



To: Members of Planning Committee

Councillors S J Pugsley (Chair), B Maitland-Walker (Vice Chair), I Aldridge, D Archer, G S Dowding, S Y Goss, A P Hadley, T Hall, B Heywood, I Jones, C Morgan, P H Murphy, J Parbrook, K H Turner, R Woods

Our Ref TB/TM

Your Ref

Contact Tracey Meadows t.meadows@tauntondeane.gov.uk

Extension 01823 356573

Date 24 November 2015

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Dear Councillor

I hereby give you notice to attend the following meeting:

**PLANNING COMMITTEE**

**Date: Thursday 3 December 2015**

**Time: 4.30 pm**

**Venue: Council Chamber, Council Offices, Williton**

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

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Yours sincerely

A handwritten signature in blue ink, appearing to read "Bruce Lang".

**BRUCE LANG**  
Proper Officer

## PLANNING COMMITTEE

THURSDAY 3 DECEMBER 2015 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

1. Apologies for Absence

2. Minutes

Draft Minutes of the Meeting of the 5 November 2015 - **ATTACHED**

3. Declarations of Interest or Lobbying

To receive and record any declarations of interest or lobbying in respect of any matters included on the agenda for consideration at this meeting.

4. Public Participation

The Chairman/Administrator 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 wishing to speak at this meeting there are a few points you might like to note.

A three minute time limit applies to each speaker and you will be asked to speak after the officer has presented the report but before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Where an application is involved it has been agreed that the applicant will be the last member of the public to be invited to speak. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. Town and Country Planning Act 1990 and Other Matters (Enforcement)

To consider the reports of the Planning Team on the plans deposited in accordance with the Town and Country Planning Act 1990 and other matters - **COPY ATTACHED** (separate report). All recommendations take account of existing legislation (including the Human Rights Act) Government Circulars, Somerset and Exmoor National Park Joint Structure Review, The West Somerset Local Plan, all current planning policy documents and Sustainability and Crime and Disorder issues.

**Report No: Sixteen**

**Date: 24 November 2015**

<u>Ref No.</u>	<u>Application/Report</u>
3/39/14/010	Redevelopment of the site to provide a food store (A1), retail shops (A1), professional and financial services (A2), food and drink uses (A3), health services (D1), residential dwellings (C3), vehicle and pedestrian access, associated car parking and landscaping (resubmission of 3/39/11/002) in association with 3/39/14/024 at Land at Bank Street/Fore Street, Williton, Taunton, TA4 4NH
3/39/14/024	Outline application (with all matters but access reserved) for the erection of up to 480 sq.m. gross of flexible Class A1/A2 floor space linked to proposed redevelopment of land associated with application ref: 3/39/14/010 to include vehicle and pedestrian access and landscaping at J Gliddon & Sons Ltd, Bank Street, Williton, Taunton, TA4 4NH

3/32/14/004	Demolition of existing bungalow and redundant agricultural building and construction of 12 new dwellings, associated parking and turning and improvements to existing vehicular entrance at Land at and adjoining 16 Castle Street, Stogursey, Bridgwater, TA5 1TG
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6. **Exmoor National Park Matters** - **Councillor to report**
7. **Delegated Decision List** - **Please see attached**

### RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

<b>Likelihood (Probability)</b>	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
<b>Impact (Consequences)</b>							

## PLANNING COMMITTEE

### Minutes of the Meeting held on 5 November 2015 at 4.30 pm

#### **Present:**

Councillor S J Pugsley .....Chairman  
Councillor B Maitland-Walker .....Vice Chairman

Councillor I Aldridge  
Councillor G S Dowding  
Councillor Heywood  
Councillor J Parbrook

Councillor Goss  
Councillor Hall  
Councillor I Jones  
Councillor R Woods

#### **Officers in Attendance:**

Area Planning Manager – Bryn Kitching  
Democratic Services Officer – Tracey Meadows  
Heather Crockford – Housing Enabling Lead  
Legal Advisor Martin Evans - Mendip DC

#### **P48 Apologies for Absence**

There were apologies for absence from Councillors Archer, Hadley, Morgan, Murphy and Turner.

#### **P49 Minutes**

**RESOLVED** that the Minutes of the Planning Committee Meeting held on 24 September 2015 circulated at the meeting be confirmed as a correct record. Proposed by Councillor J Parbrook and seconded by Councillor I Aldridge.

#### **P50 Declarations of Interest or Lobbying**

Councillor B Maitland-Walker declared that she had been contacted by the applicant, she stated that she advised the applicant that as she sat on the planning committee the applicant would need to contact their ward Councillor.

#### **P51 Public Participation**

<b>Min No.</b>	<b>Reference No.</b>	<b>Application</b>	<b>Name</b>	<b>Position</b>	<b>Stance</b>
P52	3/26/15/013	Land at Merry Oaks, Cleeve, Watchet	Mrs Greenslade	Applicant	In favour

#### **P52 Town and Country Planning Act 1990 and Other Matters**

Report Fifteen of the Planning Team dated 16 September 2015 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning application files that constitute part of the background papers for each item).

**RESOLVED** That the Recommendations contained in Section 1 of the Report be Approved (in so far as they relate to the above), including, where appropriate, the conditions imposed and the reasons for refusal, subject to any amendments detailed below:

**Reference Location, Proposal, Debate and Decision**

**3/26/15/013 – Land at Merry Oaks, Old Cleeve, Watchet. Erection of 3 bedroom house.**

**Comments raised by the speaker included:**

- Applicant asked for this application to be brought to committee as they felt that the application should be heard fairly by the committee due to opposing views from two planning officers.
- Supports the local community by employing local residents, supporting the school and local public house.
- The application was in a sustainable location with excellent local shops so that you do not have to travel to Williton for everyday needs.
- The development is of an eco-design with land on lesser environmental value that satisfies the proven need for housing.
- Seven letters of support with no objections we received by the applicant.
- The interpretation of sustainability was too narrow.

**The member's debate centred on the following issues:**

- A consultancy business could take place anywhere not just in a rural location, this application does not tip the balance for a rural dwelling.
- Application was not for an agricultural worker dwellings.
- The sustainability of the application in transport terms.
- The application would be against the local emerging local plan and may set a precedent for future development.
- Would be setting a dangerous precedent should this application be passed.

Councillor R Woods proposed and Councillor J Parbrook seconded a motion that the application be **REFUSED** as per Officer Recommendation.

**The motion was carried.**

**Reference Location, Proposal, Debate and Decision**

**3/10/11/001 Higher Marsh Farm, Marsh Lane, Dunster – Variation of S106 Agreement**

Heather Crockford – Enabling Officer advised the committee that every avenue had been explored, stated that they had tried 20 RP's some of them who currently delivered in West Somerset and some of whom have never thought of delivering homes in West Somerset. We had gone through the homes and communities to see if they could throw a life line but unfortunately the end of the road had been reached.

Stated that this was not necessarily going to be forever, it was not going to be a starting point for future negotiations but in an effort to deliver something this is the recommendation that was asked to be supported.

**The Members debate centred on the following issues:**

- This was not the fault of the developers it was a matter of circumstances. If we want this development to go ahead then we

need to approve this tonight as the site would not be delivered if the committee do not agree to this variation.

- This Development would release properties for social housing.
- Safeguards on the properties being kept affordable and local would need to be put in place.
- There was a real need for this type of dwelling and the properties would sell well.

Councillor S Goss proposed and Councillor R Woods seconded a motion to **Approve** the variation to the Section 106 Agreement to enable the affordable dwellings to be delivered using a Discounted Purchase model with the potential to deliver up to 5 as social rented via a Registered Provider if a partner can be secured.

**The motion was carried.**

### **P53 Exmoor National Park Matters**

Councillor S Pugsley and Councillor B Heywood reported on matters relating to West Somerset considered at the meetings in October and November of the Exmoor National Park Planning Committee. This included:

The October meeting proposed use of a dwelling as either a dwelling as either a unit of local needs housing or as a holiday let. A farm on the outskirts of Exford converted a barn to be used as an affordable dwelling in conjunction with the existing farm house for the son of the family. It has become necessary to sell the farm and the Vendor wanted to have the flexibility to have the converted barn used as a holiday let as well as an affordable local needs house as this would make it a more flexible selling opportunity. The National Park agreed to this proposal as in its new emerging local plan the park was trying to encourage people with holiday lets that may be underused to realise them for local needs housing. On policy grounds this was approved.

The November meeting brought about a landmark decision on Tuesday. There was only one application on the agenda to report on. By a large majority to approve the installation of a 30 meter shared telecommunication mast giving 4G coverage at Haven Hill car park. This was part of the government's mobile infrastructure project which would cease at the end of March 2016. This was one of 6 masts in the country. The mast would be partly screened by the existing fir plantation surrounding it. Stated that the mast had to be 30 meters high to allow the signal to reach the recipients to get a reception. Much testing was done with a temporary telescopic mast, with photos also taken to establish the height and impact on the landscape. Objections were received by the Exmoor Society and two Exmoor National Park members who were against this application on grounds of despoiling Exmoor and going against the landscape strategy for open moorland, members considered this to be a blot on the landscape, however the majority were in favour of this as it would benefit so many people including 145 premises and 63 Notspots covering the villages of Skilgate, Upton and Brompton Regis also Wimbleball Lake, many business, camp sites, farm shoots, cafes and public houses. The application was thoroughly debate with emphasis given on weight needed to be given on social economic benefits. There was no Officer Recommendations apart the views of the committee were sought.

### **P54 Delegated Decision List**

Questions were raised and answered by the Officer.

### **P55 Appeals Lodged**

Appeal against the refusal of 'Demolition of existing derelict garden storage buildings and partial demolition of garden boundary walls and fences, to be replaced by new boundary

walls and fences. Erection of a four bedroom house on part of the garden and enlargement and resurfacing of adjoining parking area' at 3 Seaview terrace, Watchet, TA23 0DF (planning application 3/37/15/003).

Appeal against the refusal of 'Demolition of existing derelict garden storage buildings and partial demolition of garden boundary walls and fences, to be replaced by new boundary walls and fences. Erection of a four bedroom house on part of the garden and enlargement and resurfacing of adjoining parking area. Resubmission of 3/37/15/003 – at Seaview Terrace, Watchet TA23 0DF (planning application 3/37/15/009).

Appeal against the refusal of 'Extension to enlarge bedroom, lounge and kitchen and provide new bathroom and study' at 55 Cleeve park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JF (planning application 3/26/15/010).

**P56 Appeals Decided**

Erection of single storey extension to south west elevation (front) and north east elevation (rear) at Higher Thornes Farm, Lower Weacombe, Taunton, TA4 4ED – Planning Appeal was allowed.

The meeting closed at 5.40pm

DRAFT

<b>Application No:</b>	<u>3/39/14/010</u>
<b>Parish</b>	Williton
<b>Application Type</b>	Outline Planning Permission
<b>Case Officer:</b>	<u>Bryn Kitching</u>
<b>Grid Ref</b>	
<b>Applicant</b>	Mr Gliddon, J Gliddon & Sons Ltd
<b>Proposal</b>	Redevelopment of the site to provide a food store (A1), retail shops (A1), professional and financial services (A2), food and drink uses (A3), health services (D1), residential dwellings (C3), vehicle and pedestrian access, associated car parking and landscaping (resubmission of 3/39/11/002) in association with 3/39/14/024
<b>Location</b>	Land at Bank Street/Fore Street, Williton, Taunton, TA4 4NH
<b>Reason for referral to Committee</b>	<b>In the opinion of the Area Planning Manager this application is significant and controversial and the recommendation is contrary to the views of the Parish Council</b>

### Risk Assessment

Description	Likelihood	Impact	Overall
Risk: Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Mitigation: Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

#### 1.0 Site Location:

Land at Bank Street/Fore Street, Williton, Taunton, TA4 4NH

#### 2.0 Description of development:

Redevelopment of the site to provide a food store (A1), retail shops (A1), professional and financial services (A2), food and drink uses (A3), health services (D1), residential dwellings (C3), vehicle and pedestrian access, associated car parking and landscaping (resubmission of 3/39/11/002) in association with 3/39/14/024



### **3.0 Consultations and Representations:**

The Local Planning Authority has received the following representations:

#### **3.1 Environment Agency**

The above proposal falls within Flood Zones 3, 2 and 1 which are areas of high, medium and low probability of flooding. Flood Zone 3 is an area where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).

Therefore, as part of the site is within Flood Zone 3, the Local Planning Authority (LPA) should be satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would then have no objection, in principle, to the proposed development, subject to the inclusion of conditions.

#### **3.2 Wessex Water Authority**

Water supply and waste connections - New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-page at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New connections team by telephoning 01225 526222 for Water supply and 01255 526333 for Waste Water.

Commercial Sprinkler Supply - Non domestic supplies required for firefighting or commercial use we will require assessment with network modelling subject to design requirements. We will normally recommend the use of storage tanks where network capacity is not available or where off site reinforcement is necessary to provide the stated demand.

S105a Public Sewers - On 1st October 2011, in accordance with the Water Industry (schemes for adoption of private sewers) Regulations 2011. Wessex Water will become responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers.)

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important

to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01255 526333 at any stage if you suspect that a section 105a sewer may be affected.

Foul Sewerage - There is sufficient spare capacity to serve this site. Storm water should not be discharged to the foul sewer.

Surface Water - Storm water will need to be taken to a local SUDs system within the site. There is no recorded local history of flooding, as described, within the vicinity.

Sewage Treatment - The Sewage Treatment Works and terminal pumping station has sufficient capacity to accept the extra flows this development will generate.

Supply - There is sufficient spare capacity to serve this site

### **3.3 Williton Parish Council**

Whilst members welcome the fact that the applicant has addressed some of comments raised at the previous submission, members would now like to make the following comments based on what was submitted last time.

1. The scheme prevents the building of the inner relief road. This is major development and an opportunity to contribute funding towards the road and the land at the back of Fore Street could help to accommodate this. The Parish Council is fully supportive of the relief road and in supporting this application puts the Council at odds with their long term plan for Williton. It would also mean that the supermarket and its related parking could be serviced by the relief road and not as proposed by the existing A39 along Banks Street.
2. Lloyds Bank High Street presence is a great asset to the village and attracts many outsiders. The loss of this bank or relocation is considered detrimental to the vitality of the village centre. The applicant states that Lloyds is likely to move to the new development but there is no proof of this at this time and relocation is very costly. Current Lloyds Bank is the only bank with disabled access in Williton. A letter to the Planning Authority from the Estate Manager of Lloyds Bank suggests that it would be unlikely for the bank to relocate due to heavy relocation costs and requests that the plans are altered in order to maintain the existing unit at 23 Fore Street.
3. Bridge Street/A39 junction/ supermarket entrance - the new layout does not appear to improve the potential traffic flow which we still consider to be a problem. Williton is already a bottleneck and the new development is likely to increase the traffic problems due to anticipated additional traffic volume.
4. With the access to Fore Street, site barriers would have to be fitted along the pavement to stop children running into the road. This will mean that some or all of the parking in front of the shops will have to be removed. There will also be a loss of parking outside Gliddons.
5. It is felt that 2 roundabouts in Priest Street in close proximity would lead to a backup of traffic
6. Members seek clarification and evidence regarding the following comment which causes concern. Members of the Environment and Planning Committee would like to bring to the planners' attention that it is believed that this land was historically used for buying waste material including old tractors, oil and waste agricultural

equipment and would question the safety of this land for building.

### **3.4 Environmental Health Officer (DA)**

I refer to the above application and wish to add the following environmental health conditions and informal advice to any successful application;

1. Emissions Foodstore: It is explained in the Air Quality report (WYG, 2011) in order to mitigate any potential effects from odour emissions from the Foodstore, odour abatement equipment should be installed which meets the recommendations of Defra (2005), therefore;
  - Foodstore Emissions condition; The use of the Foodstore shall not commence until details of a kitchen fume extraction system designed to control the emission of fumes and odours from the premise have been submitted for approval by the Local Planning Authority. The details shall show the location of the fume extraction flue and specify the systems servicing and maintenance requirements, termination height of the fume extraction system and low resistance cowl details
2. Construction phase emissions; The air quality report (WYG, 2011) predicts impacts from emissions during construction phase as moderate adverse (e.g. from PM<sub>10</sub> and dust) and puts forward mitigation steps (section 7.1), therefore to ensure PM<sub>10</sub> emissions are controlled I would advise that this is formalised;
  - Construction Management Plan condition; Prior to development a suitable Construction Management Plan must be submitted to and approved by the LPA, including steps to minimise emissions arising from the development proposal. As advisory, given the scale of the development, contractors should be signed-up to a suitable considerate contractor scheme.
3. Traffic emissions; In terms of impacts from traffic emissions this is based on previous air quality assessment (WYG, 2011) and assumes traffic flows will not have changed significantly from that previously assessed.

However, since this earlier submission planning permission has been granted for the Hinkley Point-C development with predicted additional daily traffic flows occurring through Williton (827 AADT with additional modelled impact of NO<sub>2</sub> (3.21 ug/m<sup>3</sup>)). Given the addition of the new roundabout located on the A39 for access into the proposed site off the A39 at Banks Street is likely to increase congestion and associated traffic emissions.

- Subject to confirmation from Somerset County Council that traffic assessment remains valid, largest modelled impact from NO<sub>2</sub> emissions is predicted to give an increase 1.35ug/m<sup>3</sup> NO<sub>2</sub>. This increase is considered to be slight adverse at properties adjacent to the A39 (8 Egremont Court).
- No mitigation is proposed however when considering cumulative impacts. Confirmation is sought from Somerset County Council that traffic assessment used for modelling of traffic impacts is still valid and whether cumulative impacts need additional mitigation.

### **3.5 SCC - Archaeology**

The applicant has submitted an Archaeological desk-based study in support of the application but this document has actually been superseded by a trial trench evaluation that took place in 2003. The evaluation proved that Bronze Age features (most likely contemporary with the nearby scheduled barrow cemetery) and Iron Age features are present on the site. The planning supporting document does not mention buried archaeology and the applicant makes no comment on how they will deal with the reasonably significant remains on the site. However, because of the evaluation there is sufficient information within the public realm to make a reasoned decision concerning the significance of the remains and the impact on them. The archaeology does have the potential to reveal more about the area in the Bronze Age when it was clearly part of a significant ritual landscape.

For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

### ***3.6 Highways Development Control***

The Local Highway Authority (LHA) has previously responded in some detail on a similar application 3/39/11/002 and the Local Planning Authority (LPA) will be aware of those previous comments - letter dated 28th March 2013.

The location of the proposed development is acceptable in principle, the centre of Williton is considered an appropriate place for the proposed uses. The layout of a suitable means of access to the site from the A39 has been agreed (a three armed mini-roundabout), subject to full technical and safety audit approval.

#### Highway layout

The access will require on the south side of the A39 and further space that can be created to the north of the A39 by the proposed demolition of existing retail buildings (parts of the Gliddons Store) as well as the existing A39 footprint.

The proposed geometry was tested for traffic movements that might be made by large vehicles; including all turns in and out of Bridge Street which is proposed to form a side road junction with the A39 close to and immediately west of the roundabout. The solution includes suitable horizontal deflection to slow vehicles down on the approaches and inclusion of dropped kerbs and pedestrian refuge islands on two of the arms to assist pedestrians to cross the A39. Footways are also to be provided on either side of the access road into the development, access is to be retained to Bridge Street in the form of a T-junction.

This roundabout is shown on the Vectos drawing W110057/A/001 rev A, submitted as Appendix D of the Vectos Transport Assessment Addendum (January 2013), which forms Appendix A of the submitted Transport Report (Vectos, April 2014) showing the proposed 14m ICD 3-armed mini-roundabout; and the proposed illustrative site plan by girarchitects drawing 482/010 dated February 2014. If the LPA is minded to permit this development then these works should be secured by a section 106 agreement.

## Traffic Assessment

From a traffic modelling perspective the information submitted with the current application 3/39/14/010 is considered acceptable. Williton has a very simple, main road arrangement with one central junction where the A39 meets the A3581 at the mini roundabout a short distance east of the site, This junction currently becomes congested such that queues form at peak times (depending on seasonal variation) and at such times progress through Willition can be quite slow. Traffic generated by the development is likely to impact upon this junction resultant traffic demand may result in further traffic delay at times.

If permitted it is expected that the development would increase congestion during the majority of the year on Friday afternoons and, quite possibly, during the day on Mondays in the summer. On other days the mini-roundabout should operate within capacity. The presence of a larger foodstore in Williton may remove some trips (to Minehead, Bridgwater or Taunton) from the highway network or at least reduce trip lengths. The proposed development is promoted as being likely to assist self containment and will be required to operate a travel plan to operate a travel plan to maximise sustainable travel opportunities.

If it is recognised too that if built there would be degrees of impact during the construction phase as is common with this type of new development. Therefore the LHA requests that Construction Traffic Management Plan be provided to manage in particular the number of peak hour construction traffic movements.

## Travel Plan

A robust Travel Plan (TP) and associated measures are considered essential. A TP and measures will be required which encourage the use of sustainable transport to ensure that the residual traffic impact is not so "severe" that the LHA would otherwise recommend refusal of the application. The applicant is working with the LHA to develop and submit an appropriate travel plan framework proposal with this application. This should be secured by a section 106 agreement.

## Parking

The applicant proposes 175 car parking spaces, which is in line with the optimum requirements indicated in Somerset Parking Strategy 2013. Cycle and motorcycle parking must be provided to current standards. SCC would normally expect three electric charging points in a car park of this size.

