



Appeal Decision

Site visit made on 11 July 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 24th August 2017

Appeal Ref: APP/V3310/W/17/3171015 East Quay, Somerset, Bridgwater TA6 5AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Ms Judi Scholey, Asda Stores Ltd against the decision of Sedgemoor District Council.
 - The application Ref 08/16/00171/JE, dated 3 October 2016, was refused by notice dated 7 December 2016.
 - The development proposed is development of a KFC Drive-Thru restaurant and associated car parking.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site forms part of a larger site which benefits from full planning permission¹ for a petrol station ("the Full Permission") together with outline consent for a mixed use non-residential scheme falling within use classes A1, A2, A3, B1(a) and/or D2² ("the Outline Permission"). The Full Permission has already been implemented along with an approved scheme of landscaping.
3. The Council has raised concerns regarding effect of the proposal on the character and appearance of the surrounding area and its impact on nearby heritage assets including the Dock Conservation Area ("the CA"). In addition, it also objects to the failure of the scheme to provide any worker accommodation in accordance with the guidance set out in the Council's Hinkley Point C Supplementary Planning Document ("the Hinkley Point SPD").
4. In granting the Outline Consent, the Council has already permitted an entirely non-residential development of the site. Furthermore, the Eastover Supplementary Planning Document ("the Eastover SPD") makes clear that there is no longer any need to provide for such accommodation. In the absence of any firm policy basis for requiring such accommodation to be provided, there is little substance in this part of the Council's argument.

¹ ref: 08/14/00083.

² with all matters reserved.

5. As such, I consider the main issues are the effect of the proposed development on the character and appearance of the surrounding area and nearby heritage assets including the CA.

Reasons

6. The appeal site is located within the Eastover area of Bridgwater with its western boundary situated along part of the historic quayside at East Quay. There are a number of listed buildings located to the south around which the Conservation Area Boundary is tightly drawn. The significance of the CA and these listed buildings is largely derived from their maritime and trading past.
7. The site itself is a triangular area of open land which until relatively recently was occupied by a medical centre. It is open on three sides and surrounded by a number of commercial buildings including a garage, a petrol filling station and large supermarket. It also contains a number of semi-mature trees which provide a considerable amount of screening, particularly in views from West Quay opposite. Overall, the site makes a positive contribution to the character and appearance of the adjacent CA and acts as a transition between the historic area and the more modern commercial development that sits adjacent.
8. Policy D2 of the Sedgemoor Core Strategy³ (CS) promotes high quality and inclusive design. It requires new development to, amongst other things, respond positively to and reflect the local characteristics and identity of the surrounding area. Furthermore, CS Policy D17 requires all development proposals to contribute to enhancing and maintaining the historic environment. It sets out a number of circumstances in which development will be supported including where it proposes appropriate design, including contemporary solutions which positively enhance the character and quality of conservation areas.
9. In addition, the Hinkley Point SPD and the Eastover SPD set out a number of design principles for the site which include improving block integrity and creating active frontages onto the river. They also make clear that development adjacent to listed buildings should respect the context, type and character of the structures whilst encouraging the juxtaposition of new and old buildings that integrate well and help form a strong relationship with the historic town centre character. They also advise that development within and adjacent to the CA should respect historic spaces and add or create streetscape to be sympathetic to the setting.
10. The appeal proposal would fail to meet a number of these design principles. It would involve the erection of a single storey drive through restaurant, located at the southern part of the appeal site with the other areas taken up mostly by parking and the drive through access. It would not create active river frontage and its single storey height would fail to improve block integrity. In addition, it would fail to display many of the key characteristics of the surrounding area as identified in the elevational code set out in the Hinkley Point SPD.

³ Local Development Framework Core Strategy 'Shaping the future of Sedgemoor 2006-27 (adopted 2011)

11. Furthermore, while I acknowledge that it would integrate well with the more modern commercial buildings located to the east, views from within the CA would considerably alter. From nearby West Quay, the proposed structure would be clearly visible in the foreground with its glass frontage and large areas of parking contrasting sharply with the historic buildings located to the south.
12. Moreover, the loss of many of the existing trees would expose both the petrol station and the nearby supermarket. These buildings would become more pronounced and would jar with the more historic setting of the nearby listed buildings. While I note that the appellants' Heritage Statement concludes that this would lead to an enhancement of the historic setting, I do not agree. The juxtaposition of these buildings and the nearby heritage assets along East Quay would negatively impact on the historic character of the CA. While the resultant harm would be less than substantial, it would nevertheless fail to respond positively to key local characteristics as well as negatively impacting on the character and appearance of the CA itself.
13. The Framework advises that where a proposal would lead to less than substantial harm to a heritage asset, this harm should be weighed against the public benefits. In this case, the appellant has identified a number of such benefits including additional employment generation (both during construction and following completion) and its contribution to the local economy. Based on the figures referred to by the appellant, these benefits are significant and I afford them a considerable amount of weight. However, heritage assets are an irreplaceable resource and the Framework indicates that *great* weight should be afforded to conserving them. On balance, I do not consider the benefits of the proposal are sufficient to outweigh the harms identified above.
14. Accordingly, I consider the proposal would fail to respond positively to local character, would fail to enhance local distinctiveness and would impact negatively on the historic environment. As such, it would be in conflict with CS Policies D2 & D17.

Conclusion

15. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR