

This 0.60 hectare site is located at the northern end of Martock, between Great Western Road and Coat Road, and is within the defined development area. The site currently accommodates Paull and Co Ltd, a builders' merchant, DIY and hardware store. There are a number of industrial type buildings on site, as well as external storage and display areas, aggregate stores and parking areas.

This application seeks permission for the erection of a foodstore, associated infrastructure, access, parking and landscaping. The proposed foodstore would be located at the northwest end of the site, with a gated service/delivery yard adjacent to the western boundary and customer car parking within the central and fore sections of the site. The existing access off Coat Road is to be improved. Car parking provision is proposed at 85 car spaces, of which 8 will be disabled spaces and 4 will be parent and child spaces. Motorcycle parking and an electric car charging bay are also proposed. Bicycle parking is proposed directly in front of the store. The proposed delivery yard is screened by a 4m high acoustic perimeter fence and high density landscaping.

The proposed building would provide a net sales area of 921m² with bulk storage, staff and administration areas and external lobby creating a total gross external floor area of 1460m². The design incorporates a shallow pitched roof with a ridge height of 5.6m, full height glazed panels on the front elevation of the building with some timber cladding, and 'oyster' coloured insulated panels on the majority of the remaining three elevations. The front elevation also incorporates a 'Tesco' sign above the porch canopy.

An amended plan was received following consultation from the Highway Authority who raised concern on over-provision of parking on site. The amended plan reduced the number of parking spaces from the originally proposed 88 to 85 spaces and also included the electric car charging bay.

HISTORY

10/04577/COL - Application for a certificate of lawfulness for the existing use of site and buildings for retail use class A1. Application permitted on 19/05/2011.

Previous planning history relates to various development of Paull & Co Ltd site.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR3 - Rural Centres and Villages

Policy STR5 - Development in Rural Centres and Villages

Policy 20 - The Retail Framework

Policy 21 - Town Centres Uses

Policy 48 - Access and Parking

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:
 Policy ST1 - Rural Centres
 Policy ST5 - General Principles of Development
 Policy ST6 - The Quality of Development
 Policy ST10 - Planning Obligations
 Policy EP2 - Pollution and Noise
 Policy EP3 - Light Pollution
 Policy EP5 - Contaminated Lane
 Policy TP2 - Travel Plans
 Policy TP6 - Non-Residential Parking Provision
 Policy MC2 - Location of Shopping Development
 Policy MS2 - Local Shopping and Services
 Policy ME3 - Employment within Development Areas

National Guidance
 National Planning Policy Framework - March 2012:
 Chapter 1 - Building a Strong Competitive Economy
 Chapter 2 - Ensuring the Vitality of Town Centres
 Chapter 4 - Promoting Sustainable Transport
 Chapter 7 - Requiring Good Design

CONSULTATIONS

Martock Parish Council - Recommend approval subject to adequate pedestrian access to and from the site, including suitable road crossings and a clear indication from the County Highway Authority that the impact on traffic volumes and flow in North Street will be acceptable.

Long Load Parish Council (adjacent) - Main concern is delivery lorries that will pass through the village to travel between the Martock and Langport stores.

Ash Parish Council (adjacent) - Only concern is the extra traffic generated by the proposal travelling through the village.

County Highway Authority - Raises no objection in principle. Comments that the data provided in relation to trip generation is accepted by the Highway Authority. Notes the proposal includes improvement to the visibility to the proposed site access and also the junction of North Street with Coat Road, which are considered to be acceptable. With regard to the parking provision proposed on site, the proposal currently provides 5 more parking spaces than would normally be required by the Highway Authority's Parking Strategy. Discussions relating to the Travel Plan, which will be incorporated into the s106 are on-going between the Highway Authority and the agent.

Area Engineer - Notes the content of the submitted drainage report regarding Wessex Water's requirement for a reduction in surface water run-off. The reduction in impermeable area, which will result in a 12% decrease in surface water run-off is considered to be acceptable.

Landscape Architect - Raises no landscape issue with the principle of store development in this location, and views the siting and general layout of the store to be acceptable. Subject to small alterations to the proposed landscaping scheme, no objection.