Parking space can have dual use such that customers can park at peak times and store deliveries may be made at other times - when customers are few or the store is closed. The design of the space should enable the movement of the lorries through (swept paths between parking aisles) and enable them to turn so that they arrive and leave in forward gear. Given that this is an outline application this should be addressed as a reserved matter.

## Drainage

The following comments are made in respect of the contents of the Flood Risk Assessment Update Report No. WE03477/FRA dated April 2014 prepared by Messrs Clarkebond.

The proposed roundabout on Bank Street will increase the impermeable area of the highway thereby increasing the burden on the existing highway drainage system in Bank Street (carrier drains running along both the north and southern channel lines) and the downstream receiving watercourse. As there is a history of flooding in Bank Street, borne out by the fact that it is in an area designated as Flood Zone 4, it is imperative that the proposals do not increase the risk of this flooding reoccurring. The drainage design for the adoptable highway areas on this development should incorporate measures to minimise flood risk. It may be feasible to collect run-off from a portion of Bank Street and re-direct into the on-site drainage facilities as compensation against the increased catchment. This should be dealt with as part of the highways technical approval process.

Reference is made in the Site Specific Drainage Strategy to the use of permeable paving but it should be noted that the LHA will not adopt such SUDS features, especially on private land. Further, consideration will need to be given to the construction details where any such areas directly interface with the existing or prospective public highway.

### Conclusion

In summary the proposal is not considered to be likely to have a residual impact sufficiently severe to warrant a recommendation to refuse planning permission. Williton is a small settlement through which the majority of traffic is funnelled travelling to and from much of West Somerset including Minehead and the east of Exmoor National Park. It is acknowledged that it is likely that traffic attracted to the development would be likely to add to congestion and delay at times on the A358/A39 through Williton. The capacity problems are likely to be caused by the combination of local and visitor traffic, and it is unlikely that this will be the only "pinch-point" on the network. The presence of a larger foodstore in Williton may remove some trips (to Minehead, Bridgwater or Taunton) from the highway network or at least reduce their length. In mitigation the development will provide what the LHA considers is the most suitable, achievable junction, a mini-roundabout, onto the A39 at Bank Street, adequate parking and servicing space, and a deliverable Travel Plan.

### Recommendation

The Local Highway Authority therefore raises no objection to the application subject to the developer entering into an agreement to secure, prior to commencement of development:

- 1) A mini-roundabout generally in accordance with Vectos drawing W110057/A/001 rev A: and
- 2) A Travel Plan in accordance with the Somerset Manual for Travel Plans.

If these are not to be secured by section 106 please advise and conditions can be

provided.

### **3.7 SCC - Ecologist**

The application is accompanied by an Extended Phase 1 Habitat Survey Report prepared by First Ecology and dated "April 2014". I have not contacted the Somerset Environmental Records Centre (SERC) on West Somerset Council's behalf for biological records in relation to the proposed development site because the Phase 1 Report includes a recent data search.

I would have no objection to this application being approved provided that conditions are imposed in relation to the following:

- The hedgerow along the north-western boundary of the site is retained and protected from damage during construction;
- A method statement is submitted and approved by the planning authority outlining how badgers and other mammals will be protected from accidental harm on the construction site;
- Trees, bramble and scrub are removed and other tall vegetation cut back outside of the bird nesting season or if this cannot be done works are undertaken according to a method statement outlining how checks are to be conducted for nesting birds and the actions that will follow such checks;
- Surveys are undertaken for bats and reptiles by suitably qualified and experienced ecologists at appropriate times of the year and according to recognised methodologies. The survey reports should include mitigation proposals that can be carried out and conditioned at the reserved matter stage if necessary.

The purpose of the last of these points is to make sure that protected species that may be associated with the site can be taken into account in planning the development. Ideally, I would have liked to have seen reptile and bat surveys accompany this application. In the absence of surveys accompanying this application, I would recommend that the requirement for these to be carried out is a pre-commencement condition (i.e. the surveys have to be submitted to approved and all mitigation measures agreed with the planning authority before development can start).

The development site has considerable potential for common reptiles given the large expanse of rough grassland and scrubby habitat which occurs, so it is possible there could be quite sizeable populations. As is stated in the Phase 1 Report (page 12), the ideal times for reptile survey are April to June and September and a certain number of visits have to be undertaken in the right conditions for the survey as a whole to be valid. I mention this because it may have implications for the determination of reserved matters if this current application is approved.

The Phase 1 Report recommends two sorts of bat survey: Dawn/dusk return/emergence surveys to confirm the conclusion that no buildings that might be affected by the development are used by roosting bats; and activity surveys to establish the level of use that bats make of habitats for foraging and commuting. The amount of survey work recommended in the Report seems to me to be consistent with that which should be conducted in relation to a site with low potential to support significant populations of bats and this is supportable in the light of the relatively poor

quality of the habitats reported on site. Again, I note the time constraints for surveys if good practice guidelines on bat surveying are followed (see pages 10 and 11 in the Report).

The Government's National Planning Policy Framework document advocates no net loss of biodiversity (and, where possible, enhancement). In this instance, I estimate that approximately 0.4 hectares of semi-improved grassland and scrub will be replaced largely with hard standing and landscaping. In other words a moderately-sized area of poor-quality habitat could be replaced with habitat of even less biodiversity value. Unless the landscaping is of unusually high value for wildlife, it would appear to me that the overall effect of the development will be a small net loss in biodiversity.

### **3.8 South Western Ambulance Service**

I write to you in reference to the above planning application relating to a proposed Supermarket for the town of Williton, Somerset.

Please could I take this opportunity to outline some concerns from an Ambulance Service perspective?

1. Williton is situated on the A358/A39, therefore forms an arterial route Minehead to Taunton for Ambulance responses. My concern would be for the potential hindrance of wide emergency vehicles & the increase in traffic congestion both during the roadwork process & with Supermarket traffic following.
2. Increase in seasonal traffic on the A358/A39 & potential traffic congestion over & above the concerns in item (1).
3. To highlight that the nearest District General Hospital (DGH) & Trauma Unit (TU) is Musgrove Park Hospital, Taunton. Therefore potential bottle necking of traffic, together with issues highlighted in points (1 & 2) could see a delay in Hospital response.
4. Please could I also take this opportunity to highlight that our current fleet of Mercedes Double Crewed Ambulances (DCA) are much wider than a standard van conversion, therefore consideration needs to be made to allow for unrestricted access 24/7 both through potential road works & around the town of Williton itself going forward.



### **3.9 Public Consultation**

The Local Planning Authority has received c. 259 representations regarding these applications. Of those comments c. 98 were in support of the proposal and c. 159 raised objections to the proposal.

#### *Objection:*

##### Retail impact

- Supermarket would be detrimental to existing business, in both Williton and Watchet.
- Current shops already serve the village's needs.
- Accessibility of other towns with supermarkets.
- Community spirit would be lost.
- Loss of jobs.
- Williton is a village not a town, should remain secondary shopping area.
- The scale of the supermarket is incompatible with the role and function of Williton, the proposal is contrary to structure and local plan policies.
- Currently there is a choice of purchasing local produce.
- Less harmful to have houses rather than a supermarket.
- Not suitable for a small rural community around Williton.
- Destroy the village and make a mockery of the local plan.
- Development is too large for the needs of the village.
- Closure of businesses will create a redundant, abandoned feel, boarded up shops etc.
- Closure of Lloyds bank to make a thoroughfare would result in customers having to move accounts.
- Less choice.
- Should not be drawing trade from Minehead, Bridgwater or Taunton should remain a rural centre for the area.
- Exaggerated size of Catchment area.
- Flawed methodology.
- Big superstores deliver to your door.
- Closure of businesses will result in loss of council tax payments.
- Money spent in local shops has more of a local impact than money spent in supermarkets and chain stores.
- Five Supermarkets within a 15 mile radius of Williton means there is no requirement for more.
- The scale is out of proportion with this community.
- Closure of local businesses.
- The centre of Williton would be in jeopardy of having empty/boarded up shops.
- The anticipated business the supermarket would need to survive seems optimistic and it might fail within a few years.
- More jobs will be lost than created.
- Negative impact on local suppliers to the local stores if they go out of business.
- Not about the money its about the community.
- Better to have a plan that makes Williton less of a clone town.
- Need to support local businesses.
- Shopping is a social activity creating vital links and for some breaking the agony

- of loneliness in small villages.
- Money spent in local shops means money spent locally, money spent in supermarkets goes to stakeholders miles away.
- Adverse effects on the shops in Watchet as well as Williton.
- Totnes has been praised for keeping big supermarkets out and encouraging local businesses.
- End of Gliddon's hardware and ironmongers will be a major loss to the surrounding area.
- It won't actually be cheaper shopping as it is likely to be a convenience store.
- Goes against retail policy.
- Negative impact on trade in Minehead.

#### *General impact*

- No locals want the proposal.
- Should consider the quality of life of the residents
- Ruin the ambiance, character and balance of the village.
- Litter pollution for surrounding houses and businesses and through the proposed walkway.
- Increased waste (i.e. packaging).
- Ruin the village charm and character.
- Adversely effect the setting of the listed buildings in Priest Street.
- Lose its unique country feel.
- Blocks any possibility of a relief road being built.
- The loss of the frontage of Gliddons which is 150yrs old.

#### *Emerging Plan and NPPF*

- The emerging plan has not yet reached examination and therefore should not be given much weight in the decision making process
- There are outstanding objections to the expanded retail area.
- The NPPF should take precedence and permission should not be granted for development that has significant adverse impacts.
- The supermarket remains outside of the emerging retail area boundary
- The proposal is contrary to emerging strategic policy and policies that seek to protect existing services and vitality and viability of existing identified centres.
- The impact test set out in the NPPF has not been passed and there will be a significant impact on Williton Centre
- The adverse impacts of the proposal would not be outweighed by the benefits.

#### *Highway issues*

- Traffic generated by new development would exacerbate already dangerous and congested streets particularly the junction of Bank Street and North Street.
- Increase in traffic would heighten concerns over environmental nuisance and health risk.
- Roundabouts to close together will cause mayhem especially with the potential EDF buses also going through Williton, leading to tail backs.
- Drivers from Minehead using Bridge Street as a "short cut/rat run".
- The extra transport supplying the supermarket would have an adverse impact on the environment i.e. increased pollution.
- Pedestrian access to the village very hazardous.
- The Highway Authority have not done a proper report/survey into the traffic

- impact of a new supermarket in Williton.
- Increased wear and tear on the roads.
- Potential for more accidents.
- Traffic will be worse especially with the EDF park and ride scheme that has been proposed.
- There is no mention of the weight restriction on Bridge Street, and traffic having to turn out of the junction at Tower Hill, in the application.
- It is already dangerous walking along the pavement, add to this Hinkley traffic and supermarket traffic it would be extremely dangerous.
- High volumes passing through the village particularly in the holiday season means more congestion and atmospheric pollution.
- Emergency services would be at risk and the Croft House care home and community centre would have an access problem if the Bridge Street junction became a roundabout.
- The new roundabout would be awkward to negotiate particularly for articulated lorries.
- Increase in the risk of accidents with the extra 12 000 car movements a week.

#### *Residential amenity impact*

- Proximity to fence of 11 North Street.
- Daylight being blocked from neighbouring properties.
- No restrictions on delivery times.
- Adverse effect on neighbours from constant noise from supermarket.
- The provision of acoustic fencing “as required” is vague and needs clarification.
- Proximity to private homes.
- Could lighting and reversing noise and loading and unloading of lorries be limited to between 8am and 10pm.

#### *Other Issues*

- Loss of land that would form the route of the Williton bypass which would prevent it from being constructed.
- Loss of income for the Council at the Killick Way car park.
- Is the land still designated as “agricultural land?”
- Contaminated ground.
- No street frontage so classed as backland.
- Williton is designated as a village not a town.
- Loss of income for council car park.
- Build more houses.
- Taking into account the recent flooding, question the effect of hard-surfacing a site currently consisting of mainly grass and scrub. Query what form will the drainage strategy take?
- The applicant should build a village hall with free parking instead.
- Walkthrough area could become a place for people to congregate and become a no go area especially after dark.
- There is no mention of the impacts on the private road that services the residences at numbers 16, 18, 20 & 22 Priest Street.
- Drop in business rates to the Council when businesses close.

### Support:

- Significant investment resulting in much needed boost to both infrastructure and employment prospects of local people in Williton and surrounding areas.
- Sizeable supermarket, competitive pricing resulting in much needed revenue into the village.
- Free parking for 2hrs will attract passing trade and give people a break from the high Council car park prices.
- Opportunity of a number of separate retail units encouraging diversity in the range of goods and services offered locally.
- Expressions of interest from various companies in occupying some of the proposed units.
- Bring much needed competition.
- Bring a boost to the village and help it move forward, standing still is not an option for Williton.
- Needed for the survival of the village, we have seen many businesses close over the last few years.
- The proposed supermarket will bring life, jobs and additional people into the area.
- Starter units for new businesses and larger units for those to migrate to when they are grown.
- Bring younger people to Williton help redress the ageing of the population.
- As majority of roads end up in Williton, Williton would fit nicely as central town and should be allowed to grow accordingly.
- Easier access to existing shops.
- A realistic way of making Williton a stopping point.
- Traffic won't increase as people will still go through Williton on their way to Minehead.
- Free car park would release the strain on nearby roads where cars park to avoid the charges.
- People that currently support the local businesses will continue to do so.
- Better for disabled/elderly/young families as there is currently difficulty in parking.
- Reduce people travelling to Minehead, cutting down on travelling distance, saving petrol and freeing up the roads.
- Some people can't afford to shop in Spar and Coop except for basics.
- Reduce cost of travel for those that do not drive.
- Williton is in need of a facelift to make it more appealing to visitors, new investment could help this.
- Out of town supermarkets harm local businesses as people don't want to drive back to town and find somewhere to park but the link from the car park to the main street will encourage people to use the high street.
- Could revitalise the core retail zone.
- Opportunities for work during the construction as well as in the retail space.
- Socio-economic enhancement of the village.
- Economic benefit not only to Williton but to wider community of West Somerset.
- Currently limited parking in Williton.
- The proposal will encourage people to spend the money in Williton not in Taunton or Minehead.
- Increase footfall to local businesses.
- If the site is used for housing, Williton is likely to become a dormitory town for

the larger towns.

- Positive catalyst for change.
- The potential for new customers is phenomenal.
- Positive impact on house prices in Williton.
- There is a potential population increase due to Hinkley Point, the existing shops cannot meet demand.
- Williton is stale; a supermarket will bring new customers and new business.
- Start the regeneration Williton needs rather than giving it all to Minehead.
- Williton will become an established retail destination.
- Williton needs a fresh revived shopping experience.
- The proposal will give people a reason to stop in Williton, at the moment it is just a thoroughfare for people on route to Taunton, Minehead and Bridgwater.
- Bridge Street could be turned into a cul-de-sac or provide sleeping policeman to stop drivers using it as a rat run.
- Bring jobs to the village.
- Bring more businesses to the village.
- Save on having to travel to Minehead for weekly shop.
- Co-op and Spar are too expensive so will save people time and money.
- Co-op and Spar are national chains not local businesses.
- People will continue to use the local businesses.
- Traffic congestion could be alleviated by preventing parking in Fore Street as this always causes problems at the Killick Way junction.
- Ability to park and pedestrian access to the high street seems to be an excellent idea.
- Bring Williton into the 21<sup>st</sup> century enabling more employment and resources.
- Dangerous location of the current Co-op store when the delivery lorries are manoeuvring, waiting and parking in the junction.
- Constant problem of cars parked on the double yellows by the Co-op and Spar lorries parked just before the roundabout to Taunton.
- The siting of the supermarket behind the shops would not be an eyesore.

A petition has been received with 1127 signatures with the following statement

“The application for the supermarket development would lead to our village becoming more congested, would lead to less choice and competition within the village as our traders’ could be forced to close and the scale of the development is too big for our village.”

“We the undersigned, are concerned residents who urge our leaders to act now to stop the supermarket plans”

#### **4.0 Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan has been submitted for examination and therefore the policies should be given weight as a material consideration.

The following Policies are considered relevant to this application:

##### Adopted Local Plan

- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- SH/3 Retail Development Outside of Minehead Town Centre
- SH/4 Retail Development in Watchet and Williton
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- BD/5 New Industrial and Commercial Buildings
- AH/3 Areas of High Archaeological Potential
- W/5 Surface Water Run-Off
- W/6 Flood Plains
- T/3 Transport Requirements of New Development
- T/7 Non-Residential Development Car Parking
- PC/1 Air Pollution
- PC/2 Noise Pollution
- PC/3 Noise Sensitive Developments
- PC/4 Contaminated Land
- PO/1 Planning Obligations
- H/1 Housing Land Allocations
- H/4 Affordable Housing
- NC/4 Species Protection
- AD1 Access for Disabled People

##### Emerging Plan

- SD1 Presumption in favour of sustainable development
- SC1 Hierarchy of settlements
- SC3 Appropriate mix of housing types and tenures
- SC4 Affordable Housing
- SC5A Self containment of settlements.
- SC5B Safeguarding of village facilities
- W11 Williton Development
- EC1 Widening and strengthening the local economy
- EC5 Safeguarding existing employment uses
- EC12 Minehead primary retail area and central areas for Alcombe, Watchet and Williton
- TR1 Access to and from West Somerset

- TR2 Reducing reliance on the private car
- CF2 Planning for healthy communities
- CC2 Flood Risk Management
- NH1A Areas of high Archaeological potential
- NH1B Archaeological sites of local significance
- NH3 Nature conservation and the protection & enhancement of biodiversity
- NH6 Pollution, contaminated land and land instability
- NH10 Securing high standards of design

### National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration.

[National Planning Policy Framework \(the NPPF\)](#)

[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

### Local Policy

[West Somerset Local Plan \(2006\)](#)

[West Somerset Local Plan to 2032 Publication Draft \(January 2015\)](#)

[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)

[Somerset County Council Parking Strategy \(2013\)](#)

## 5.0 Planning History

The following planning history is relevant to this application:

3/39/11/002	Re-development of site to provide food store (A1) retail shops (A1), professional financial services (A2), food and drink (A3), health services (D1), residential dwellings (C3), vehicle and pedestrian access, associated car parking and landscaping.	Refused	26/04/2013
3/39/08/001	Residential and small-scale retail including infrastructure and alterations to vehicular access.	Approved	31/06/2008
3/39/11/012	Extension of time in order to implement planning permission 3/39/08/001 for residential and small scale retail including infrastructure and alterations to vehicular access	Withdrawn	02/06/2014

Planning permission was refused in April 2014 for supermarket (planning ref 3/39/11/002) for the following reason:

*“The proposed supermarket would result in a significant financial impact on the trade/turnover of Williton centre taking into account the lack of quantitative need for additional convenience retail floor space. The supermarket would have a significant adverse impact on the vitality and viability of Williton centre, which is likely to result in store closures and impact on investment in the centre. Such an impact on the centre*

*would result in reduced consumer choice and competition. The adverse impact of the proposal is not outweighed by the benefits (i.e. reduced leakage of bulk/main shopping trips & some reduced journey lengths) of the scheme. Furthermore, the proposal would result in the loss of a site allocated for housing, the site forms an important part of the potential housing provision in the district. This proposal does not accord with Policies 20 and 21 of the Somerset and Exmoor National Park Structure Plan Review, Policies SP/2, SH/3, SH/4 and H/1 of the West Somerset District Local Plan and Policy within paragraphs 23, 26 and 161 the National Planning Policy Framework.”*

## **6.0 Proposal**

Two separate planning applications have been submitted which comprise a single development proposal.

The first application (3/39/14/010) is an amended resubmission of a previously refused application for a supermarket and other retail/mixed use units. For the purposes of this report, this application will be referred to as the ‘the mixed use application’. The second application (3/39/14/024) is for the erection of up to 480 sq m of retail and financial services on an adjoining site. For the purposes of this report, this application will be referred to as the ‘the retail units application’.

Both applications are made in outline with access to be determined at this stage. Appearance, landscaping, layout and scale are all reserved for subsequent approval.

The mixed use application comprises:

- a) An A1 foodstore of up to 2,300 sq m gross (supermarket).
- b) An A1 retail unit fronting Bank Street of up to 950 sq m gross.
- c) A1/A2/A3/D1 floorspace of up to 390 sq m gross.
- d) Up to 3 new residential units.
- e) Car parking of up to 175 spaces.
- f) A pedestrian link through to Fore Street.
- g) A mini roundabout at the site entrance on Bank Street.
- h) Demolition of existing retail unit and ancillary servicing and storage buildings on the site.

An illustrative plan has been submitted with the application which shows the proposed locations for each of the buildings and both the vehicle access and pedestrian link.

The retail units application comprises:

- a) A1/A2 floorspace of up to 480 sq m gross between the mixed use application site and Fore Street.
- b) A pedestrian link through to Fore Street (as proposed in the mixed use application).
- c) A mini roundabout at the site entrance on Bank Street (as proposed in the mixed use application).



- d) Demolition of existing retail unit and ancillary servicing and storage buildings on the site (as proposed in the mixed use application).

An illustrative plan has been submitted with the application which shows the proposed location of the building and both the vehicle access and pedestrian link.

## **7.0 Site Description**

The site is located off Bank Street and extends to the rear of the properties on Fore Street as far as Shutgate Meadow to the north of the site. The site is approximately 1.5 hectares. The site is partially located within flood zone 2 on the southern and western extremities of the site. The site is located within an area of high archaeological potential and located near to several listed buildings, most notably the Police Station which is immediately adjacent to the site.

