time limit condition. The Council in their suggested conditions has not included conditions requiring details of fences or restrictions on the external steps. I do not have full details as to why these are not suggested to be retained. On site I noted that there is a fence on the boundary with the bungalow property at 1a St Decumams Road. With regards the external steps as shown on the plans these did not appear to be in a position that would allow access to the garage roof. Considering the above, I have not reimposed these conditions.
14. The condition requiring the undertaking of works for the disposal of surface water drainage shall remain, as it is a reasonably necessary.
15. The Council have suggested an additional condition to restrict permitted development rights, but there is not sufficient justification before me for such restrictions. I am not convinced this is necessary to make the development acceptable.

## **Conclusion**

16. For the reasons given I conclude that the appeal should succeed, subject to conditions, including an altered 'plans condition' to reflect the amended plans that illustrate the revised design of dwelling from that previously approved.

*Mr S Rennie*

INSPECTOR

**Site:** **BARNOAKS, WORTHY LANE, CREECH ST MICHAEL, TAUNTON, TA3 5EF**

**Proposal:** Conversion of garage with raising of roof and insertion of first floor for use as a home office and ancillary accommodation at Barnoaks, Worthy Lane, Creech St Michael

**Application number:** 14/20/0053

**Reason for refusal:** Dismissed

**Original Decision:** Committee



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## Appeal Decision

Site visit made on 24 August 2021 by Ms S Maur

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### Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

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**Appeal Ref: APP/W3330/D/21/3274240**      **Site Address:**  
**Barnoaks, Worthy Lane, Creech-ST Michael, Taunton,**  
**Somerset**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs E Holland against the decision of Somerset West and Taunton Deane Borough Council.
- The application Ref 14/20/0053, dated 4 December 2020, was refused by notice dated 8 February 2021.
- The development proposed is alterations to existing garage to form home office accommodations.

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue is the effect of the alterations to the garage on the character and appearance of the surrounding area.

## Reasons for the Recommendation

4. The site is located to the north east of Creech St Michael and south of Creech Heathfield. The appeal site consists of a detached dormer bungalow with an existing garage located to the south west corner of the site. In its current form, the garage is a modest building with a low roof height; it appears as clearly ancillary to the host dwelling. The area is rural in character. The garage is the first building located towards the west of this row of dwellings and outbuildings. There is not a consistent building line, however, all the dwellings close to the appeal site are set back from the road. The buildings close to the highway are all modest buildings of a low height. This has resulted in an open character to the front of the houses.
5. The proposal consists of the conversion of, and alterations to, the existing garage to form a home office on the ground floor and raising the roof to add a first floor to provide space for storage and a playroom. The first-floor extension would be finished with horizontal timber clad walls and a tiled roof.
6. The height of the proposed alterations to the garage would result in a building that is of a significant height close to the road. This would disrupt the established character of the area where buildings close to the highway have a modest height. This would result in harm to the character and setting of the main dwelling and the character and appearance of the street scene and this part of the settlement.
7. The ridge line would run north/south to the street and there is landscaping along the side boundary to the west, which together would reduce the impact when viewed from the street on approach from the west. Similar roofing materials to those on the dwelling would be used. However, these factors would not mitigate against the harm caused when viewed head on and on approach from the east. The example provided, whilst a relatively large building, given its location and relationship to the host building is different as it is tucked away at the end of a private road. Therefore, this development does not have the same effect on the character and appearance of the area.
8. For the reasons identified above, the alterations to the garage would result in harm to the character and appearance of the area. This would conflict with Policy DM1 of the Adopted Taunton Deane Core Strategy 2011-2028 which seeks development that does not cause harm to the character and appearance of the host dwelling and street scene. There would also conflict with Policy D6 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016 (SA&DMP) in so far as it requires buildings with ancillary accommodation to not harm the character of the main dwelling. In addition, there would be conflict with the National Planning Policy Framework, which seeks to achieve good design and reflect the character of the area.
9. Any lack of conflict with other aspects of Policy D6 of the SA&DMP are neutral matters. As Policy D5 of the SA&DMP deals exclusively with extensions to dwellings, it would not be relevant to an application relating to an outbuilding. However, this does not minimise the conflict with the relevant policies in the development plan or the associated harm.

## Other Matters

10. There would be benefits of having a home office on the ground floor and a playroom/ storage at first floor, however these are private benefits and only relate to a single household. As such they only carry limited weight and do not outweigh the harm that would be caused by the proposed development.

11. Although the existing garage is in a state of significant disrepair, the appeal scheme would not be the only means of rectifying this. The lack of any substantive impacts on biodiversity is a neutral matter in the overall consideration of the appeal. I have taken account of the support for the scheme and lack of objection from the Parish Council; however, I must reach my own view on the main issue in the appeal.

### **Conclusion and Recommendation**

12. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

*Ms S Maur*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*K Taylor*

INSPECTOR