County Archaeologist - No objection

Economic Development Officer - Notes that the opportunities of choice between locations for a new food store within Martock is limited and will for certain not be an ideal choice of location for a proportion of the population. However from an economic perspective the proposed location is considered to be suitable, recognising the limitations of alternative and available sites in the area. The store will not host a café/coffee shop and is too small to host an opticians and pharmacy. With specific services and trades available near the Market Cross, e.g. take away food, cafés, library, bank, optician, doctor surgery, pharmacy, primary school, church, etc. there is a distinct possibility that the existing retail outlets will retain sufficient footfall to remain viable. While the proposal will clearly change the retail shopping focus for the area, the application raises no undue concerns from an economic perspective, subject to suggested restrictions on trading secured by condition.

Environment Agency - No objection subject to conditions relating to contamination, drainage, and pollution prevention.

Environmental Protection Unit (Contaminated Land Officer) – no objection subject to conditions to ensure that any potential land contamination is addressed and drainage measures agreed. Additional safeguarding conditions are recommended to control delivery times and external lighting to safeguard residential amenity.

Climate Change Mitigation Officer - Notes the effective use of daylight minimising the need for artificial lighting, well chosen construction materials and minimising the need for heating. However, as the development does not meet BREEAM Excellent rating, in accordance with Policy EQ1 of the emerging Core Strategy, an objection is raised.

Planning Policy Officer - Clarifying the status of the emerging Core Strategy Policy EQ1, stating we are not in a position to insist that a BREEAM Excellent rating is achieved by the development.

REPRESENTATIONS

Fifteen letters of objection - Have been received, raising concern over the following issues:

- Impact on current trade in Martock, which will cause lots of empty shop premises, and impact on local businesses
- Tesco will provide more and more services and deliveries once they get a foot in the door
- Increased traffic generated by large supplier vehicles and shoppers cars will impose an intolerable strain on the main road (North Street) through the town and the Coat Road junction
- Increase of traffic through out-lying villages
- No need for another Tesco in this part of South Somerset
- There are an adequate number of retail units in Martock already
- Object to Tesco business practices
- The new store will transfer the same number of jobs from existing food retailers such as the Co-op, who will either diminish or close
- Loss of Paull's which will mean cars and vans need to leave Martock for all building and DIY supplies, which is contrary to the Core Strategy which identifies the need to avoid too many people having to leave Martock to shop.
- The proposed building is of poor quality and poor architecture. It is a vulgar industrial building
- Proposed building does not respect the historical environment. The applicant

- should be asked to use hamstone
- Ugly high signage should not be allowed
- Full height glazing on the front elevation will cause light pollution and is not necessary
- Proposed building is too high and will waste building materials and heat and lighting within the store
- The site is within the curtilage of a listed building
- Doubts that the proposal will create as many new jobs as claimed
- The existing use should survive the desire of the present owners to retire
- Heavy vehicle movements will increase during construction
- Traffic barrier within the site is not suitable
- Consideration should be given to limiting trading hours of the new store
- Zebra crossing should be provided
- Washing and valeting of cars should not be allowed in Tesco car park
- Impact on local residents adjacent to site, i.e. visibility of site, lighting impact, noise
- Delivery area is located close to adjacent residential properties - concern re disturbance caused by unloading vehicles
- Fencing and landscaping 4m high might not be high enough to provide adequate screen to neighbouring properties
- Lorries should not be allowed to wait in Coat Road
- Supporting information states store will not have a bakery or butcher counter, but the plans show a bakery area
- Do not believe the figures in the traffic report are accurate with regard to the number of HGVs currently accessing the Paulls site. The small 7.5 tone Paull's delivery lorry should not be classed as an HGV

Eight letters of support - Have been received, raising the following points:

- A food store in this location is necessary and would be useful
- Location will be within walking distance for many people
- Proposal will encourage small businesses at this end of the town
- Tesco would be the anchor store desperately needed to improve retail in Martock
- Would reduce mileage from having to travel regularly to Yeovil for supplies
- It is a good use of the site
- Proposal will add new dimension to village shopping and will give local residents a fair deal
- Tesco are renowned for competitive prices and good customer service and they always support the community they serve
- Will bring good competition to this one horse town
- Will improve the job prospects of the young, unemployed population, and they are among the top payers in their industry
- If Tesco does not occupy the site once Paull's closes, no-one will

CONSIDERATIONS

Principle

As can be seen within the planning history for the site, a certificate of lawfulness for the use of the buildings and site for A1 (retail) use. Therefore the principle of utilising the site for a retail foodstore is acceptable.