The site of the retail units application covers some of the same site described above but includes some private garden space for properties known as Chaple House, Bow Cottage and Stable Cottage.

## **Planning Analysis**

### **8.0 Retail Policy Overview**

#### *8.1 The status of Williton and the application site in retail planning policy.*

The Local Plan defines Williton as a rural centre (Policy SP/1) the current draft of the new local plan defines Williton as a rural service centre. The Framework defines a *Town Centre* as an:

“... area defined on the local authority’s proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres”.

A rural centre is synonymous with a local centre and the offer of shops and facilities within Williton goes significantly beyond a parade of local shops of purely neighbourhood significance. As such the centre of Williton is a town centre area for planning policy purposes and the town centre policy within chapter 2 of the Framework is relevant to Williton and this application.

The Framework requires that local planning authorities define the extent of town centre areas including identifying primary and secondary frontages. The current Local Plan does not define the extent of the town centre area and no distinction is made between primary and secondary frontages. The previous application was considered to fall within the definition of the ‘edge of centre’, with the proposed supermarket between 110 – 145m walking distance from the proposed pedestrian link at Lloyds Bank to the proposed store entrance. The difference in distances was based on 4 different

indicative layouts submitted.

The emerging Local Plan does identify a retail area for Williton for which new policy EC12 relates. The boundary line for this newly identified area covers part of the site from the Gliddon's store on Bank Street and extends northwards to the back of the yard and buildings that form part of that larger site. Therefore much of the proposed development is within the town centre boundary that is proposed in the emerging plan. The proposed supermarket is on the edge of the boundary with the entrance being shown on the boundary edge. Part of the site is within the town centre boundary identified in the emerging plan, whereas the other part of the site is classed as 'edge of centre'. The indicative layout for this applications shows the entrance of the proposed supermarket 110 m walking distance from the proposed pedestrian link at Lloyds Bank and less than 5 m from the emerging town centre boundary.

### *8.2 The Framework*

The overarching aim of the Framework is to promote sustainable development. In respect of town centres the Framework seeks to ensure that planning policies should be positive and promote competitive town centre environments. The Framework states that town centres should be recognised as the heart of the community and their vitality and viability should be supported. Town centres should be competitive, provide customer choice and a diverse retail offer and planning policies should ensure a sufficient supply of suitable sites to ensure the scale and type of town centre uses are met in full.

The Framework also requires that applications are judged against a sequential test for applications that are main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When edge of centre and out of centre sites are considered preference should be given to accessible sites that are well connected to the town centre.

The Framework requires an impact assessment of retail development outside of town centres to include an assessment the impact of the proposal on existing investment in centres in the catchment area of the proposal and the impact on the vitality and viability of the town centre.

The Framework also states that planning policies should aim for a balance of land uses so that people can be encouraged to minimise journey lengths for all activities including shopping.

### *8.3 The Local Plan*

The Local Plan defines Williton as a rural centre (Policy SP/1). Policy SP/2 allows commercial development within the development limits of Williton provided that it does not result in the loss of land identified for other purposes, there is safe and convenient access by bus cycle or on foot to facilities or employment and it involves the redevelopment of previously used land.

Policy SH/3 states that permission will not be granted for retail development outside of Minehead Town Centre unless it can be demonstrated that all potential town centre

options have been thoroughly assessed and sites on the edge of the town centre have been assessed before out of centre sites. This policy also states that a proposal by its nature and scale should not adversely affect the viability and vitality of Minehead Town Centre or the shopping centres in Watchet and Williton.

Policy SH/4 permits retail development in Williton where they are of an appropriate size and related to the shopping needs of the locality, the site is accessible by a choice of means of transport and there is adequate servicing and parking arrangements.

In respect of the weight that should be attributed to Development Plan Policies the Framework states the following:

*214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.*

*215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

Paragraph 215 is of relevance to Policy SH/4. The 'scale' test has been deleted from national policy and as a consequence the amount of weight that can be placed on this element of Policy SH/4 is reduced.

#### **8.4 The Emerging Local Plan**

The West Somerset Local Plan (2012 to 2032) was published in January 2015 and has been submitted for examination. The examination is likely to take place in March 2016.

The policies support the principles of sustainable development (SD1), seek to concentrate the majority of development in Minehead, Watchet and Williton (SC1) and seek to improve the self containment of settlements by balancing land uses and minimizing overall transport use (SC5A). Policy EC12 of this plan identifies a retail area for Williton and states that within this area, business activities of retail and retail related activities in all of the A-class uses will be the preferred use at ground floor level.

The emerging Local Plan is at an advanced stage with the Council submitting it for examination. Policy EC12, which effectively proposes a town centre boundary for Williton has no objections and therefore it is considered that it should be attributed significant weight in the decision making process.

### **9.0 Retail Policy Tests**

For development comprising town centre uses that is within a defined town centre boundary, there is no need to consider the retail policy tests (the sequential test and the impact test). Provided that the proposal meets the policy requirements set out in the development plan that identifies the town centre boundary, then planning permission should be granted without delay.

In this case, there is no town centre boundary in the adopted local plan, although one has been proposed in the emerging local plan that the council formally approved for submission for examination. This is a significant material change in circumstances since the previous application was considered. Emerging EC12 encourages A-class uses within this proposed area and if this policy formed part of an adopted local plan, then development of the southern part of the site would not need to be considered against the retail tests. Only the proposed supermarket would technically need to be considered against the sequential and impact tests, where the proposed entrance to the building would be within 5 metres of the boundary line.

However, the emerging plan has not been adopted so it is necessary to consider the development against the retail tests, but weight should also be attached to the emerging plan that is at an advanced stage.

The council has commissioned an independent retail specialist to consider the submitted retail study and to provide advice on the application in terms of the sequential test, the impact test and the changes in circumstances since the previous application was refused in terms of the emerging local plan and identification of a town centre boundary. This is the same advisor who the council commissioned for the previous application and the more recent planning application for a Lidl Store in Minehead.

This advice is reproduced in whole at the end of this report.

### ***9.1 Retail Test 1: The Sequential Test***

In the context of the adopted Local Plan, it is common ground with the applicant that the application sites lie on the edge of the existing primary shopping area in Williton. Therefore, along with the lack of a development plan allocation for the proposed retail/main town centre uses in the adopted Local Plan, there is a need to apply the sequential approach to site selection.

This exercise was also undertaken in relation to the previous application and it was concluded that there were no sequentially preferable locations in and around the central part of Williton to accommodate the proposed floorspace. There has not been a material change in circumstances in relation to the sequential test and there are no additional sites and premises which require consideration. Therefore the proposed developments pass the sequential test, as outlined in paragraph 24 of the NPPF, based upon the adopted Local Plan.

Given that the proposed contents of the new Local Plan propose to incorporate part of the application site within the 'retail area' boundary, it is now arguable that part of the proposed development does not now need to be subject to the sequential test and the proposed boundary definition brings the remaining edge-of-centre part of the site closer to the defined central area of Williton.

## **9.2 Retail Test 2: The Impact Test**

This is the reason why the previous application was refused in that it was considered that the impact on the trade/turnover of Williton centre would harm the vitality and viability of the centre. A detailed commentary on this is contained within the report prepared by the Councils specialist retail advisors attached to this report.

A significant proportion of the retail offer within Williton centre relate to the provision of convenience goods (such as Co-op, Spar, butchers, newsagents and greengrocers). All these stores sell similar sorts of convenience goods to those that could be offered within the proposed supermarket and remaining retail floorspace. As such, regardless of whether shopping trips are for main/bulk or top up food shopping, shoppers will have a straight choice between the proposed supermarket and existing stores within the centre. Equally, there are some shoppers who chose to carry out their convenience shopping in towns other than Williton. This is known as leakage and some people will choose to shop other town centres due to increased choice and more competitive pricing.

In relation to the financial impact on the existing centre of Williton and the impact on vitality and viability, the proposed supermarket and remaining retail floorspace are likely to have a large impact on some of the existing facilities in Williton. There would be trade diversion from existing stores to the new stores which could potentially lead to the closure of existing facilities and undermining the vitality and viability of the existing retail area. These negative impacts should sit alongside the potential for the supermarket to have a positive impact in terms of the reducing the length for some convenience and comparison shopping trips to settlements further afield and also offer a greater range of products in Williton. It is also possible that some of the new shoppers that would come to Williton, would visit other stores within the town centre boundary (known as linked trips).

It is the view of the Councils specialist retail advisors that it is very likely that the proposed store would eliminate some of this leakage and also provide a wider range of goods locally, but would hasten the decline of part of the existing central area of Williton. They consider that the proposed developments of the supermarket unit and the remaining retail floorspace could provide a replacement for the existing historic core.

They also consider that the "local planning policy context is changing and the proposed supermarket will now lie on the edge of the defined retail area and would effectively act as an extension to that defined area (if adopted in its current form). If weight is to be placed on this emerging policy context then the weight which could be placed on the impact on existing stores is likely to be reduced as the proposed supermarket becomes closer to the area which the Council considers to be the main retail area in Williton. Therefore, the proposed supermarket is more likely to function as part of the retail area and thus any 'internal' competition within this area is not a significant issue for planning policy.

Therefore, as a consequence of this analysis, the Council's retail advisors recommend that WSC officers and members have particular regard to:

- o The comparative weight which they wish to place upon the adopted and emerging Local Plans, taking into account whether there are any unresolved objections to the proposed retail centre boundary and Policy EC12. If greater weight is to be placed on the emerging Local Plan, then this is likely to diminish the weight that can be placed upon the negative impacts surrounding the proposed supermarket.
- o With particular regard to the conclusions reached on the above issue, this will influence the weight to be given to the following salient factors:
  - the scale of the financial impact of the proposed supermarket on existing stores within Williton;
  - the role of the convenience goods sector in Williton in underpinning the health and wider function of Williton's centre;
  - the likelihood of the proposed development being able to benefit the existing centre via linked trips, or whether the supermarket will act as a stand-alone shopping destination;
  - the comparative weight which should be attached to the benefit of the supermarket in clawing back shopping trips which are currently being lost to surrounding (larger) settlements such as Minehead and Bridgwater, against the weight which should be attached to the protection of the existing centre of Williton.

The previous application considered both the negative and positive aspects of the development and these issues equally apply to this application. They were:

#### Negative Impacts Identified

- The significant scale of the impact on existing businesses in Williton and Watchet centres.
- The likelihood that the health of Williton centre will be affected, with a shift in focus away from the existing high street.
- The potential for lost jobs and investment opportunities in the centre.

#### Positive Impacts Identified

- The potential for the proposed supermarket to shorten existing food shopping trips which currently go to other settlements further a field and improved self containment of Williton.
- Increased choice of convenience goods on offer enhancing customer choice.
- Opportunities for linked trips between the proposed development and the existing centre.
- Potential spin-off benefits.
- The economic impacts of the scheme in terms of new job opportunities within the development.

In addition to the change in emerging planning policy that lessens the weight to be attached to the impact test, there are other changes in the current application that need to be considered. The application indicates the provision of a pedestrian link with new retail units from the new car park to the existing retail stores in Fore Street.

This has the potential to act as a draw for shoppers and encourage linked trips rather than the site to act in isolation from the rest of the existing retail area. Also, the proposed entrance to the supermarket is approximately 110 m from Fore Street, which is not that much greater than the distance from Fore Street to the front door of West Somerset House (84 m). It is considered that shoppers would be prepared to walk this distance (provided that it is a high quality environment with other retail units) and that it would not form a significant barrier that would limit the possibility of linked trips.

In this case, it is acknowledged that there is likely to be impacts on the existing retail area of Williton, but the emerging plan is a significant material consideration that needs to be taken into account. If the applications are considered in the context that they either form part of the identified town centre boundary, or are within a few metres of the boundary line, it would be difficult to argue that the proposals harm that identified town centre as a whole. It is therefore considered that this change in circumstances, warrants a change in the officer recommendation on this issue to one of approval.

### **10.0 Housing Allocation**

The northern portion of the site (outside of the proposed retail boundary) is allocated for housing in the Local Plan (Policy H/1). That allocation formed part of a larger allocation which included land which is now a new housing development (Shutgate Meadow). This housing allocation is site number 3 under Policy H/1, where the approximate number of dwellings envisaged at the time was 20 units.

Shutgate Meadow has provided 25 units (24 of which are within the allocated site). It could be argued that as 25 units have already been constructed, less weight should be given to the need to protect this housing allocation.

The housing allocation is not proposed to be carried through in the emerging local plan as it was considered not necessary to do so. The site remains in the built up area of Williton where the principle of residential development would be acceptable, but there would not be any specific policy protection in the emerging local plan. This is an important material consideration in the determination of this application as the loss of the allocated housing site was previously cited in the reason for refusal. This is a matter of how much weight is attached to the emerging plan versus the existing adopted plan position.

The LPA is currently able to demonstrate a 5 year housing land supply as such this allocated site will play an important role in the provision of housing in Williton. The loss of this land to other types of development should not be considered lightly.

The dwellings in Shutgate Meadow have been built at a density of 34 dwellings a hectare. The Shutgate Meadow development seems to make good use of the land is not a cramped form of development. Despite the fact that more housing has already been provided on the northern half of the allocated site than was envisaged by the Policy, the southern portion of the application site is still allocated for housing. However, this allocation will fall away if the emerging plan is adopted in its current form.

## **11.0 Principle of residential development**

The scheme contains a small element of market housing (up to 3 units); it is likely that these units would be located on land outside of the housing allocation and within the retail area where the emerging policy states that on the ground floor level, retail uses will be preferred. Residential development can play an important role in ensuring the vitality of centres and new residential development is encouraged within the development limits of Williton. In this case, it is felt that the small scale residential is acceptable and would not undermine the function of the retail area.

### *11.1 Affordable housing*

This proposal is for up to 3 residential units. Having regard to the West Somerset Council, Planning Obligations, Supplementary Planning Document, the threshold where affordable housing will be sought within Williton is 5 dwellings. As such this proposal does not result in a requirement for the provision of affordable housing.

## **12.0 Character and Appearance of the Area**

### *12.1 Overview*

Although in outline form only, the indicative information and the scale (floor area) of the supermarket means that the manner in which the site could be developed is likely to only be along the lines of the indicative layout:

- The supermarket is likely to be located in the north eastern portion of the site with the store entrance facing onto a public /pedestrian area.
- The public/pedestrian area would link into a proposed pedestrian walkway through to Fore Street
- The car parking in the centre and north west of the site and
- The A1/A2/A3/D1 uses and the residential development at the access to the site and along the eastern edge, through to (and including) the pedestrian walkway.

### *12.2 Bank Street site frontage*

The provision of a mini roundabout on Bank Street will alter the character of this part of the village. However it is considered that this common highway feature would not be out of keeping with the locality. The indicative information shows part of the existing building along Bank Street, to be demolished and the erection of a building (up to 3 storeys) attached to part of the retained existing shop. This building is shown to turn the corner at the new access. A second building is shown to the west of the access, the indicative information shows the building set back so that the frontage is in line with the Listed Police Station. It is considered that the development of this scale could be accommodated on this part of the site, without harm to the character of the area. In view of the proximity to the nearby Listed Police Station, a high quality design will be essential for this part of the scheme.

### *12.3 Centre and north of the application site*

Much of the site is enclosed by existing development. The supermarket building is proposed to be a maximum height of 9 metres. As such the supermarket will not be readily visible from the main public vantage points (i.e. Fore Street). There are likely to be glimpse views of the supermarket building from the proposed access on Bank Street. The site where the supermarket is likely to be provided could be described as a back land site and it is considered that a well designed commercial unit, of the



size/scale proposed with the associated parking could be accommodated without harm to the character of the area or the setting of nearby Listed Buildings.

#### *12.4 Fore Street pedestrian link*

It is proposed to create a pedestrian link from the centre of the site, through to Fore Street. This will include creating a pedestrian route through 23 Fore Street (Lloyds Bank) which is in the applicant's ownership. An indicative sketch elevation of how the altered 23 Fore Street may appear has been submitted. This shows that no alterations are proposed above ground floor level. The indicative layout plan shows that kiosks could be provided in this walkway and a cafe, terrace and replacement retail units at the end. A high quality public realm could be created here that would need to draw shoppers through from both directions that is commonly seen in other local centres and towns.

23 Fore Street is an attractive historic building, and the above ground floor elements add significantly to the character of Fore Street. The existing shop front is a modern addition to the building. Whilst this is not an unattractive shop front, it is also not of any significant merit. In itself the loss of this shop front is not significant. The presence of an archway through a traditional terrace building is not an uncommon feature. It is considered that, if handled sensitively, a pedestrian archway could be provided in a visually acceptable manner. It is considered that the indicative information as to how this would come forward is sufficient to give comfort that an acceptable scheme could be accommodated.

### **13.0 Residential Amenity**

#### *13.1 Overview*

Policy BD/2 of the Local Plan requires that the siting of new buildings has regard to the relationship with adjoining buildings and open spaces. One of the core principles of the Framework is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" (paragraph 17).

This application is in outline form with all matters other than access reserved. As such the primary consideration is whether the site can accommodate the proposed development within the scale parameters for the buildings set out in the application.

#### *13.2 The supermarket and associated parking*

There are two main potential impacts on residential amenity from the proposed supermarket. The physical impact of the building and the impact that would arise through the operation of the store (i.e. noise from vehicles, customers and related to deliveries).

##### *13.2.1 Building*

Although the application is in outline form, in reality the supermarket could only be located in the northern portion of the site. The exact location and detail of the building would be considered as part of subsequent reserved matters approval.

The potential impact of the building, in terms of loss of light and over bearing, on the adjoining dwellings and gardens is an important consideration.

The nearest dwellings, sharing a boundary with the site are: 20 (The Bungalow), Priest Street Williton; Larviscombe, 11 North Street, Williton; 30 Shutgate Meadow, Williton; 32 Shutgate Meadow and 19 Shutgate Meadow.

The indicative information submitted with the application suggests maximum height of 9m. It is considered that a building could be provided on the site without having an unacceptable impact on the daylight available to nearby neighbours (assuming a lower eaves level than the suggested maximum height). An overbearing impact requires a more subjective judgment and a building that did not result in an unacceptable loss of light could still result in an overbearing impact, for example through a feeling of being hemmed in. The proposed building has the potential to be quite bulky and result in blank monotonous walls bounding neighbouring gardens.

The main garden areas for 32 and 19 Shutgate Meadow are off set from the boundary with the site as the garage accommodation is located adjacent to the boundary. This would provide an increased degree of separation from the proposed building to the garden and thus any over bearing impact would be reduced. The garden area for number 30 is located to the north west corner of the site and immediately abuts the site boundary. The rear aspect of this dwellings looks out towards the application site but only contains limited windows that do not serve habitable rooms (bathroom and landing windows). Due to the proposed location of the supermarket building, it is unlikely that it would be close enough to Number 30 to cause any significant loss of residential amenity.

11 North Street is located to the west of the application site. The dwelling is located to the north of the site and as such there would not be any significant impact on the dwelling terms of overbearing. The full length of the rear garden shares a boundary with the site. The indicative plans show the supermarket building being close to this boundary and therefore any reserved matters application would need to consider the design carefully.

20 Priest Street is located to the south of the site and as such there will not be any significant impacts in terms of loss of light. A building close to this boundary could have some overbearing impact, but offsetting the building and softening with landscape would result in an acceptable level of amenity for this dwelling.

Overall, it is considered that the supermarket building could be accommodated within the site, but that careful consideration to the location and design of the building will be required to ensure that the amenity of the nearest neighbours is protected to an acceptable degree.

#### *13.2.2 Operation of the supermarket*

The operation of supermarket could give rise to disturbance to the closest residential receptors. Noise, odour and light pollution could all result in an impact on amenity. The site is located on an edge of centre location where a higher degree of noise and disturbance is expected than in more suburban and rural parts of a village. Nevertheless the impacts could cause an unacceptable degree of harm. These impacts could be mitigated significantly by ensuring appropriate opening hours for the store. In view of the proximity of the site to residential properties it is considered that 24 hour opening would not be appropriate.

The servicing and deliveries to the site is more likely to result in noise disturbance, through reversing alarms, engines left running, noise from refrigerated vehicles and noise from unloading. The way in which the site is laid out (the location of the building and service area), will play a significant role in ensuring that impacts are reduced. However reduced hours where deliveries can take place are also likely to be needed. As this is an outline application, it would not be appropriate to set out details for controlling noise from deliveries and as such, a condition that requires the submission and approval of a site management plan following the approval of reserved matters but prior to the commencement of works on site would be an appropriate way to deal with this issue. The management plan would provide the details as to how noise and disturbance would be mitigated which would include restrictions on delivery times.

The provision of acoustic fencing and ventilation and extraction equipment would also be necessary and could be controlled via condition.

### *13.3 Other development (retail shops, financial and professional services, food and drink uses, health services, residential dwellings).*

The indicative layout for the retail units application shows 4 units in a single 2 storey building in the centre of the site at the end of the proposed pedestrian access from Fore Street. This building would be close to 16 – 17 Fore Street but would not appear cramped in terms of the surrounding layout of buildings. It is considered possible to erect a building in this location without having a significant adverse impact on these properties.

The indicative layout for the mixed use development also shows the buildings that would provide some of the other elements would be located at the south of the site adjacent to Bank Street and Priest Street. These buildings would be located either side of the proposed access into the site. The indicative information shows a building that attaches to the existing shop (J Gliddon & Sons) and turns the corner into the site following the proposed access road. The indicative information suggests that this building would be up two storeys.

The proposed uses would not give rise to significant amenity issues as these are uses that a typical of town and edge of town locations where a mix of residential and commercial uses sit alongside one another. There would not be any need for the imposition of restrictive conditions to limit the use of the majority of the proposed uses (retail shops, financial and professional services, health services) such as through limiting hours of operation. Given the proximity to existing residential development (and potentially to the proposed residential development) uses that fell within the A3 category (Restaurants and Cafés) could generate a degree of disturbance through noise from customers and ventilation/extraction systems and odour from the cooking process. The application is in outline form and the manner in which the application is framed creates some challenges as to how to control potential disturbance through condition. The proposal seeks permission for a range of uses of which A3 uses is only one. Essentially a flexible permission is sought for these other units and where any of the listed uses could potentially occupy the units. As such there could be no A3 use at all, but an A3 use could also occur at a later date without the need for further planning permission. Framing a condition that secured a package of measures to control an A3 use, prior that use occurring could deal with this without unnecessarily

limiting other uses of the units. Such measures could include hours of operation, agreeing details of extraction and ventilation systems and noise management measures.

The buildings proposed could be up to three storeys in height. This could result in a degree of impact on the neighbouring land uses to the east. The majority of the land to the east of this portion of the site is a small open space that provides landscaping and amenity areas for all the occupants of Egremont Court rather than private amenity space. Located to the fronts of the buildings in Egremont Court are small private garden areas, one of these gardens is adjacent to the site boundary. The site is located in an edge of centre location where built up and close knit development is commonplace and there would be scope to design and site buildings so that an acceptable solution could be found. Any issues in respect of overlooking could be addressed through careful design of the buildings.

It is also proposed to build on the western side of the site access. This building is indicatively shown adjacent to the police station and is not in close proximity to residential uses. As such there are not any particularly sensitive receptors near the site of this building and it is considered that a building in this location could be accommodated without harm to amenity.

## **14.0 Highway Safety**

### *14.1 Overview*

The Framework requires that decisions take account of whether opportunities from sustainable modes of transport have been taken up and whether safe and suitable access can be achieved for all people. The Framework states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

A three arm mini roundabout at the site access is proposed on Bank Street. Two of the arms (east and west) of the mini roundabout link to the A39 with the third arm (north) providing access to the site. Bridge Street is accessed via a junction located a little way to the west of the mini roundabout. Two pedestrian crossing points with central refuge islands are proposed on the new roundabout.

### *14.2 Traffic assessment*

Traffic modelling has been carried out to predict the potential traffic impacts of the proposal. The Highway Authority has concluded that the proposal would probably result in congestion during the majority of the year on Friday afternoons and possibly during the day on Mondays in the summer. At other times the proposed mini roundabout should operate within capacity.

The modelling predicts that the queuing would result in the worst delays averaging up to 4 minutes per vehicle through Williton. A delay of a short period one or two afternoons a week is not considered to be unusual and is not the only location where queuing takes place on the A39 from Bridgwater or A358 from Taunton. The Highway Authority also note that the presence of a larger foodstore in Williton may remove some trips from the highway network, or at least reduce trip lengths.

Ultimately it has been concluded that, provided a robust travel plan is in place, to encourage the use of sustainable transport, the traffic impacts of the development is not considered to be severe.

#### *14.3 Travel Plan*

The Highway Authority considers that a robust travel plan is necessary to ensure that the impacts of the development are reduced. Without a travel plan in place they considered that the impact of the development would be unacceptable (i.e. severe as stated in the Framework) and that planning permission should be refused.

The Highway Authority considers that the current draft of the travel plan would need to be improved prior to it being agreed. Should planning permission be granted the travel plan could be secured through a legal agreement or possibly a planning condition.

The works to the highway would require a separate legal agreement with the Highway Authority. Securing the provision of the access prior to the main construction works can be secured by a planning condition.

#### *14.4 Parking*

The information within the application documents show that up to 175 car parking spaces would be provided. The Highway Authority considers that this is in line with the optimum requirements indicated in the Somerset Parking Strategy 2013. The parking provision would need to include suitable provision for bicycles and motorcycles and three electric charging points.

A condition to require these details/ provisions to be approved would deal with this issue adequately.

#### *14.5 Servicing*

A single vehicular access point is proposed and as such deliveries and service vehicles would need to access the site from the same access and, due to the likely layout of the site, negotiate the car park. An appropriate means of providing the servicing would need to be secured including ensuring that delivery vehicles can access through parking aisles. A possible solution may be that space can have dual purposes (providing parking at peak times and servicing space at other times). This would require careful site management as the impact of residents through noise of deliveries would also need to be managed (as discussed above). An appropriately worded condition would be required to secure this detail.

#### *14.6 Legal agreements*

The Highway Authority has recommended that the provision of the mini roundabout be secured via a S278 agreement or a S106 agreement. From a planning perspective it is important that the access is provided at an appropriate time in terms of both the construction phase and before any of the new uses take place. It is considered that this should be secured through a Section 106 Agreement which could provide appropriate triggers for certain works to be carried out at appropriate times.

The Highway Authority also wish to see the travel plan form part of a S106 agreement. Travel plans can be secured via condition, however the travel plan is such an integral

part of the scheme that it is considered that it is appropriate that this be secured through a legal agreement.

#### *14.7 Other issues*

There have been a number of concerns that the proposed development would bring about an increased use of Bridge Street as an alternative route for vehicles heading towards Taunton. This concern arises primarily due to the traffic congestion envisaged at peak times (most Friday afternoons and possibly Monday afternoons during the summer).

The Highway Authority has not raised any objection to the scheme on this basis. As such it is not considered that it is appropriate to refuse permission for the development due to the possibility that some drivers may choose to utilise Bridge Street as an alternative route.

It has also been noted that the addition of greater traffic delays could have a negative impact on emergency vehicles getting to their destination in a timely manner. Any development which has the potential to add traffic delay could have a similar impact and it is necessary to consider whether this would be 'severe' and a sufficient reason to withhold planning permission.

### **15.0 Pollution Control**

#### *15.1 Air quality*

Policy PO/1 of the Local Plan requires that development that which would generate atmospheric emissions which would cause harm or offence to human health, senses or property will not be permitted. The Framework requires that development does not result in unacceptable pollution.

The proposed development could result in harm to the air quality in and around the site. This could occur during the construction phase and once the development is in operation. The application is supported by an Air Quality Assessment. The Air Quality Assessment predicts that during construction the effects of emission has been assessed as moderate adverse, but with appropriate mitigation measures the risk of adverse effects from emissions is considered to be low.

During the operation of the development impacts on air quality could arise from traffic and odour from the preparation of food. In respect of the traffic generation, the assessment concludes that no local receptors would exceed National Air Quality Objectives and the significance of the effects of the proposed development on air quality is determined to be in the range of "slight adverse" to "negligible". Odour abatement equipment would be installed on ventilation and exhaust discharge points which would mitigate any impacts.

The Council's Environmental Health Officer has not objected to this scheme subject to the imposition of conditions to secure appropriate mitigation.

#### *15.2 Ground Water and Land contamination*

To prevent unacceptable risks from pollution the Framework requires that land should be suitable for the proposed use and where necessary mitigation and land remediation

should be provided. Policy PC/4 of the Local Plan requires that proposals on land which maybe contaminated will include measures to prevent risk to public health.

The Environment Agency has provided comments in respect of ground water and land contamination. It is also noted that potential contamination of the ground is a concern to the Parish Council. In view of the previous uses of the site there are reasonable grounds to suspect that land contamination has occurred. A package of conditions could be imposed to deal with this matter through site investigation and mitigation.

To prevent future contamination conditions to ensure that adequate foul drainage works are provided and suitable provision is made for the storage of any oils, fuels or chemicals would be necessary.

With the above measures in place it is considered that the land contamination could be adequately mitigated.

## **16.0 Flood Risk**

### *16.1 Policy overview*

Policy W/6 of the Local Plan only permits development within areas at risk of flooding where environmentally acceptable measures are provided to mitigate risks. The Framework requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding and where development is necessary, it should be made safe without increasing flood risk elsewhere.

This site is largely located within flood zone 1 (i.e. at lowest risk of flooding). Small portions of the site are located within Flood Zone 2. These areas include the front of the site adjacent to Bank Street the extreme north western boundary and the eastern end of the proposed pedestrian link. A small part of the site is in flood zone 3 which runs along Bank Street.

### *16.2 Sequential Test*

As part of the site is located within flood zone 2 and 3 a sequential test is required. The aim of the sequential test is to steer new development to flood zone 1. Where there are no reasonably available sites in flood zone 1 then it is possible to consider sites in flood zone 2. Only where there are no reasonably available sites in flood zones 1 and 2 should a site in flood zone 3 be considered. In general the area of search should relate to the whole district and reduced area of search can only be justified if there is a need for the development within a specific geographical area. In this case as the principle justification for the store is to reduce main/bulk shopping leakage to larger towns it is reasonable that the area of search is reduced to Williton and Watchet. In view of the overarching aims of retail policy (to focus shopping and other town centre uses in the town centres it is reasonable to only consider site in and on the edge of the centres of Williton and Watchet. The majority of the site is located within flood zone 1 and it is highly likely that the entirety of the built development could be located within flood zone 1 as well as a good portion of the other parts of the proposal. Much of the site is in a sequentially preferable location however the accesses (vehicular and the pedestrian link) are both located within flood zone 2. While it is not ideal that the accesses are located in a sequential less preferable

location, there are not any other reasonably available sites where a large supermarket could be accommodated and also be at least as sequentially preferable from a retail planning policy perspective. As such it is considered that the sequential test has been passed.

It is also necessary that a sequential test for the site itself is carried out (i.e. seeking to provide as much of the development as possible within flood zone 1). This is a matter of detail and would need to be addressed through the reserved matters submissions.

### *16.3 Flood risk assessment*

The application is supported by a site specific flood risk assessment. The Environment Agency has not raised any objections to the proposed development on flood risk grounds subject to a package of conditions including the provision of a drainage strategy and securing suitable finished floor levels.

### **17.0 Drainage**

Wessex Water were consulted and have confirmed that there are no issues in respect of the capacity for foul sewerage, sewerage treatment and water supply. They note that storm water will need to be dealt with via an on site SUDs system.

The Environment Agency has not raised any objection to the proposal in terms of drainage provision. They have sought conditions in respect of surface water drainage.

In view of the above there is no objection to the scheme in terms of drainage and suitable conditions would be required to ensure that an adequate system is provided.

### **18.0 Archaeological Implications**

The site is located in an area of high archaeological potential. The County Archaeologist has been consulted and he has confirmed that an archaeological evaluation took place in 2003. The evaluation proved that Bronze Age features (most likely contemporary with the nearby scheduled barrow cemetery) and Iron Age features are present on the site.

The Archaeologist has suggested a condition which would secure archaeological excavation and investigation of the site before works commence. With this condition in place it is considered that the archaeological implications of the development would be adequately addressed.

### **19.0 Biodiversity/ecology**

Policy NC/4 of the Local Plan prohibits development that would give rise to harm to protected species unless the harm can be avoided through the use of planning conditions. One of the facets of sustainable development as defined by the Framework is "helping to improve biodiversity" (paragraph 7). Within chapter 11 of the Framework the overarching aim is that in making decision on planning applications, biodiversity should be maintained and enhanced.



The application is supported by an ecological survey, and the Council's specialist ecological advisors have no objection to the application being approved provided that appropriate conditions are imposed.

## **20.0 Planning Obligations**

### *20.1 Overview*

Regulation 122 of the Community Infrastructure Levy (CIL) Regulations sets out the statutory tests for seeking planning obligations: *The obligation is necessary to make the development acceptable in planning terms, is directly related to the development, is fairly and reasonably related in scale and kind to the development.* Paragraph 204 of the Framework repeats these tests.

Policy PO/1 provides a planning policy basis for using S106 agreements to ensure the appropriate provision of infrastructure or community facilities related to and commensurate with the proposed development.

West Somerset Council adopted a "Planning Obligations", Supplementary Planning Document in December 2009.

### *20.2 Housing*

This proposal is for the provision of up to three residential units. This falls below the threshold of 5 dwellings where affordable housing or contributions towards community infrastructure provision are sought.

### *20.3 Retail*

Having regard to the advice of the Council's retail advisors, if planning permission were granted for the proposals, there would be impacts on other retail units and what could be described as the historic core or centre. It may be possible to provide some mitigation against this impact and it is considered essential that adequate signage and a high quality public (pedestrian) realm is created between the Fore Street and the proposed entrance to the store. This could be secured through planning conditions or legal agreement. Other measures could include ensuring that the period allowed for free parking was of sufficient length to allow visitors to visit the supermarket and shops in the historic centre, and a commuted sum to secure enhancements to the vitality and viability of the centre. Such a contribution could provide for enhancements to the public realm or shop front enhancements. Such a package would need to meet the CIL test identified above and be reasonable in scale in regard to the impacts that are being mitigated.

A local labour agreement could be put in place to seek to contribute towards a reduced need in journeys to work and mitigate impacts of potential job losses from existing store closures.

## **21.0 Other Implications**

### *21.1 Impact on the Council Car Park*

Several comments have been received in respect of the impact of the proposed car park on the Council's car park revenue. The planning system is not in place to protect

one person's/organisation's interests over another's and as such any potential impact on the use of, and by extension the revenue from, the Council car park is not a consideration that can be given weight.

### *21.2 Litter and Waste*

Representations have been made raising concerns about increases in litter and in general about an increase in respect of waste brought about by the proposal. Ultimately these are not factors that carry significant weight in the consideration of the application. Litter would be managed by the operator of the site. There is not strong evidence that this store would result in a general increase in waste as, given the lack of capacity in local expenditure for convenience goods, the store seeks to divert existing shoppers from other sites further afield.

### *21.3 Antisocial Behaviour*

Concerns have been raised that the proposed pedestrian link to the centre could cause issues such as anti social behaviour. While this concern is understood, passageways are a common feature in town/village centre locations. It would be possible to secure a scheme to manage this element of the proposal to reduce any risks of a negative impact associated with the passage way. For example it would be possible to condition that the passageway is gated and locked outside of the supermarket opening hours.

### *21.4 Food Prices*

Several of the representations made in support of the application envisage that the supermarket would result in a reduction in food prices, compared to the existing convenience food prices in Williton. At least in part this would be dictated by the (currently unknown) operator of the store. And it must be appreciated that the planning system cannot influence the exchange of sites or target market within a particular use. Ultimately, in the consideration of an application for a large retail store, the price customers may untimely pay for goods is not a significant factor. Increase in customer choice, a diverse retail offer and the individuality of town centres are the critical planning policy tests and as outlined above this proposal would result in benefits and dis-benefits on these significant factors. As such the (potential) benefits of reduced prices for convenience goods is not a factor that can be afforded any significant weight.

### *21.5 Relief Road*

There is been a significant degree of concern that allowing this proposal would result in the loss of the land available to create a relief road. This concern is understood. However the potential provision of a relief road is not provided for in any adopted or emerging planning policy document. It should also be noted that the previous residential permission granted on the site did not safeguard the route of an inner relief road.

## **22.0 Environmental Impact Assessment**

This development falls within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and it was therefore necessary for the local planning authority to screen the application and decide whether

Environmental Impact Assessment is required.

The scale and nature of the proposal is such that it is not of more than local significance, the proposals are not of a particularly sensitive nature, are not unusually complex and would not have any hazardous environmental impact. As such, the LPA does not consider that the proposal is likely to have significant environmental effects and formal Environmental Impact Assessment is therefore not required.

### **23.0 Conclusion and Recommendation**

It is considered that significant weight should be attributed to the emerging local plan and in particular the proposed retail boundary and Policy EC12. The remaining retail floorspace is located entirely in the proposed new retail centre boundary where Policy EC12 supports the provision of new retail within this area. Although the proposed supermarket is located outside of this new area, it is by only a matter of metres and shoppers are likely to consider the supermarket, the remaining retail floorspace and the existing retail core as a single destination. The proposed development is likely to have adverse impacts on the vitality and viability on the existing retail core, which could include closures. However, it is considered that a varied retail offer, including the new retail stores, would remain for Williton as a whole and there is a greater potential to reduce leakage to other centres. Provided that a high quality link between Fore Street and the proposed extension to the retail centre, with appropriate signage and legibility, it is considered that the applications can be recommended for approval.

### **Recommendation**

It is considered that the proposal, is acceptable subject to the applicants entering into an appropriate legal agreement to secure the following:

- Travel Plan
- Provision of mini-roundabout and associated highway works.
- The provision of a high quality public realm and pedestrian walkway with appropriate signage between the site and Fore Street.
- Limited period of free-parking to encourage linked trips (minimum 2 hours).
- Financial contribution to a town centre enhancement fund.
- A local labour agreement

That planning permission is granted with the following conditions

**Planning Permission is subject to the following conditions:**

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. The total net sales floor space, including checkout areas, of the food store hereby permitted shall not exceed 1600 sq m. No more than 350 sq m of the total net sales area shall be used for the display and sale of comparison goods; the net sales area for the sale of convenience goods shall not exceed 1350 sq m.

Reason – In order to limit the impact on the existing retail area of Williton.

3. Prior to the opening of the supermarket the pedestrian route linking to Fore Street shall be constructed in accordance with a scheme approved by the LPA and be made available in perpetuity for public use. This shall also include details of the siting and design of the concessionary units proposed along the route.

Reason – In order to limit the impact on the existing retail area of Williton.

4. Prior to the opening of the supermarket or any of the retail/commercial units, the car parking shall be constructed in accordance with details approved by the LPA and be made available in perpetuity for public use. Details of the car park charging regime shall be submitted to and approved by the LPA and subsequently implemented and maintained.

Reason – To ensure that sufficient parking is available and to limit the impact on the existing retail area of Williton.

5. Prior to the opening of the supermarket the four units permitted under App. No. 3/39/14/024 shall be constructed to shell finish.

Reason – In order to limit the impact on the existing retail area of Williton

6. Prior to the commencement of use, details of the hours of operation of the food store, including delivery hours, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter operate in accordance with the approved details.

Reason – To ensure that the proposed development does not harm residential amenity.

7. Prior to their installation, details of all external lighting, to include hours and strength of illumination, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter operate in accordance with the approved details.

Reason - To ensure that the proposed development does not harm residential amenity.

8. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including sustainable drainage principles has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable agreed.

Reason - To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

9. Finished floor levels of the proposed built development shall be set no lower than 300mm above existing ground level, as indicated on the topographic survey contained within the approved Flood Risk Assessment.

Reason - To reduce the risk of flooding to the proposed development and future occupants.

10. Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason - To protect controlled waters and pollution of the environment.

11. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - To protect controlled waters and pollution of the environment.

12. No occupation the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To protect controlled waters and pollution of the environment.

13. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - To protect controlled waters and pollution of the environment.

14. No building shall be occupied or otherwise used for any purpose until provision has been made within the site for the loading and unloading of goods vehicles for which details shall have been submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

15. Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented by the approved Contractor. The plan and any contract shall stipulate the size of vehicles to be used for deliveries and the routes to be used. The approved contractor shall ensure that works do not interrupt the movement of traffic on the A39 at certain times: November to March, Monday to Friday 08:00-09:30; April to October, Monday to Saturday 08:00-19:00; nor April to October, Sundays 10:00-19:00.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network.

16. No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

Reason - To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

17. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason – To ensure the recording and preservation of archaeological remains.

18. The boundary fence for noise attenuation shall be constructed as per the submitted Noise Report and shall be erected prior to the store being brought into use. The detail of the fence position shall be submitted to and agreed prior to its erection and shall thereafter be retained as agreed.

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

19. No building shall be occupied until details of any kitchen fume extraction system designed to control the emission of fumes and odours from the premise have been submitted for approval by the Local Planning Authority. The details shall show the location of the fume extraction flue and specify the systems servicing and maintenance requirements, termination height of the fume extraction system and low resistance cowl details

Reason - To ensure that the proposed development does not harm residential amenity.

20. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of First Ecology's Ecological Appraisal dated April 2014 and include:

- The retention and protection of the hedgerow along the north-western boundary of the site during construction and thereafter;
- The submission of a method statement outlining how badgers and other mammals will be protected from accidental harm on the construction site;
- Confirmation that trees, bramble and scrub are removed and other tall vegetation cut back outside of the bird nesting season or if this cannot be done works are undertaken according to a method statement outlining how checks are to be conducted for nesting birds and the actions that will follow such checks;
- Up to date surveys for bats and reptiles by suitably qualified and experienced ecologists at appropriate times of the year and according to recognised methodologies. The survey reports should include mitigation proposals that can be carried to mitigate any harm identified.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and accommodate wildlife.





Planning Manager  
West Somerset Council  
West Somerset House  
Killick Way  
Williton TA4 4QA

WSC Licence No:  
100023932

Application No 3/39/14/010

Redevelopment of the site to provide a food store (A1), retail shops (A1), professional and financial services (A2), food and drink uses (A3), health services (D1), residential dwellings (C3), vehicle and pedestrian access, associated car parking and landscaping (resubmission of 3/39/11/002)

Land at Bank Street/Fore Street, Williton, Taunton, TA4 4NH

25 April 2014

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Easting: 307682

Northing: 140942

Scale: 1:2500

# Appendix A - GVA advice



Our ref: MSM/07B415965  
Your ref:

18<sup>th</sup> September 2015

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**BY E-MAIL**

Dear Bryn

## Planning Applications for Retail and Mixed Use Development, Land between Bank Street and Fore Street, Williton

### 1 Introduction

Further to your instructions, we have completed our review of the retail and town centre planning policy aspects of two applications, submitted by Mr D Gliddon, for retail and mixed use development on land between Bank Street and Fore Street in Williton. In short, the two applications propose:

- o 3/39/14/010. An outline application for redevelopment of the site to provide a food store (A1), retail shops (A1), professional and financial services (A2), food and drink uses (A3), health services (D1), residential dwellings (C3), vehicle and pedestrian access, associated car parking and landscaping (hereafter referred to as 'the mixed use application').
- o 3/39/14/024. An outline application (with all matters but access reserved) for the erection of up to 480 sq.m. gross of flexible Class A1/A2 floorspace linked to proposed redevelopment of land associated with application ref: 3/39/14/010 to include vehicle and pedestrian access and landscaping (hereafter referred to as 'the retail units application').