The relevant issues to be considered are:

- Design

- Highways
- Impact upon Amenity
- Impact upon Town Centre

Design

The site is located within an industrial estate and therefore the quality of design and character surrounding the site is limited. The design of the proposed building is simple and typical of modern foodstore design, with a shallow pitched roof to keep the building at a low profile commensurate with other roof heights adjacent to the site. The front elevation incorporates full height glazing to maximise light into the store and timber cladding is also used to soften the front façade. Objection has been raised by a local resident over the use of such glazing as being unnecessary; however the same glazing has gained support of the Council's Climate Change Mitigation Officer as contributing towards sustainable construction and therefore is not considered unacceptable.

Concern has been raised by a local resident that the height of the proposed building is too high. The Local Planning Authority (LPA) do not concur with this view, as with a maximum height of 5.6m, the scale of the building will sit comfortably within the site against the scale of adjacent existing industrial buildings.

Concern has also been raised that the site does not respect the historic environment. The LPA is of the opinion that the setting of the site is not historically sensitive, as it does not fall within a conservation area and is not within the curtilage of a listed building, despite the claim of a local resident.

It has also been suggested through letters of representation that the design should be improved and hamstone incorporated as a material. Given the location of the site these suggestions are not considered appropriate.

Objection has been made over the proposed 'Tesco' sign on the front elevation of the building. Again, given the location of the site and the sign's proportions, the sign is not considered to be so harmful, and in any case the sign requires separate advertisement consent so does not form part of this application.

Highways

The Highway Authority has stated they have no objection in principle to the proposed development. The proposal includes improvements to visibility at the site access and also at the junction of North Street with Coat Road. The Highway Authority has confirmed that these works are acceptable and in accordance with the required guidelines. The Highway Authority has also confirmed that the local highway network has the capacity to accommodate traffic generation that will be created by the proposed development. The parking provision proposed is more than the Highway Authority's Parking Strategy requires, however given the location of the site close to North Street and the town centre, this slight over-provision does not warrant sufficient grounds to refuse the application.

Impact upon Residential Amenity

The delivery yard is located on the western side of the site, which is the closest part of the site to residential properties. While HGV vehicles will need to access this part of the site, the proposal includes an acoustic fence constructed to 4 metres high, as well as landscaping to buffer and screen the noise generated in the delivery yard from neighbouring residential properties.

The open fronted buildings currently located on much of the western boundary close to residential properties, are frequently serviced by a forklift truck loading materials in and out of the bays. There are also areas along this boundary where there is no built form to

offer a screen, and therefore the only buffer between active parts of the site and residential properties is a galvanised security fence.

The supporting information submitted with the application states that it is anticipated that the foodstore will be served by two delivery vehicles per day. On this basis it is considered that the disturbance to residential properties to the west of the site will be minimal, particularly given the current activity levels on this part of the site and the mitigation measures proposed in the form of an acoustic fence and densely planted landscaping.

In line with the Environmental Protection Unit's recommendations, it is considered reasonable to restrict hours of trading, hours of deliveries and use of lighting at the site, in order to minimise the disturbance caused to local amenity.

Impact on Town Centre

The Council's Economic Development team have been consulted on the application, and have raised no objection. As already discussed, the use of the site for retail is already deemed acceptable given the current use and existence of a certificate of lawfulness for such use. While introducing a foodstore that may provide competition against existing retail facilities within Martock is not strictly a planning consideration, it is still important to maintain a balance of uses that attract footfall to the town centre. As commented by Economic Development, Martock has a number of services and facilities that encourage vitality and hence viability of the existing businesses in Martock. The proposed foodstore would not have a pharmacy, butcher or bakery counters or a café, and this can be controlled by condition.

Other Issues

Concern has been raised by local residents that the new foodstore would not create as many jobs as claimed in the documents supporting the application. The agent has confirmed the scheme will deliver at least 85 jobs, of which two thirds will be full time posts and one third will be part time posts. This offers a considerable source of employment to the local community.

One letter of objection requests that washing and valeting of car is not allowed in the foodstore car park. This would be contrary to the scope of the retail use of the site and could not be carried out without planning permission.