In accordance with our instructions from West Somerset Council ('WSC'), we have carried out a review of documentation submitted in support of these applications, namely:

- o A Retail Statement, prepared by RRPC, dated September 2014, and submitted in support of 3/39/14/024 (the retail units application).
- o A Retail Statement, prepared by RRPC, dated April 2014, and submitted in support of 3/39/14/010 (the mixed use application).

The proposals have been considered in the context of the development plan for the area and other material planning policy considerations, such as the emerging West Somerset Local Plan 2032 (currently at Examination), National Planning Policy Framework ('the NPPF') and the National Planning Practice Guidance ('NPPG').

From the outset it should be noted that the consideration of retail and town centre planning policies are one of a number of elements which are critical to WSC's overall determination of these applications. As a consequence, WSC will be required to balance our advice on retail and town centre policy matters with other material planning considerations when reaching an overall decision on these applications.

Within this advice letter, we will also make reference to the 'Quantitative Needs Assessment' which was prepared by GVA and c4g for WSC and Exmoor National Park Authority ('ENPA') in 2011 (hereafter referred to as 'the Retail Study').

## 2 The proposals

### The mixed use application

The mixed use application is submitted in outline and proposes the redevelopment of the site shown on the plan at Annex A to this letter to provide a mixture of Class A1, A2, A3, D1 and residential uses, along with associated works. The retail and main town centre elements of the proposal comprise:

- o A 2,300sq m gross Class A1 supermarket;
- o A Class A1 retail unit fronting Bank Street, of 950sq m gross; and
- o A1, A2, A3 and D1 floorspace of up to 390sq m gross.

The supermarket will have a net sales area of 1,600sq m, with up to 1,350sq m for the sale of convenience goods and up to 250sq m for the sale of comparison goods.

The submitted illustrative masterplan is attached at Annex B to this letter.

The submitted RS is not specific regarding who the occupiers of the supermarket or other floorspace will be. It also does not seek to limit the size and number of the units comprising the non-supermarket floorspace. We have, however, proceeded on the basis that the 2,300sq m gross supermarket unit will be entirely separate from the remainder of the Class A/D floorspace within the site (which will be housed in several small units, as shown on the illustrative masterplan).

### The retail units application

The submitted red line plan for the retail units application is contained at Annex C to this letter. As can be seen, the site for this application substantially overlaps with the (wider) red line site area for the wider mixed use application. It is confirmed by the RS submitted in support of this application that the proposed retail floorspace can only be delivered in conjunction with the separate wider development project. The location of the proposed 480sq m of retail floorspace, in the context of the wider development proposed, is shown on the plan attached at Annex D.

Like the wider application, the identity of the occupiers for the proposed floorspace is not provided and no restrictions are proposed in terms of the size of the units to be provided and/or the range of products and services that the Class A floorspace can offer.

## **3 Planning policy context**

### Adopted Local Plan

The development plan for this application comprises, at the time of writing this report, the saved policies in the West Somerset Local Plan 1995-2011.

Within the Local Plan, which was adopted in 2006 (prior to the publication of the NPPF and PPS4 before it), the application site lies within the defined urban boundary of Williton.

The rear of the site benefits from an allocation for residential uses, whilst the front part of the site has no specific allocation.

The Local Plan does not define a primary shopping area for Williton, or any other retail frontage designations, which can cause some uncertainty over the status of the application sites. However, it is common ground between ourselves and the applicant that the application sites, based on the adopted Local Plan, lie in edge-of-centre locations. Later in this section we go on to consider the contents of the emerging Local Plan in terms of town/retail centre boundary definitions and how this may affect the local planning authority's consideration of this application.

The most relevant saved policy in the adopted Local Plan is Policy SH/4. This policy notes that retail development in Williton will be permitted where:

- They are of an appropriate size and related to the shopping needs of the locality
- They are accessible by a choice of means of transport (including public transport)
- They have adequate servicing and parking arrangements

The RS submitted in support of the mixed use application considers Policy SH/4 to be only partially consistent with the NPPF. We consider whether this is the case later in this section.

### The NPPF

In March 2012, the Department of Communities and Local Government published the National Planning Policy Framework ('the NPPF'). The NPPF replaces Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009), which was in force at the time of the previous application, and provides a concise version of national planning policy towards retailing and town centres.

Section 2 of the NPPF is relevant to this proposal, with paragraph 24 noting that:

*“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.*

This policy continues with the similar general thrust of national policy established by PPS6 and PPS4, with the promotion of the 'town centres first' approach and preferring sites in defined town centres and then edge of centre locations before out of centre sites should be considered. In addition, the NPPF continues to require flexibility to be incorporated into the assessment of alternative sites.

The NPPF also retains an 'impact' test for retail, leisure and office development outside of town centres which are not in accordance with an up-to-date Local Plan. The NPPF states that local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold or, if there is no locally set threshold the default threshold is 2,500sq m. The NPPF notes that impact assessments should include an assessment of:

- o 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
- o the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Importantly, the NPPF retains the clear guidance to local planning authorities:

*“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused”.*

There are differences between NPPF and PPS4 though. Whilst the sequential and impact tests are retained, the impact test has been slimmed down so that it now just deals with impact on town centre investment and impact on town centre vitality and viability. In PPS4, the impact test also included criteria relating to the impact on allocated sites, impact on in-centre trade/turnover<sup>1</sup> and appropriateness of scale. These separate criteria have been deleted.

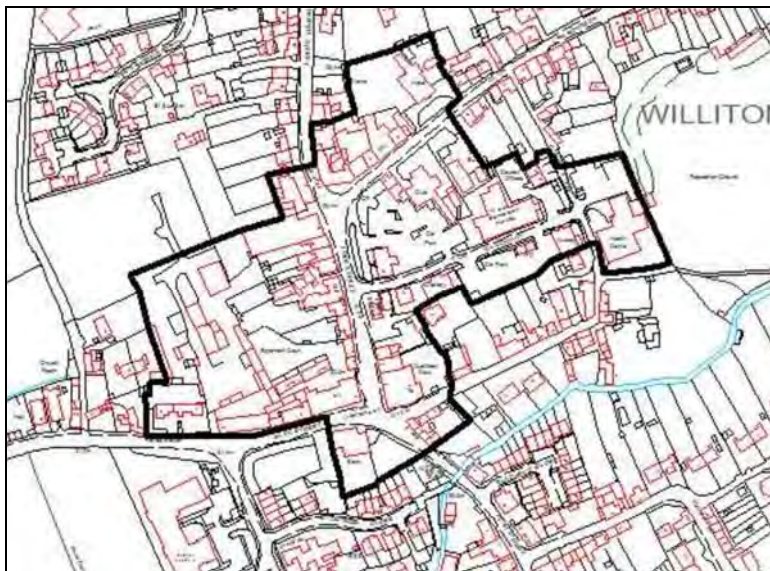
Given these changes in national policy since the previous application, our assessment of impact, contained later in this letter, considers how applicable our previous advice remains to this current proposal.

### *The Draft West Somerset Local Plan 2032*

A potentially increasingly important material planning policy consideration for this application is the emerging Local Plan.

The draft Plan is currently being considered at Examination and the Submission version of the plan introduces an amendment to the proposals map for Williton in order to provide a ‘retail area’. This is shown in Figure 1 below.

**Figure 1: proposed retail area boundary for Williton**



The north-western part of the proposed retail area boundary now includes the southern part of the proposed development area including area for the proposed smaller retail units. In our opinion, in the absence of any other separate boundary definitions, the

<sup>1</sup> Which is, arguably, now subsumed into the wider ‘impact on town centre vitality and viability’ test in the NPPF

proposed 'retail area' boundary can be taken to reflect the town centre boundary for Williton.

The inclusion of a 'retail area' boundary is proposed to be supported by a new Policy EC12 which notes that *inter alia* business activities of retail and retail related activities in Class A uses will be the preferred use at ground floor level in the defined retail areas.

This policy approach is in line with national policy which seeks to encourage retail uses in town centre boundaries and, on the basis that the 'retail area' can be assumed to be the town centre boundary for Williton, then there is no need to examine the sequential and impact tests for proposals within that boundary.

Therefore, based on the indicative site layout plans, there would not be a requirement to assess the smaller retail units against these policy tests and consideration would need to be given to the weight which should be placed upon the assessment of impact and the sequential test for the proposed supermarket bearing in mind it abuts the proposed retail area boundary and has the potential to have a close relationship with the nearby land uses within the proposed boundary. Indeed, based upon the indicative site layout plan, the route into the proposed supermarket can only be via land which is within the defined retail area.

In addition, the local planning authority will also need to consider the weight to be placed on the proposed retail area boundary and Policy EC12 bearing in mind whether there are any unresolved objections to this part of the new Local Plan.

Given this contrasting policy position, we consider that this advice should deal with both planning policy scenarios in order to assist the local planning authority when it considers what relative weight to place on the adopted and emerging planning policy contexts.

#### **4 Planning history and previous GVA advice**

The current mixed use application is very similar in nature to a previous application by the same applicant in 2011. The application was refused by WSC on the basis of *inter alia* a predicted significant adverse impact upon the vitality and viability of Williton centre.

GVA provided advice to WSC in respect of that application and our conclusions supported that reason for refusal. In particular, our advice noted:

- o a significant financial impact on the trade/turnover of Williton centre taking into account the lack of a quantitative need for the proposed retail floorspace;
- o a significant impact upon the vitality and viability of Williton centre and the proposal's effect on local consumer choice and competition; and



- o the inappropriate scale of the proposed development having regard to the role and function of Williton and the lack of sufficient surplus retail expenditure to support the proposed foodstore alongside existing facilities.

However, as noted in the previous section of this letter, there has been a change in national planning policy, following the publication of the NPPF. In addition, the emerging Local Plan proposes a new retail area boundary for Williton which encompasses part of the application site. Therefore the proposed changes to the local policy context may also influence the consideration of the salient retail planning policy tests.

Therefore, the contents of Section 6 of this advice letter will consider which parts of this previous advice may remain applicable to the current application, taking into account any changes in evidence base information and other material changes in circumstances.

## **5 The sequential test**

In the context of the adopted Local Plan, it is common ground with the applicant that the application sites lie on the edge of the existing primary shopping area in Williton. Therefore, along with the lack of a development plan allocation for the proposed retail/main town centre uses in the adopted Local Plan, there is a need to apply the sequential approach to site selection.

This exercise was also undertaken in relation to the previous application and it was concluded that there were no sequentially preferable locations in and around the central part of Williton to accommodate the proposed floorspace. The applicant's supporting material does not suggest that there has been a material change in circumstances in relation to the sequential test and we are not aware of any additional sites and premises which require consideration. Therefore, if officers reach the same conclusion, we consider that the proposed developments pass the sequential test, as outlined in paragraph 24 of the NPPF, based upon the adopted Local Plan.

Given that the proposed contents of the new Local Plan propose to incorporate part of the application site within the 'retail area' boundary, it is now arguable that part of the proposed development does not now need to be subject to the sequential test and the proposed boundary definition brings the remaining edge-of-centre part of the site closer to the defined central area of Williton.

## **6 Impact**

Given the acknowledgement that the application site, based upon the adopted Local Plan, is in an edge-of-centre location there is a requirement to consider the impact of the proposed development on town centre investment and town centre health. This was the approach followed in relation to the previous application and this issue was the basis for a reason for refusal. However, as noted above, the proposed definition of a retail area in Williton in the emerging Local Plan, which includes part of the application site, suggests

that the local planning authority will need to re-consider its approach to the issue of 'impact'.

Given that the emerging Local Plan is still currently subject to an Examination, we consider that there is a need to consider both alternative policy scenarios and these are outlined below as we consider the information submitted by the applicant. However, it should be borne in mind that the applicant's retail assessment was prepared prior to the latest (Submission) version of the new Local Plan and therefore does not take into account the proposed retail area boundary alignment.

In addition, it should be acknowledged that the trading impacts of the proposed retail floorspace, particularly the supermarket, will not change in relation to the adopted and emerging planning policy context issues as matters such as trade diversion are not influenced by planning policy designations. Instead, the contrasting policy contexts will influence the weight to be placed on key policy factors and how the assessment of impact is to be interpreted.

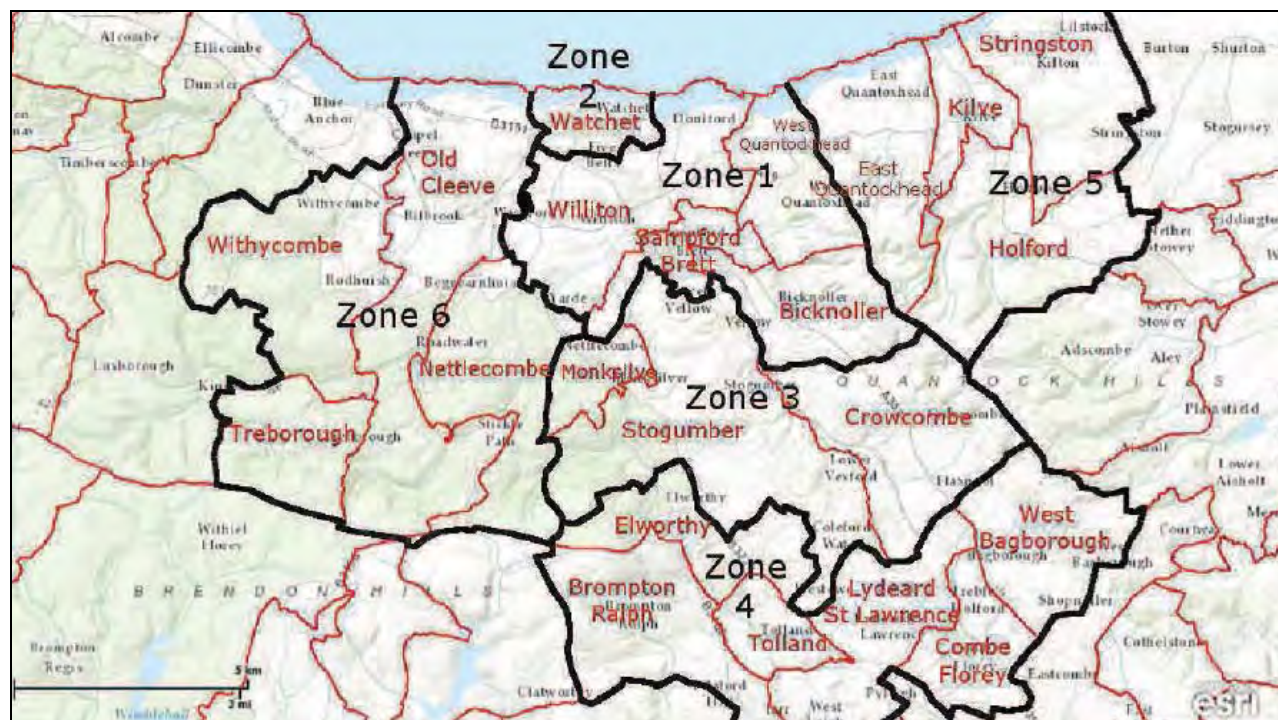
### **The quantitative assessment**

The starting point for the applicant's assessment is an analysis of the level of available retail expenditure to support new retail development in Williton. In order to estimate the amount of available convenience goods expenditure within the local areas and also to provide a basis for its financial impact assessment, the applicant's RS provides an assessment of current shopping patterns, locally-generated expenditure and expenditure by visitors/tourists. We have undertaken a detailed review of the contents of the RS and raise the following issues:

#### Household survey data

In order to inform the RS, the applicant has commissioned by a new survey of household shopping patterns ('the 2014 household survey'). The area covered by the survey is shown in the extract from the RS contained below and it will be seen that it is split into six separate zones.

Figure A: study area used within applicant's assessment



Source: image taken from Appendix 1 of applicant's Retail Statement

The individual zones have been based on Parish-level geography and paragraph 3.9 of the RS confirms that the survey as a whole comprised 330 interviews. However, paragraph 3.9 goes on to confirm that there were 100 interviews apiece in zones 1 and 2, whilst there were only 20-50 interviews in zones 3-6. Whilst it has been superseded, the 'Practice Guidance on Need, Impact and the Sequential Approach', published by DCLG in 2009, advised that a minimum of 100 interviews per survey zone should be undertaken. Whilst we appreciate that zones 3-6 cover small areas with a relatively low resident population, we are concerned over the ability of the 2014 survey to provide robust and statistically valid shopping patterns data for these areas.

#### Per capita convenience goods expenditure

In order to assess the amount of available convenience goods expenditure within the study area, Table A5.2<sup>2</sup> of the RS adopts a per capita expenditure level of £2,087. Paragraph 3.21 of the RS confirms that this figure is expressed in 2014 prices.

There are no notes to Table A5.2 to explain from where the figure of £2,087 has been derived, although the contents of paragraphs 3.16-3.22 suggest that it has been derived with reference to an interpretation of the household survey results, as contained in Appendix 3 of the RS.

<sup>2</sup> Appendix 5 of the RS

In brief, it would appear that per capita expenditure on convenience goods has been estimated by the use of answers to survey questions which ascertained information on spending levels and frequency of shopping trip. This is an unusual method of estimating per capita expenditure, as most retail studies utilise data from national data providers such as Experian or Pitney Bowes. Indeed, the Retail Study was based upon data from Experian.

In particular, we are concerned over the use of a circa 300-respondent household survey, when data providers such as Experian base their own data on a much more comprehensive set of information, including the results of the 2011 Census and the socio-economic profile of local residents.

In order to assess whether the per capita expenditure estimate within the RS is reasonable, we have obtained our own expenditure estimates from Experian. Experian do not provide expenditure and population at the Parish level, which is the geography adopted by the RS, and therefore we have used Ward data which is the closest available geography.

Use of an average of the data for the Wards covered by the applicant's study area<sup>3</sup> suggests an average per capita spending level of £2,154. This is not too dissimilar to the figure adopted by the RS. However, we have also interrogated the spending levels with the individual Wards which comprise this wider area and have found that there is a considerable variance. For example, spending per capita on convenience goods in Williton Ward is £1,876, whilst spending in Watchet Ward is £1,869. In contrast, spending is between £2,300 and £2,700 per capita in other parts of the study area (although please do bear in mind that these Wards do not exactly match the study area within the RS, and individual Wards cross the boundaries of the zones used by the RS).

The importance of these variances lies in the distribution of current shopping patterns and the contribution that different parts of the study area make towards existing local shopping facilities and also the trade draw to the proposed store. For example, a significant proportion of the shopping trips in existing stores in Williton and Watchet come from residents of these settlements. However, the RS has estimated spending levels in these stores on a per capita convenience goods spending level is not reflective of the local area. Therefore, there is the potential for the applicant's analysis to over-estimate the contribution that residents of Williton and Watchet make towards the turnover of local stores and, as a consequence, this may over-estimate some of the turnover levels calculated in the RS.

In a similar fashion, the RS is estimating that there is a total of £28.03m of convenience goods expenditure within the local area available to help accommodate the turnover of the proposed store. This total may be an over-estimate, which could thus affect the ability of the local area to accommodate viable existing convenience goods stores

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<sup>3</sup> Williton, Watchet, Old Cleeve, West Quantock, Carhampton & Withycombe, Crowcombe & Stogumber.

alongside the proposed supermarket, particularly as the RS is estimating that around half of the proposed store's turnover will be supported by the spending of Watchet and Williton residents.

Looking to the future, the notes to Table 6.1<sup>4</sup> indicate that economic forecasts published by Experian in October 2013. These have now been superseded by data published by Experian in Autumn 2014 although we are not aware of any updated assessment from the applicant which attempts to take into account these more up-to-date figures.

### Benchmark turnover levels

In order to benchmark the estimated current trading performance of existing convenience goods floorspace within the local area, the RS has adopted benchmark store turnover data from the Retail Study. For example, the Retail Study records the benchmark turnover of the Co-op store in Williton to be £2.9m, based upon the most up-to-date available data<sup>5</sup> at the time of completing the Retail Study report (in November 2011).

However, the applicant's assessment is inaccurate for two main reasons. First, it is comparing estimated current store turnover levels, which are expressed in 2014 prices, against a historic benchmark which is expressed in 2009 prices. Second, more up to date benchmark sales density information is available from Verdict, which places the Co-op's average at £7,823/sq m in 2012 prices. In 2014 prices, this benchmark is £8,266/sq m. This would place the benchmark of the Co-op store in Williton, in 2014 prices, at £3.3m.

The consequence of this inaccuracy in the applicant's analysis is to cast doubt upon the claims regarding pre and post-impact trading levels, for stores such as the Co-op, in Section 6 of the RS.

### Tourism expenditure estimates

In line with the analysis submitted in support of the previous application, the RS submitted in support of the mixed use application makes an allowance for spending in convenience goods stores. In principle, this is a matter which we agree with and is a consistent approach with the contents of the Retail Study undertaken by GVA for WSC and ENPA. However, in contrast to the previous application, the applicant has undertaken further survey work in order to gather additional information on the shopping habits of visitors and tourists to the area. The outcome of the applicant's analysis, which is contained in Section 3 and appendices 4 & 5 of the RS, is to add an additional £3.5m of convenience goods expenditure into the local economy which is then spread across a number of centres including Williton, Watchet, Minehead and a small number of other destinations. In the context of Williton, this leads to an additional £0.32m of convenience goods expenditure being added to the turnover of the Co-op, plus another £0.04m added to other stores in the central area.

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<sup>4</sup> Page 37 of the RS

<sup>5</sup> Data from Verdict, placing the company average benchmark performance of Co-op at £7,361/sq m at 2009 prices.

Overall, we raise no objection to the approach employed by the applicant's RS and consider that expenditure inflow (from visitors and tourists) should form part of the impact assessment.

### Conclusions

Overall, whilst the use of a new survey of household shopping patterns and updated research of tourist/visitor expenditure is to be welcomed, we have concerns over some aspects of the applicant's analysis. In particular, there are concerns over the per capita expenditure data used in the assessment and the consequences of this for the over-estimate of store turnover levels. In addition, the robustness of the applicant's household survey sample is questioned, along with its ability to produce reliable shopping patterns survey information. Finally, the benchmark turnover estimates provided by the applicant for some local stores, such as the Co-op in Williton, may be inaccurate which casts some doubt over the pre and post-impact trading performance levels claimed by the applicant.

Whilst these factors are all important in order to provide accurate available retail expenditure and store/centre turnover levels, the weight to be attached to the information provided by the applicant, and our current criticisms of it, will be dependent upon the weight which the local planning authority places on the adopted and emerging policy contexts. If greater weight is to be placed on the emerging policy position where part of the site lies within the defined retail area and the remainder of the site abuts this boundary then any criticism of the quantitative evidence base data is of reduced concern.

### **Assessment of impact**

For proposals involving retail development which lie outside of town centre and are not in accordance with an up to date development plan, there is a need to consider the impact town centre investment and on town centre vitality and viability.

In this instance, the context provided by the adopted Local Plan indicates that the application site is in an edge of centre location and therefore these are relevant considerations. This was also the approach in the Council's consideration of the previous application.

However, as noted above, there is now a different policy context to the previous application proposals (and our advice to WSC) following the publication of the NPPF and also the content of the emerging Local Plan. In the context of the new Local Plan, this offers a different policy context to the adopted Local Plan and may well lead the Council to approach its consideration of 'impact' in a different manner.

Therefore, our assessment of impact considers which elements of our previous advice remain valid for the current applications, based upon the policy context offered by the

adopted Local Plan, national policy, the new evidence base information and also the emerging new Local Plan.

For ease of reference, we have split our impact analysis into two parts. The first deals with the impact of the supermarket element of the mixed use application and the second deals with the remaining retail elements of the two application proposals.

### *The supermarket unit*

Attached, at Annex E to this letter, is our previous analysis of the impact of the proposed supermarket on the application site. Particular reference should be made to paragraphs 5.7 – 5.23 and paragraphs 5.29 – 5.37, as these set out our previous assessment of the financial impact of the supermarket and its affect upon town centre vitality and viability.

From the outset, it should be noted that our previous advice was written under a partially different policy context – i.e. prior to the publication of the NPPF and before considerable progress had been made with the new Local Plan. Whilst the change from PPS4 to the NPPF has not resulted in a significant change to the approach for considering ‘impact’, the new Local Plan defines a retail area which runs adjacent to the indicative location for the supermarket unit.

Therefore, whilst the proposed supermarket lies in an edge of centre location in both the adopted and emerging Local Plans and the trading impact of the store will not be influenced by different policy contexts, different conclusions could be reached depending upon the comparative weight given to the adopted and emerging Local Plans. Therefore, we outline below our advice in relation to the trading impacts of the proposed supermarket, followed by advice on how these impact should be considered in light of the alternative policy contexts.

Within our previous advice, one area of concern was the applicant’s predicted pattern of trade draw to the proposed supermarket. Attached at Annex F is the study area for the previous assessment, from where it was predicted that the supermarket would attract 80% of its trade. Whilst the previous advice did not raise a particular concern over the amount/proportion of turnover being drawn from outside of the adopted study area, concern was expressed over the pattern of trade draw from the three study area zones. We concluded that a higher proportion of turnover would come from the Williton area given that other parts of the study area would continue to look to other settlements for some or all of their convenience goods shopping needs.

Within the latest analysis, the applicant has adopted a different study area, which is expanded and also split into a greater number of distinct zones. We consider that the current prediction that 53% (convenience goods) store turnover being drawn from Williton and Watchet to be a partial improvement over the previous analysis. However, despite the enlargement of the study area, and a potentially greater concentration of trade draw from the local area, the applicant’s RS is now assuming that 25% of convenience goods trade at the proposed supermarket will come from outside the study area. This is

split between 12% for tourist expenditure and 13% from 'residents outside of the study area'. We find it difficult to agree with the latter allowance given that: (A) a similar (aggregate) amount is predicted to be drawn from zones 4, 5 and 6 which are located closer to Williton; and (B) residents of areas outside of the study area are more likely to look to other settlements (such as Minehead, Barnstaple, Bridgwater and Taunton) for their convenience goods shopping needs. We consider that the 'residents outside study area' allowance should be considerably reduced and instead applied to the draw from zones 1, 2 and 3 (particularly zones 1 and 2).

In terms of the diversion of trade from existing stores in Williton, the key conclusions of our previous advice were that:

- o the applicant's analysis was likely to have under-estimated the level of trade diversion from convenience goods stores in Williton; and
- o even on the basis of the applicant's analysis, the level of trade diversion from stores in Williton was significant and that store closures could not be ruled out.

In its latest analysis, the applicant predicts a higher amount of trade diversion from the Co-op store in Williton (£1.53m, as opposed to the previous estimate of £0.79m). This higher level of trade diversion is in the context of a higher turnover estimate (£4.2m, as opposed to the previous estimate of £3.05m), although the applicant's analysis does not identify whether the balance between main and top-up food shopping at the Co-op has altered since 2011.

Given the rise in both the estimated turnover of the Co-op and the increase in predicted trade diversion, the applicant's assessment are reasonably consistent in terms of the predicted proportionate impact of the supermarket on the Co-op: 35% previously, and 37% in the previous assessment.

Whilst we welcome the applicant's higher financial estimate of trade diversion from the Co-op, the comments outlined at paragraph 5.16 of our previous advice remain valid. These were:

*"A further factor to consider is the pattern of diversion predicted by NLP. Whilst the absolute financial impacts will be influenced in part by the pattern of trade draw (outlined above), we consider that NLP have also under-estimated the potential for the proposed foodstore to erode the market share of stores in Williton. Whilst the proposed foodstore will be by far the largest store in Williton and attract more main/bulk shopping trips than existing stores, two important principles should not be ignored in the trade diversion analysis. First, existing stores, particularly the Co-op also attract main food shopping trips from local residents and therefore the proposed store, given its size, will compete head-to-head with the Co-op (and to a lesser extent Spar) regarding this type of shopping trip. Second, it is also important to set aside the primary function of these stores and simply acknowledge the proposed store will lie very close to existing convenience goods stores in Williton town centre such as Co-op and Spar, plus the butchers, deli and greengrocers. All*



*stores will offer similar sorts of convenience goods products and, whether main or top-up food shopping trips are considered, shoppers will have straight choice between the proposed store and other existing stores”.*

We consider that the applicant’s estimate, that only 9% of the proposed supermarket’s convenience goods turnover will be diverted from the Co-op store in Williton (leading to a 37% impact on turnover), is too low. The Co-op attracts both main and top-up food shopping trips and will be in direct competition with the proposed supermarket. As a consequence, we continue to hold the view that the financial impact upon the Co-op will be much greater than predicted by the applicant. Previously, we predicted that a 50% impact on turnover could not be ruled out and we continue to hold this view, having considered the latest evidence base information.

In terms of the post-impact trading performance of the Co-op, the applicant’s assessment suggests that it will trade at 9% below company benchmark. As we have already noted, this is likely to be an under-estimate even on the applicant’s own impact figures. The actual figure, based on the applicant’s trade diversion, is 20% below company benchmark and if the impact of the supermarket was greater, at say 50%, then the post-impact trading performance would be 27% below benchmark. In addition, these calculations do not take into account the possibility that the applicant’s assessment has over-estimated the turnover of the Co-op store.

In relation to the impact on other convenience goods stores in Williton, such as the Spar and other local independent traders, the applicant’s latest analysis suggest much lower levels of diversion than its previous assessment. This is in the context of no change in the turnover of these facilities, although we do note that there have been some changes in the local independent sector over the last few years. Based upon the shopping patterns information gathered by the applicant’s latest survey, we consider that the reduction in the trade diversion estimate from the Spar store is not justified by the evidence and we continue to hold the view that the impact on this store is also likely to be significant, leading to a post-impact performance which is well below company benchmark.

Clearly, the impact on an individual retailer’s turnover is not, in itself, an appropriate focus for the test of ‘impact’. Consideration needs to be given to the impact on the centre as a whole, including the stores and sectors that underpin that health and how it may change in the future. In addition, the potential for the proposed supermarket to offer benefits to the remainder of the centre via linked trips should also be taken into account.

Our previous advice to WSC accepted that there was the potential for linked trips, although raised concern over the economic benefits (via linked trips) suggested by the applicant and, in any event, concluded that linked trips would not eliminate (or mitigate) the direct financial impact of the proposed supermarket. The applicant’s latest assessment provides little information to suggest a change from this previous conclusion. Paragraphs 7.28 – 7.30 of the submitted RS provide some financial calculations, although they do not appear to be backed-up by any evidence or reasoned analysis. Similarly,

the examples raised at paragraph 7.32, in relation to larger settlements elsewhere in the South West, do not appear to have particular relevance for Williton.

When reaching our previous conclusions, three particular issues were highlighted: the large financial impact on the existing centre of Williton, the significant adverse impact upon the vitality and viability of the existing centre of Williton and also the inappropriateness of the scale of the proposal. Clearly, the last factor should now not be given any weight as the test of 'scale' is no longer part of national policy in the NPPF.

In relation to the other two factors, we consider that these remain relevant. In our view, the proposed supermarket, will itself and also functioning in combination with the other proposed retail units, have a large impact upon some existing facilities Williton. These negative impacts should sit alongside the potential for the supermarket to have a positive impact in terms of the ability to reduce the length of some convenience and comparison shopping trips to settlements further afield and also offer a greater range of products in Williton.

However, it is, in our view, impossible to divorce / ring-fence these positive benefits of the proposal from the sizable impact that the supermarket, due to its size and product offer, will have on existing facilities in the centre of Williton. Whilst some linked trips between the store and the remainder of the centre could occur, they will not be of a sufficient scale to eliminate the impact that the supermarket will have on stores in the existing centre.

It is our opinion that the convenience goods sector provides an anchor role to the existing centre of Williton and the impact of the proposed supermarket will have a significant effect upon this role in both positive and negative ways. In terms of negatives, we have concerns over the future viability of existing stores and, as previously noted, this could lead to store closures. However, in terms of positives, the proposed store has the potential to provide a wider product offer than existing facilities which would balance against any store closures.

Indeed, it is very likely that the proposed store would eliminate some of this leakage and also provide a wider range of goods locally, but would hasten the decline of part of the existing central area of Williton. The decline in the health of Williton's central area is acknowledged by the applicant's own RS and we consider that the supermarket, acting in combination with the remainder of the mixed use application and also the separate retail application (see below), could provide a replacement for the existing historic core.

Therefore, a conclusion as to the 'significance' of the adverse impact created by the supermarket is clearly dependent upon the weight which the decision maker places upon the various salient factors (as outlined above). In our previous advice to WSC, weight was placed upon the desire to protect the existing centre in Williton. However, as decision maker, WSC will need to reach its own view, taking into account the issues raised in this advice letter.

However, the local planning policy context is changing and the proposed supermarket will now lie on the edge of the defined retail area and would effectively act as an extension to that defined area (if adopted in its current form). If weight is to be placed on this emerging policy context then the weight which could be placed on the impact on existing stores is likely to be reduced as the proposed supermarket becomes closer to the area which the Council considers to be the main retail area in Williton. Therefore, the proposed supermarket is more likely to function as part of the retail area and thus any 'internal' competition within this area is not a significant issue for planning policy.

Therefore, as a consequence of this analysis, we recommend that WSC officers and members have particular regard to:

- the comparative weight which they wish to place upon the adopted and emerging Local Plans, taking into account whether there are any unresolved objections to the proposed retail centre boundary and Policy EC12. If greater weight is to be placed on the emerging Local Plan, then this is likely to diminish the weight that can be placed upon the negative impacts surrounding the proposed supermarket.
- With particular regard to the conclusions reached on the above issue, this will influence the weight to be given to the following salient factors:
  - the scale of the financial impact of the proposed supermarket on existing stores within Williton;
  - the role of the convenience goods sector in Williton in underpinning the health and wider function of Williton's centre;
  - the likelihood of the proposed development being able to benefit the existing centre via linked trips, or whether the supermarket will act as a stand-alone shopping destination;
  - the comparative weight which should be attached to the benefit of the supermarket in clawing back shopping trips which are currently being lost to surrounding (larger) settlements such as Minehead and Bridgwater, against the weight which should be attached to the protection of the existing centre of Williton.

### *The remaining retail floorspace*

In relation to the other retail floorspace elements of the mixed use application and also the retail floorspace proposed in the separate outline application, the impact of this floorspace is difficult to predict given the outline nature of the proposals and the possibility that it could either be A1, A2 or A3 uses.

The information submitted in support of both outline applications is relatively limited, although we consider that the following observations are relevant:

- o Assuming that the retail floorspace is provided in a similar form to that shown in the illustrative layout plans (i.e. several small units), these are likely to have a better relationship with the role and function of the existing central area of Williton.
- o The impact upon the existing centre will be dependent upon the combination of A1, A2 and A3 uses provided, although where a selection of uses can be provided, which complement rather than compete with the existing centre, then benefits for Williton could accrue.
- o However, as noted above, the proposed non-supermarket retail floorspace has the potential to act in combination with the proposed supermarket to shift the retailing focus of Williton away from the existing centre and on to the application sites. This could hasten the current perceived 'decline' of the historic centre and suggest a shift in what constitutes the 'future' town centre of Williton. Indeed, the proposed retail units have the potential to encourage the relocation of existing occupiers away from their existing premises.
- o However, very importantly, the comparative weight which will be placed upon these positive and negative factors will be dependent upon the comparative weight given to the salient contents of the adopted and emerging Local Plan documents. For example, if greater weight is placed on the proposed new retail area boundary then it should be acknowledged that the proposed retail units lie within this area and the impact of this element of the scheme will not be a significant material consideration.

I trust that the information and advice contained within this letter is sufficient for your current requirements. However, if you have any queries, or require any additional information, then please do not hesitate to contact me.

Yours sincerely

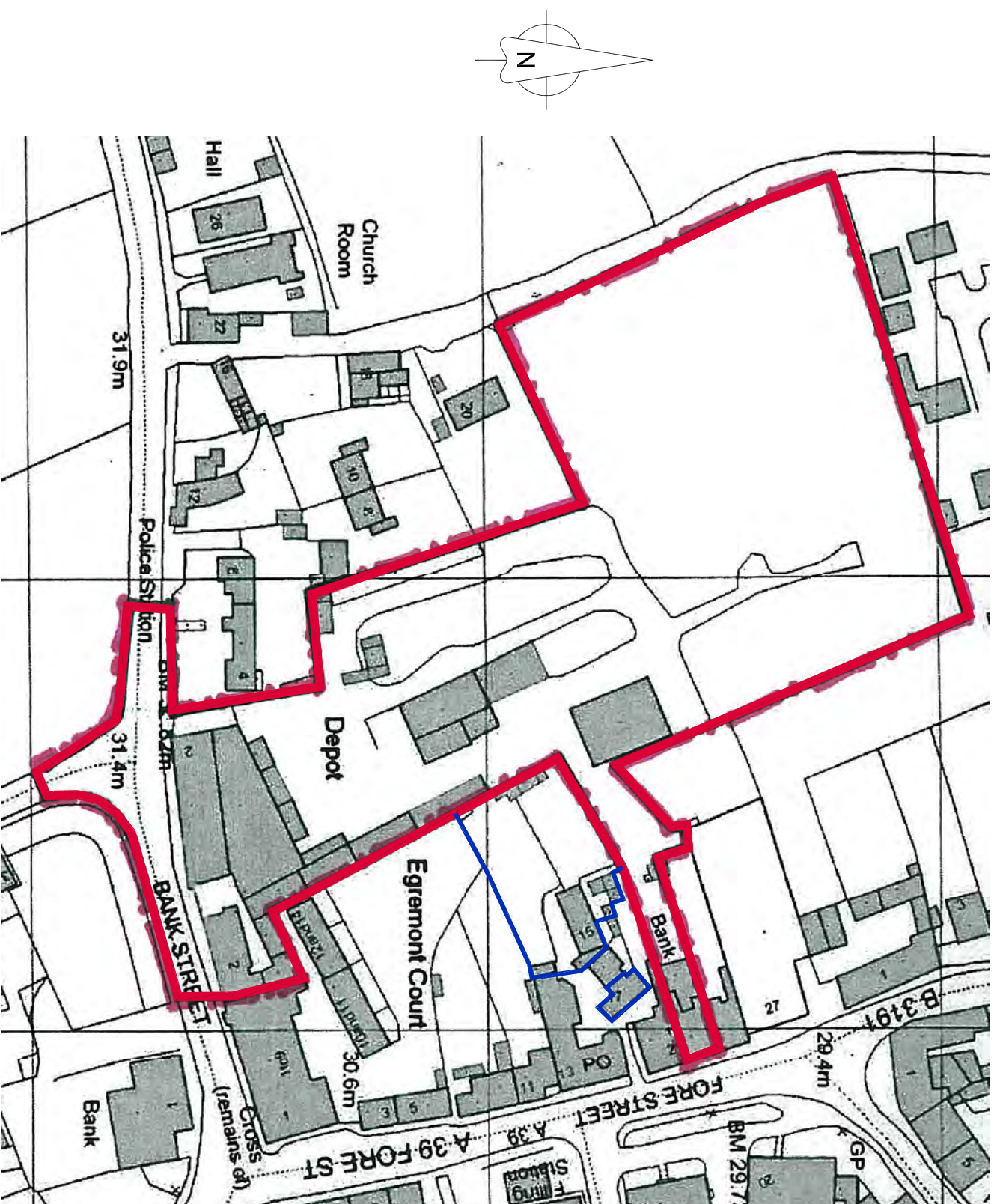


**M S Morris BSc(Hons) DipTP MRTPI**  
**Director – Planning, Development & Regeneration**  
**For and on behalf of GVA Grimley Ltd**

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**Annex A**  
**Red Line Plan for Mixed Use Application**

notes:  
do not scale, use dimensions only. if in doubt ask for further information, prior to procuring any items or cost penalties, all components to be site measured unless otherwise agreed in writing, the contractor is to cross check the architects drawings with those of other consultants and sub-contractors and to report any discrepancies prior to proceeding.  
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rev number	note	date
1	reVA- revised site boundary	24.04.2014

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client  
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project  
GLIDDONS SITE - BANK STREET  
WILLITON SOMERSET  
drawing title  
SITE LOCATION PLAN

date drawn checked  
March 2014 B.A.

scale  
1:1250 @ A3

for planning

project no: drawing no: rev:

482 001 A

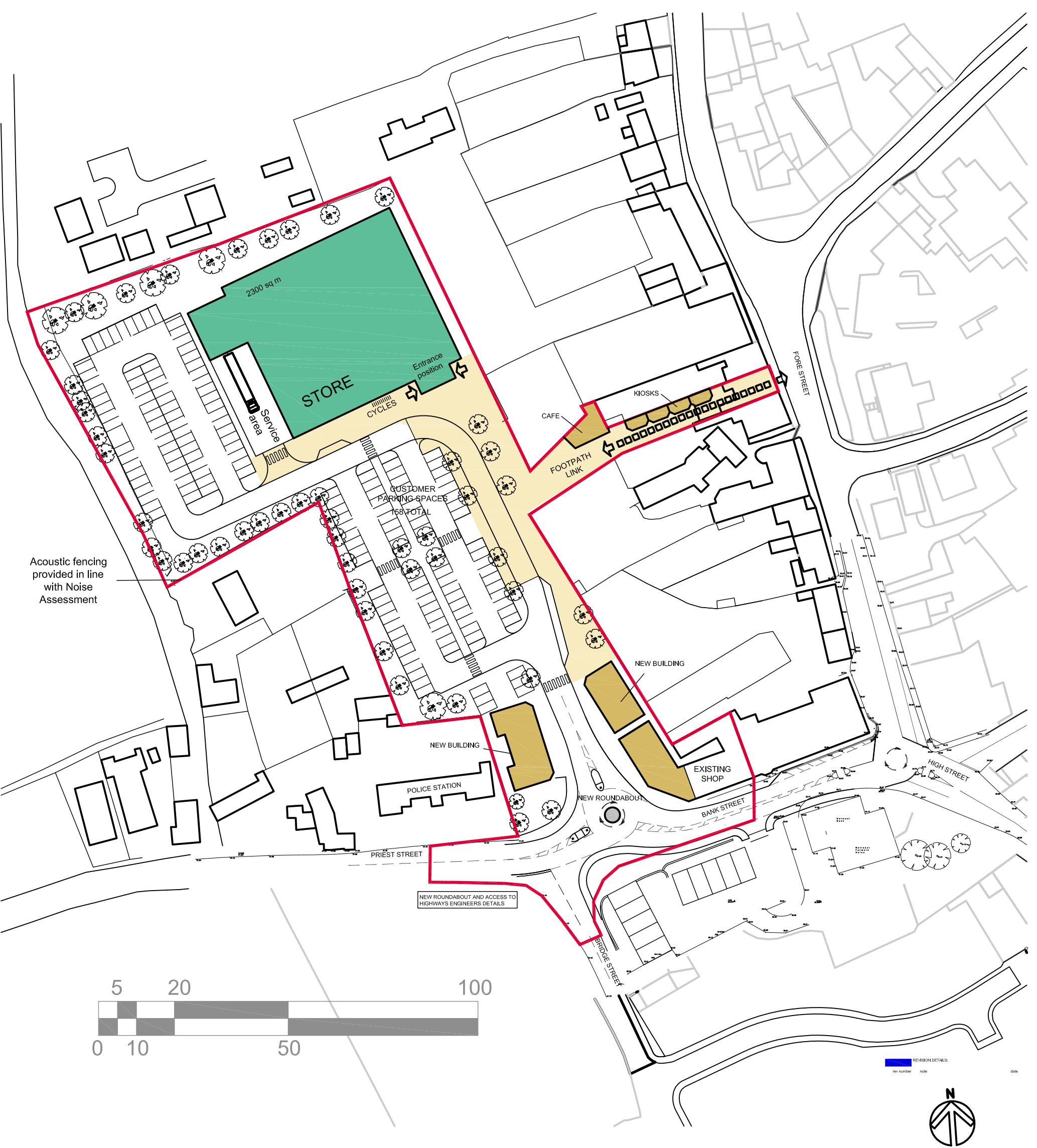
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**Annex B**  
**Illustrative Masterplan for Mixed Use Application**

notes:

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Acoustic fencing provided in line with Noise Assessment

NEW ROUNDABOUT AND ACCESS TO HIGHWAYS ENGINEERS DETAILS

REVISION DETAILS:		
rev number	note	date



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GLIDDONS SITE - BANK STREET  
WILLITON SOMERSET

drawing title:  
ILLUSTRATIVE SITE PLAN  
PROPOSALS

title: Feb 2014    drawn: dg    checked: dg

scale:  
1:1000 @ A3

for planning

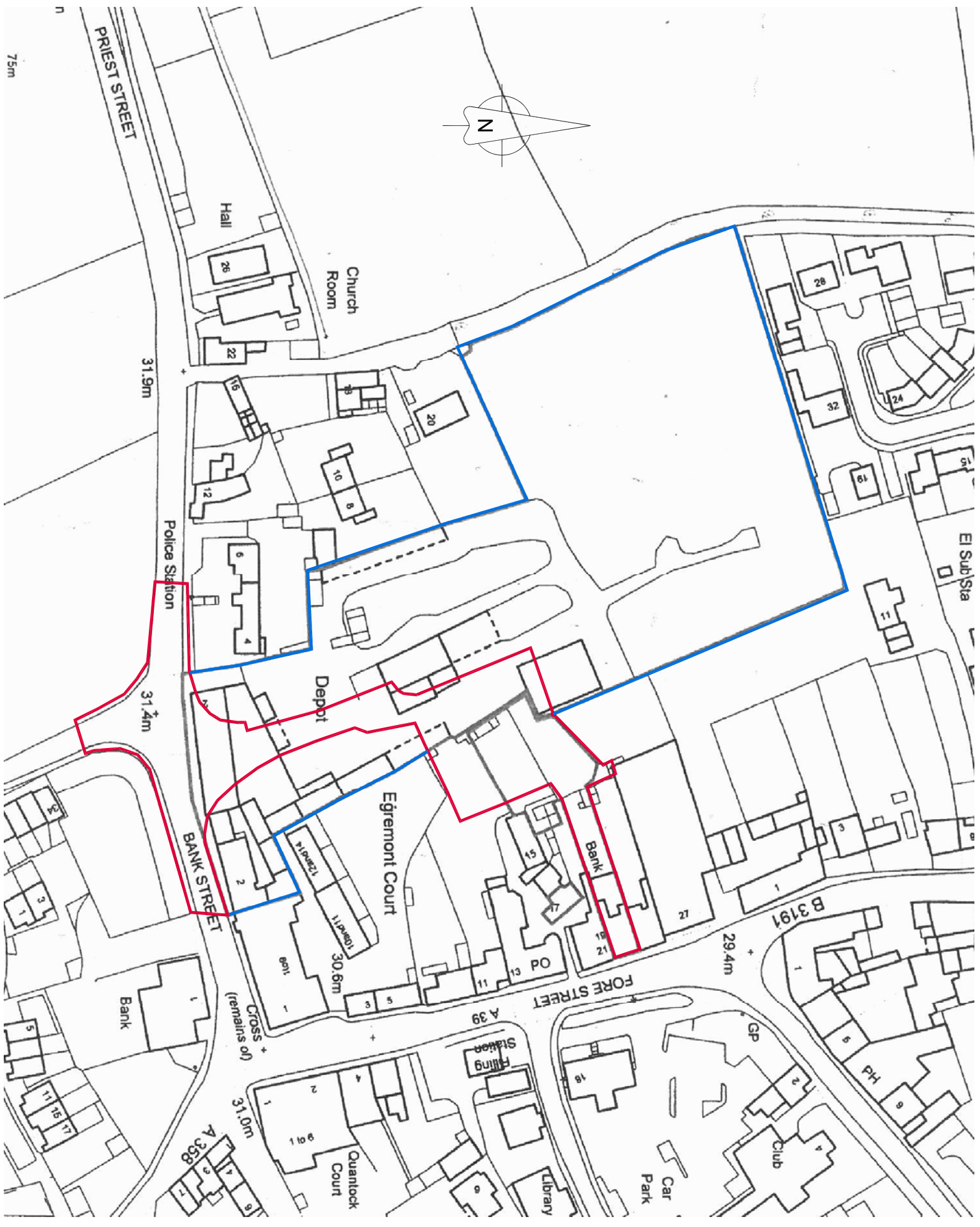
project no: 482    drawing no: 010    rev:  

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**Annex C**  
**Red Line Plan for Retail Units Application**

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REVISION DETAILS		date
rev number	note	
1	revA- revised site boundary	24.04.2014

client  
**D. GLIDDON**

project  
**GLIDDONS SITE - BANK STREET  
WILLITON SOMERSET**

drawing title  
**SITE LOCATION PLAN**

date  
March 2014

drawn  
B.A.

checked

scale  
**1:1250 @ A3**

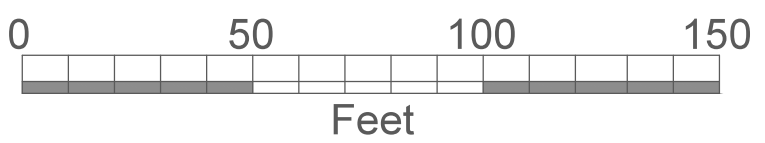
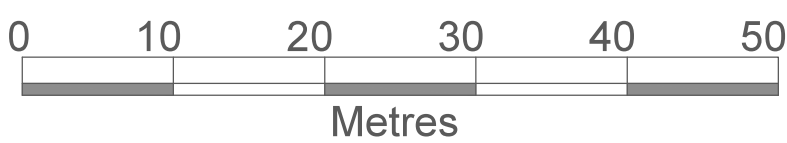
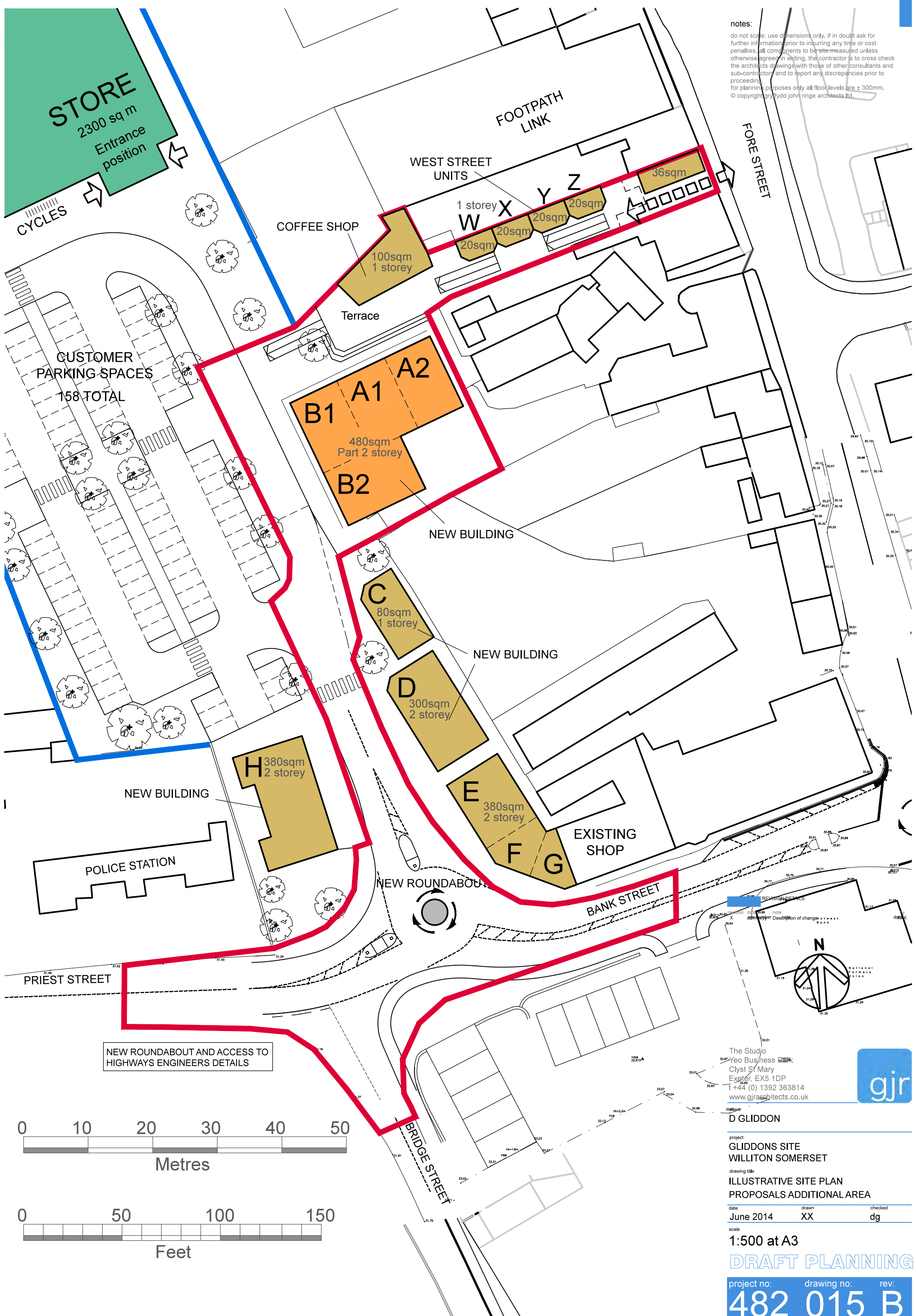
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drawing no:  
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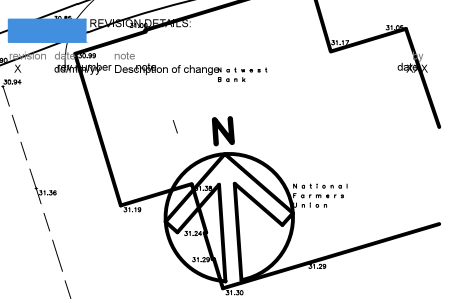
rev:

**Annex D**  
**Illustrative Plan for Retail Units Application**

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NEW ROUNDABOUT AND ACCESS TO HIGHWAYS ENGINEERS DETAILS



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**D GLIDDON**  
 project  
 GLIDDONS SITE  
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 drawing title  
 ILLUSTRATIVE SITE PLAN  
 PROPOSALS ADDITIONAL AREA  
 date June 2014 drawn XX checked dg  
 scale  
 1:500 at A3  
 DRAFT PLANNING  
 project no: drawing no: rev:  
**482 015 B**

**Annex E**  
**Extract from Previous (2011) GVA Advice**

## 5. The Impact of the Proposed Development

5.1 Given the location and planning policy status of the application site, policies EC14 and EC16 of PPS4, plus saved policies in the development plan, require a detailed consideration of the likely impact of this proposal. Policies in the development plan require the proposals to be assessed against their impact on the vitality and viability of defined town centres, whilst Policy EC16.1 of PPS4 (which must be taken into account as a material consideration) outlines a number of separate impact criteria. As required by Policy EC17 of PPS4, there is also a need for the Council to consider the impact of the proposal against the criteria outlined in Policy EC10.2 of PPS4.

5.2 The assessment of impact contained within the NLP assessment is structured to follow the economic and town centre impact criteria outlined in policies EC10.2 and EC16.1 of PPS4.

5.3 We outline our assessment of the NLP analysis and the overall impact of the proposal below, which is also structured to follow policies EC10 and EC16.

### *Policy EC16.1(a) – impact on investment*

5.4 The NLP analysis indicates that the proposed development will not affect any investment plans in Williton. We would agree with conclusion in terms of known specific investment plans, as we are not aware of any current proposals and the Local Plan does not contain any specific schemes. There is also a need to consider whether the proposal would affect ongoing investment in Williton town centre by existing occupiers and property owners and this is considered in terms of overall vitality and viability under EC16.1(b) below.

### *Policy EC16.1(c) – impact on allocated sites outside town centres*

5.5 As NLP identify at their paragraph 9.61, there are no retail allocations in the Local Plan and therefore we would agree that, insofar as retail allocations are concerned, there is no conflict with this impact criterion.

5.6 NLP go to discuss the impact of developing the proposed foodstore on the residential land allocation which covers part of the application site. An impact of this kind will

ultimately be a matter for the Council to consider, taking into account the ability to balance and deliver a housing land supply and the need to provide retail development in central locations.

*Policy EC16.1(d) – impact on in-centre trade/turnover*

- 5.7 A key aspect of the impact of the proposed retail development will be its financial impact on existing stores and centres in the local area. Section 9 of the NLP assessment (supported by data in Appendix 9) provides a financial impact analysis and makes predictions regarding the scale of trade diversion from other existing facilities. We have reviewed this analysis and provide our observations below.
- 5.8 In order to provide a basis of the financial impact assessment, NLP have used the results of the household shopping survey to estimate existing store turnover levels. The market share data for each of the three zones in the study area has been applied to total available expenditure within each zone in order to calculate a study area derived turnover level for all of the main stores and centres.
- 5.9 The household survey was undertaken prior to the opening of the new Morrisons supermarket in Minehead and therefore the NLP assessment provides turnover information for all local stores and centres both prior to and after the opening of the Morrisons. In order to achieve this, NLP have made assumptions about the trading impact of the Morrisons store and, in relation to the study area for this application, we note the following effects:
- The overall market share of convenience stores in Williton within the study area is predicted to fall from 17% to 14%. NLP predicts that the Co-op in Williton will lose 20% (£0.6m) of its turnover, whilst the Spar in Williton will receive an 8% impact (£0.08m).
  - The overall market share of convenience stores in Watchet is predicted to fall from 9% to 8%, with the Spar receiving a 25% impact (£0.11m) and the Co-op receiving an 11% impact (£0.22m).
- 5.10 Following on from the assessment of the impact of the Morrisons store, NLP increase the turnover of existing stores/centres to account for the increase in available expenditure between 2010 and 2014 and then proceed to make a further amendment to the

market share of stores/centres to take account of the proposed foodstore. These amendments indicate the following (NLP) assumptions regarding the impact of the proposed store:

- £0.79m is predicted to be diverted from the Co-op in Williton, which is equivalent to under 5% of the proposed foodstore's turnover. £0.36m is predicted to come from the Spar in Williton (2% of the proposed store's turnover) and £0.08m from other unnamed stores in Zone 2 (which we assume to be stores in Williton town centre and potentially other settlements surrounding the town). If it is assumed that all of the 'other stores' in Zone 2 quoted by NLP are stores in Williton then NLP are predicting that only 7% (£1.23m) of the proposed foodstore's turnover will be derived from existing stores in Williton.
  - The only store in Watchet which NLP predict will lose trade as a result of the proposed foodstore is the Co-op which is predicted to experience an impact of £0.31m.
  - The remaining stores which NLP predict will lose trade to the proposed foodstore are the large foodstores and supermarkets in Minehead, Taunton and Bridgwater. The majority of the proposed store's turnover will come from these stores, with the Morrisons and Tesco stores in Minehead making the largest contribution (at £7.52m, and £3.76m respectively).
- 5.11 It should be noted that these trade diversion levels are based on the amount of expenditure which stores derive from the study area and exclude the expenditure which is attracted from outside of the study area. Therefore, at first glance, the NLP analysis presents an incomplete picture of trade diversion although total impact levels can be calculated using some of the data provided in NLP's Appendix 9.
- 5.12 Before we deal with the trade diversion levels predicted by NLP, a key influence over the NLP assessment is the pattern of trade draw to the proposed store. NLP suggest that only 30% of the new foodstore's trade will derive from residents of Zone 2 (the zone in which Williton lies), with 28% of the store's turnover coming from residents of Zone 1 and 22% from residents of Zone 3. The amalgamation of these amounts means that NLP are expecting residents from outside of the study area (including visitors and tourists to the area) to contribute 20% to the turnover of the proposed store.



- 5.13 In order to judge whether this pattern of trade draw is achievable, we have examined whether the proposed foodstore can attain the market share levels predicted by NLP in the zones to the east and west of Williton. In these areas, residents lie between Williton and much larger settlements such as Minehead and Bridgwater. These settlements have larger supermarket facilities than Williton, even if the proposed foodstore is taken into account, and we would question whether the market share levels given in NLP's Table A9.4 are realistic. For example, NLP predict that the proposed store will achieve a 42% market share in Zone 1. However, the NLP analysis also shows that the larger Tesco and Morrisons stores in Minehead only achieve a 25% market share in this area. As a consequence, we feel that the NLP predictions for the proposed store are too optimistic.
- 5.14 We reach a similar conclusion in relation to NLP's predictions for the proposed store's market penetration rate in Zone 3. NLP suggest that the store can achieve a 33% market share in an area which is arguably mid way between Williton and Bridgwater, with Bridgwater a much larger and attractive shopping destination. However, the NLP data also shows that the all of the much larger supermarkets in Bridgwater (Sainsburys, ASDA and Morrisons) have a lower market share in Zone 3. We would therefore dispute NLP's predicted market share for the proposed store in Zone 3 and suggest that, given the attractiveness of stores in Bridgwater, it should be much lower.
- 5.15 As a consequence of these over optimistic market share levels in Zones 1 and 3, the amount of expenditure which the proposed store will attract from Zone 2 will be much higher, particularly as the amount of expenditure inflow predicted by NLP is already high and unjustified. A higher level of trade draw from Zone 2 will have an influence on the amount of expenditure which will be diverted from stores in Williton and it is inevitable that additional expenditure from Zone 2 residents will lead to higher impacts on stores in the town centre. This is not to say that the overall market share in Zone 2 will rise beyond the 85% predicted by NLP. Indeed, this appears to be a sensible market share level assuming that the proposed store can attract main/bulk food shopping trips and a larger proportionate trade draw from Zone 2 will simply mean that more trade is diverted from stores who already attract expenditure from Zone 2.
- 5.16 A further factor to consider is the pattern of diversion predicted by NLP. Whilst the absolute financial impacts will be influenced in part by the pattern of trade draw (outlined above), we consider that NLP have also under-estimated the potential for the

proposed foodstore to erode the market share of stores in Williton. Whilst the proposed foodstore will be by far the largest store in Williton and attract more main/bulk shopping trips than existing stores, two important principles should not be ignored in the trade diversion analysis. First, existing stores, particularly the Co-op also attract main food shopping trips from local residents and therefore the proposed store, given its size, will compete head-to-head with the Co-op (and to a lesser extent Spar) regarding this type of shopping trip. Second, it is also important to set aside the primary function of these store and simply acknowledge the proposed store will lie very close to existing convenience goods stores in Williton town centre such as Co-op and Spar, plus the butchers, deli and greengrocers. All stores will offer similar sorts of convenience goods products and, whether main or top-up food shopping trips are considered, shoppers will have straight choice between the proposed store and other existing stores.

- 5.17 As a consequence of these factors it is our opinion that the level of financial impact on convenience goods stores in Williton town centre will be much higher than predicted by NLP's analysis. On NLP's own figures, the Co-op in Williton will receive a 37% impact on its 2014 turnover level, whilst the Spar will experience a 47% reduction in turnover and 'other shops' in the local area will have a 14% impact. These (NLP) impacts alone are high and will affect the future trading performance of these stores, particularly the Co-op and Spar stores.
- 5.18 It should also be noted that these are solus impact levels and the NLP does not provide a clear analysis of the cumulative impact of the scheme considered alongside the recently opened Morrisons store in Minehead. The trading effects of the Morrisons store are provided although it is not possible from the NLP data to provide an analysis of cumulative impact which compares pre-impact and post-impact 2014 turnover levels. However, the NLP data does make it clear that, in their own opinion, the Co-op and Spar stores will experience a 40% reduction in their turnover between 2010 and 2014 and other convenience goods stores in Zone 2 will experience a 10% reduction in turnover over the same period.
- 5.19 Notwithstanding our view that the NLP assessment under-estimates the level of diversion from Williton stores, the NLP assessment indicates that stores in Williton will experience a significant reduction in their turnover by 2014. The level of impact assessed by NLP is such that store closures cannot be ruled out, on the basis of the immediate cumulative impact of the proposed store taken with the Morrisons store plus the sustained

competition posed by the new foodstore which will lie in close proximity to existing convenience goods retailers.