Objection has also been raised by one local resident over the business practices that Tesco use. This is not a material planning consideration.

The Climate Change Mitigation Officer raises an objection to the proposal as the development does not meet the requirements of emerging Core Strategy policies. However, the Planning Policy team has confirmed that there is currently no requirement for Core Strategy policies to be met, given the status of the document could still change through the further consultation and examination processes the document is yet to go through.

Conclusion

Notwithstanding local representations, the proposed development is considered to be of appropriate form, design and layout that would not have a detrimental impact on visual or residential amenity. The access and parking provision are considered to be acceptable and off-site highway improvements are also made. As such the proposal complies with Policies STR5, 20, 21, 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, EP2, EP3, EP5, TP2, TP6, MC2, MS2 and

ME3 of the South Somerset Local Plan and Chapters 1, 2, 4 and 7 of the National Planning Policy Framework.

Section 106 Planning Obligations

A section 106 agreement would be necessary to secure implementation of the Travel Plan.

RECOMMENDATION

Permission be granted subject to the following:

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure appropriate Travel Planning measures as agreed with the County Travel Plan Coordinator; and
- b) The imposition of the planning conditions set out below on the grant of planning permission.

JUSTIFICATION

It is considered the proposed foodstore would not have a detrimental impact upon the visual or residential amenity of the area, or be prejudicial to highway safety or town centre viability and vitality. Accordingly the proposal is considered to be in accordance with Policies STR5, 20, 21, 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, ST10, EP2, EP3, EP5, TP2, TP6, MC2, MS2 and ME3 of the South Somerset Local Plan and Chapters 1, 2, 4 and 7 of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

02. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan.

03. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as

otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the enhancement of the local character and in the interests of residential amenity in accordance with South Somerset Local Plan Policy ST6.

04. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:-

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment.

(c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, in accordance with policy EP5 of the South Somerset Local Plan.

05. No development approved by this permission shall be commenced until such time as a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and shall also include measures so as to prevent the discharge of water onto the highway. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To provide adequate drainage and prevent water pollution in accordance with Policies ST5 and EU4 of the South Somerset Local Plan.

06. The delivery management plan detailed in paragraph 5.5 of the submitted Noise Assessment dated 27th March 2012, shall be operated at the site once the approved foodstore is opened and the acoustic fence on the western boundary of

the site shall be erected prior to the occupation of the foodstore hereby approved, and thereafter maintained as approved.

Reason: In the interests of residential amenity, in accordance with Policy EP2 of the South Somerset Local Plan.

07. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: To ameliorate and reduce the impact of any external lighting in the interests of reducing light pollution in accordance Policy EP3 of the South Somerset Local Plan.

08. No delivery vehicle shall access the delivery yard or be loaded or unloaded between the hours of 7pm and 7.30am Mondays to Saturday and not at all on Sundays and bank holidays.

Reason: In the interests of local residential amenities in accordance with Policy ST6 of the South Somerset Local Plan.

09. There shall be no dispensing pharmacy, optician services, dedicated butcher or bakery counters or cafe within the store hereby permitted without the prior express grant of planning permission.

Reason: To ensure that the approved store meets the identified need and to safeguard the current retail base of the town, in accordance with Policies MC2 and ME3 of the South Somerset Local Plan.

10. The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction delivery hours and specific anti-pollution measures to be adopted to mitigate construction impacts including:

1. Site security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillage will be dealt with
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations
6. Site induction for workforce highlighting pollution prevention and awareness.

Subsequently the development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highways safety and to safeguard the amenities of the locality in accordance with policies EP6, ST5 and ST6 of the South Somerset Local Plan.

11. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge of the centre line of the access and extending to points on the nearside carriageway edge (insert what is on the plan)m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

12. Prior to the commencement of any development hereby approved, details of the hard surfacing, trolley compounds and any other structures/hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: In accordance with Policy ST5 of the South Somerset Local Plan.

13. The development hereby permitted shall be carried out in accordance with the following approved plans: PL(90)200 Rev A, PL(20)200, PL(20)201, PL(20)204, PL(20)205.

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

Informatives:

01. You are reminded of the contents the Environment Agency's consultation response dated 23 May 2012, a copy of which can be found on the SSDC website under the application reference number.
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