- 5.20 This conclusion will only be reinforced should a more realistic assessment of trade draw and trade diversion be made, which takes into account the factors outlined earlier in this assessment. We would expect the proposed store to remove far larger amounts of expenditure from existing stores in the centre of Williton and a cumulative impact which is in excess of 50% is likely.
- 5.21 Turning to the assessment of comparison goods impact, NLP suggest that around £0.16m of expenditure will be diverted from Williton centre. This is equivalent to 7% of the comparison goods turnover of the proposed foodstore and matches the pattern of diversion used in NLP's convenience goods analysis. No further detailed information is provided by NLP in relation to the other sources of comparison goods trade diversion to the proposed store, although the Morrisons and Tesco stores in Minehead are highlighted as potential sources. In the absence of any further household survey data we do not see this prediction as unreasonable and would ourselves expect around 10% of the comparison goods turnover of the proposed foodstore to come from existing stores in Williton.
- 5.22 However, it is not possible to take the assessment of comparison goods impact any further as the NLP analysis fails to provide existing comparison goods turnover levels for Williton or any other local centre. This is an omission which will need to be rectified although given that the focus of the impact assessment is on convenience goods expenditure we do not see the lack of this information as a barrier to reaching an overall conclusion on this application.
- 5.23 Overall, we consider that the impact of the proposed store, and particularly the proposed convenience goods floorspace, as a clear negative impact under EC16.1(d). Indeed, given the scale of financial impact and the likelihood of store closures we consider this to comprise a significant adverse impact upon the trade/turnover of existing stores in Williton centre.

*Policy EC16.1(e) – appropriateness of scale*

- 5.24 The Practice Guidance supporting PPS4 notes that an assessment of scale should consider whether: a proposal is consistent with the role and function of the town centre and its catchment; the consistency or otherwise of the scale of any proposal with

similar facilities at other centres at a similar level in the retail hierarchy; and whether there is a demonstrable need based upon current/forecast expenditure and current market shares.

- 5.25 In this instance, Williton is regarded as a rural centre within the Local Plan, along with Watchet and below the role of Minehead as a town. The objectives of the Local Plan are to maintain the role of Williton and Watchet as rural centres and the shopping chapter indicates an objective to sustain and enhance the vitality and viability of Minehead town centre, Watchet and Williton shopping areas. The key policy controlling retail development in Williton is SH/4 which notes that retail development will be permitted where *inter alia* they are of an appropriate scale and related to the shopping needs of the locality.
- 5.26 In our view, whilst the proposed foodstore does not offer an in principle conflict with the aspiration to maintain the role of Williton as a rural centre, there is some tension with the objectives of the Local Plan to keep retail development to “an appropriate size and related to the shopping needs of the locality”. In this instance, and having regard to the assessment of quantitative need, the size of the proposed store is beyond the level which can be supported by residents of both Williton and Watchet. Moreover, with Policy SH/4 indicating that scale should be dictated by “the shopping needs of the locality”, expenditure capacity will be further reduced as expenditure from Watchet residents should not included.
- 5.27 Therefore, based upon guidance supporting PPS4, it would appear that the proposed foodstore is out of scale with the role and function of Williton. In order to support the store, this proposal is reliant on a significant change in market shares (and which will not avoid the significant impact upon turnover levels for other stores in the centre of Williton). It is reliant upon expenditure from outside of the local area; and even then there is insufficient expenditure to support the whole of the scheme. We therefore consider that the foodstore element of the proposed development conflicts with EC16.1(e) of PPS4.
- 5.28 In relation to the other elements of the proposal, these are (taken individually) of less concern due to their size and are more in-keeping with the scale of existing retail units in Williton.

*Policy EC16.1(b) – impact on town centre vitality and viability*

- 5.29 In order to judge the impact of the proposed retail floorspace on the vitality of nearby centres, we have taken into account a number of factors. These are: direct financial impact upon the centre; the role and function of the centre and the uses which are key to its vitality and viability; the potential for spin-off benefits; and, the impact on choice and competition.
- 5.30 In relation to direct financial impact, we have already indicated that the loss of expenditure from stores in the centre of Williton, particularly convenience goods stores, will be significant. NLP's own analysis suggests that the turnover of stores such as Spar and Co-op will be 40% lower in 2014 than they were in 2010. Leaving aside our view that this is an under-estimation of financial impact, with cumulative impact likely to be over 50% by 2014, even these (NLP) levels of trade diversion are likely to lead to store closures.
- 5.31 National policy requires that the positive effects of providing more choice and competition through the proposed foodstore should always be balanced against the adverse impacts. As advised by PPS4, care needs to be taken not to promote new or improved facilities simply on the basis of fostering choice and competition where there is insufficient quantitative need and the development may harm the health of a nearby town centre. This is relevant in this instance, as there is insufficient quantitative need in Williton to support the proposal and the retail offer of the proposed store could affect choice and competition in the future through store closures.
- 5.32 However, it should not be forgotten that the proposed store does sit adjacent to the central area and in an edge of centre location. The harm that the store has on the vitality and viability of the centre of Williton and its effect of shifting the focus for convenience goods shopping could be reduced where it is able to provide the benefit of linked trips and also bring significant numbers of new shoppers/visitors to Williton.
- 5.33 As a starting point for this analysis, it is important to note that the proposed pedestrian link to Fore Street from the application site is key to encouraging linked trips. Without it, the proposed store has the potential to act as a stand-alone shopping destination.
- 5.34 Moving on to look at the linked trip analysis provided by NLP, we have some difficulty in accepting its findings for the following reasons:

- Given our comments in relation to the pattern of trade diversion to the proposed store, the prediction of 12,200 new visitors per week to Williton is likely to be an over-estimate. In addition, the NLP does not take into account the possibility that shoppers at the new store (who may currently do their food shopping in another town) may already be visiting Williton for other shopping and services
- The assumption that 70% of 'new shoppers' will make a linked trip has no basis. Reference is made to a University of Southampton research report, but is it not clear if the UoS research was based on settlements comparable to Williton.
- There is also no basis in the £5 per linked trip assumption by NLP. We would recommend that evidence is provided to substantiate this assumption.

5.35 As a consequence, we cannot agree to the NLP assertion that the financial benefit of the proposed development will outweigh the direct financial impact of the proposal. Our concerns are reinforced by the results of the household survey commissioned by NLP to inform this proposal. The results show that the local community is split over support for the proposed foodstore and, in particular, we note that 30% of people surveyed in the local area indicated that they would visit Williton more often as a consequence of the new store. Clearly, this must be seen on its own as a positive factor but it may not be enough to mitigate against the significant financial impact of the proposal.

5.36 A further factor to consider is: if store closures do follow as a result of the proposed foodstore will these vacant units be reoccupied? In our opinion, based upon local circumstances, any re-occupation will not be by other convenience goods operators and if re-occupation were to occur it would be by comparison (non-food) goods or service uses. Clearly, this is a sizeable 'if' given the status of Williton as a comparison goods shopping destination and the state of the UK economy. Whilst Williton has had good occupancy levels in recent years, there can be no certainty that re-occupation of former convenience goods stores in the centre will occur. Stores such as Co-op and Spar occupy some of the larger units in the centre which may affect their attractiveness to potential occupiers.

5.37 Overall, and taking all of the above factors into account, it is our view that the proposed development will have an adverse impact upon the vitality and viability of Williton centre. Store closures within the centre are likely with the focus for

convenience goods shopping shifting from the centre to this edge of centre location. Leaving aside issues such as choice and competition, such a scenario could be mitigated if the transfer of trade to the proposal led to those shoppers still visiting the centre via linked trips and the store being capable of attracting new shoppers to Williton and these new shoppers also making linked trips. However, the survey evidence presented by NLP provides a clear split in terms of public opinion in relation to the proposed foodstore and the majority of people indicating that they wouldn't visit Williton more often if the store was provided. We also do not consider that the NLP analysis provides a convincing argument over the quantity and value of linked trips for the centre of Williton. We therefore consider that the health of Williton centre will be affected by this proposal, with the negative characteristics likely to outweigh the positive aspects. Indeed, we consider that there will be an adverse impact upon the vitality and viability of the centre.

*Policy EC10.2(a)& (b) – impact on carbon dioxide emissions and climate change, plus accessibility*

- 5.38 Having regard to the impact of the proposal on carbon dioxide emissions, WSC will need to take into account the energy performance characteristics of the proposed foodstore building. Equally, WSC will need to consider whether the proposal can be accessed via a choice of means of transport from the catchment area which NLP have defined for the store (i.e. zones 1-3 of the NLP study area).
- 5.39 With regard to accessibility, it will be important for WSC to acknowledge that the proposed foodstore has the potential to stop some trips with the study area, particularly zone 2, from leaking to settlements such as Minehead, Bridgwater and Taunton. This should be seen as a positive impact of the proposal, as it will improve accessibility and emissions.

*Policy EC10.2(c) - design*

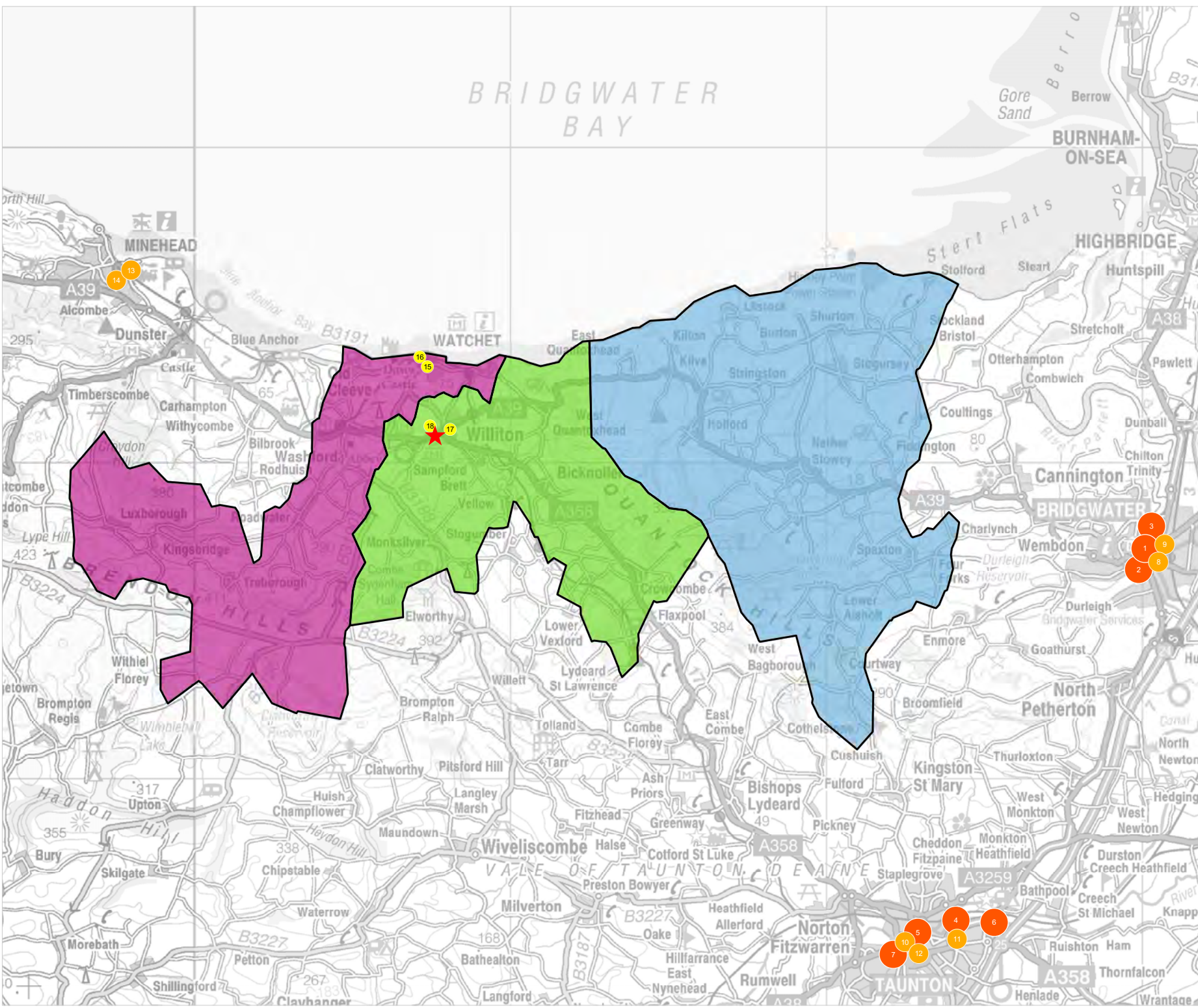
- 5.40 Regarding the design of the proposal, WSC will make its own judgement in the context of this proposal being submitted in outline. A key aspect of the design of the proposed scheme will be linkages between the application site and other parts of Williton centre, including the design of the two main access points at Bank Street and Fore Street. The proposed pedestrian access to Fore Street is, in our opinion, particularly important and is essential in order to offer the potential for linked trips. As such, WSC officers will need to scrutinise the deliverability of this link and also secure an appropriate design.

*Policy EC10.2(d) & (e) – impact on economic and physical regeneration and local employment*

- 5.41 In terms of its impact on local employment opportunities, we accept that the proposed foodstore and other retail floorspace will be job creating development. NLP state that up to 150 jobs could be created as part of the scheme and we recommend that WSC take this into account as a material consideration. However, WSC must also take into account the potential for job opportunities to be lost as a result of trade diversion to the proposed foodstore and potential closure of competing outlets in the centre of Williton.
- 5.42 NLP's assessment also makes reference to the potential spin-off benefits for Williton as a result of the arrival of the proposed foodstore. In principle, where additional financial spin off benefits arise, we would recommend that these are considered as a positive impact of the proposal. In this instance, we acknowledge the potential for the proposed store to provide linked trips with the centre of Williton however, as we have already noted, we have not accepted the financial analysis provided by NLP. Therefore, on the basis of NLP's current analysis, we do not place significant positive weight on this particular impact criterion.



**Annex F**  
**Study Area for Previous Retail Assessment**



- Key**
-  Site: land at Bank Street
  -  Zone 1
  -  Zone 2
  -  Zone 3
- Existing Foodstores:**
-  >2,500 net sq.m
  -  500 - 2,500 net sq.m
  -  <500 net sq.m
1. Asda, Bridgwater
  2. Morrisons, Bridgwater
  3. Sainsbury's, Bridgwater
  4. Asda, Taunton
  5. Morrisons, Taunton
  6. Sainsbury's, Taunton
  7. Tesco, Taunton
  8. Aldi, Bridgwater
  9. Lidl, Bridgwater
  10. Lidl, Taunton
  11. Lidl, Taunton
  12. Sainsbury's, Taunton
  13. Morrisons, Minehead
  14. Tesco, Minehead
  15. Co-op, Liddymore Road, Watchet
  16. Co-op, Swain Street, Watchet
  17. Co-op, Williton
  18. Spar, Williton



Project:	Proposed Foodstore, Bank Street, Williton
Title:	Foodstore Provision in Catchment Area and Other Significant Stores
Client:	J Gliddon & Sons Ltd
Date:	24.11.2010
Scale:	1 : 110,000 @ A3
Drawn by:	MAR
Dir. No:	GIS30661/01-002

Based upon Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. © Crown Copyright reserved. Licence number AL3066AA. GIS Reference: S:\WE30661 - Williton\WE30661-01 - Proposed Foodstore, Bank Street, Williton - Foodstore Provision in Catchment Area and Other Significant Stores (v2) - 24.11.2010.mxd

<b>Application No:</b>	<a href="#">3/39/14/024</a>
<b>Parish</b>	Williton
<b>Application Type</b>	Outline Planning Permission
<b>Case Officer:</b>	Bryn Kitching
<b>Grid Ref</b>	Easting: 307683      Northing: 140946
<b>Applicant</b>	Mr David Gliddon
<b>Proposal</b>	Outline application (with all matters but access reserved) for the erection of up to 480 sq.m. gross of flexible Class A1/A2 floorspace linked to proposed redevelopment of land associated with application ref: 3/39/14/010 to include vehicle and pedestrian access and landscaping.
<b>Location</b>	J Gliddon & Sons Ltd, Bank Street, Williton, Taunton, TA4 4NH
<b>Reason for referral to Committee</b>	<b>In the opinion of the Area Planning Manager this application is significant and controversial and the recommendation is contrary to the views of the Parish Council</b>

### Risk Assessment

Description	Likelihood	Impact	Overall
Risk: Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Mitigation: Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

### Site Location:

J Gliddon & Sons Ltd, Bank Street, Williton, Taunton, TA4 4NH

### Description of development:

Outline application (with all matters but access reserved) for the erection of up to 480 sq.m. gross of flexible Class A1/A2 floorspace linked to proposed redevelopment of land associated with application ref: 3/39/14/010 to include vehicle and pedestrian access and landscaping.

### Planning Analysis

Please see report on planning application 3/39/14/010 which covers both the mixed use application and this retail unit's application.

## **Recommendation**

It is considered that the proposal, is acceptable subject to the applicants entering into an appropriate legal agreement to secure the following:

- Provision of mini-roundabout and associated highway works.
- The provision of a high quality public realm and pedestrian walkway with appropriate signage between the site and Fore Street.
- A local labour agreement

That planning permission is granted with the following conditions

### **Planning Permission is subject to the following conditions:**

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. Prior to the opening of any of the retail units (A1/A2) the pedestrian route linking to Fore Street shall be constructed in accordance with a scheme approved by the LPA and be made available in perpetuity for public use. This shall also include details of the siting and design of the concessionary units proposed along the route.

Reason – In order to limit the impact on the existing retail area of Williton.

3. Prior to the commencement of use, details of the hours of operation of the retail units, including delivery hours, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter operate in accordance with the approved details.

Reason – To ensure that the proposed development does not harm residential amenity.

4. Prior to their installation, details of all external lighting, to include hours and strength of illumination, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter operate in accordance with the approved details.

Reason - To ensure that the proposed development does not harm residential amenity.

5. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including sustainable drainage principles has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable agreed.

Reason - To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

6. Finished floor levels of the proposed built development shall be set no lower than 300mm above existing ground level, as indicated on the topographic survey contained within the approved Flood Risk Assessment.

Reason - To reduce the risk of flooding to the proposed development and future occupants.

7. Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason - To protect controlled waters and pollution of the environment.

8. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - To protect controlled waters and pollution of the environment.

9. No occupation the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To protect controlled waters and pollution of the environment.

10. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - To protect controlled waters and pollution of the environment.

11. No building shall be occupied or otherwise used for any purpose until provision has been made within the site for the loading and unloading of goods vehicles for which details shall have been submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

12. Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented by the approved Contractor. The plan and any contract shall stipulate the size of vehicles to be used for deliveries and the routes to be used. The approved contractor shall ensure that works do not interrupt the movement of traffic on the A39 at certain times: November to March, Monday to Friday 08:00-09:30; April to October, Monday to Saturday 08:00-19:00; nor April to October, Sundays 10:00-19:00.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network.

13. No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

Reason - To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

14. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason – To ensure the recording and preservation of archaeological remains.

15. The boundary fence for noise attenuation shall be constructed as per the submitted Noise Report and shall be erected prior to the store being brought into use. The detail of the fence position shall be submitted to and agreed prior to its erection and shall thereafter be retained as agreed.

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

16. No building shall be occupied until details of any kitchen fume extraction system designed to control the emission of fumes and odours from the premise have been submitted for approval by the Local Planning Authority. The details shall show the location of the fume extraction flue and specify the systems servicing and maintenance requirements, termination height of the

fume extraction system and low resistance cowl details

Reason - To ensure that the proposed development does not harm residential amenity.

17. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of First Ecology's Ecological Appraisal dated April 2014 and include:

- The retention and protection of the hedgerow along the north-western boundary of the site during construction and thereafter;
- The submission of a method statement outlining how badgers and other mammals will be protected from accidental harm on the construction site;
- Confirmation that trees, bramble and scrub are removed and other tall vegetation cut back outside of the bird nesting season or if this cannot be done works are undertaken according to a method statement outlining how checks are to be conducted for nesting birds and the actions that will follow such checks;
- Up to date surveys for bats and reptiles by suitably qualified and experienced ecologists at appropriate times of the year and according to recognised methodologies. The survey reports should include mitigation proposals that can be carried out to mitigate any harm identified.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and accommodate wildlife.





Planning Manager  
 West Somerset Council  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA

West Somerset Council  
 Licence Number: 100023932

Application No 3/39/14/024  
 Outline application (with all matters but access reserved) for the erection of up to 480 sq.m. gross of flexible Class A1/A2 floorspace linked to proposed redevelopment of land associated with application ref: 3/39/14/010 to include vehicle and pedestrian access and landscaping.

J Gliddon & Sons Ltd, Bank Street, Williton, Taunton, TA4 4NH  
 5 September 2014

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Easting: 307682

Northing: 140942

Scale: 1:2500



<b>Application No:</b>	<a href="#">3/32/14/004</a>
<b>Parish</b>	Stogursey
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Elizabeth Peeks
<b>Grid Ref</b>	Easting: 320340    Northing: 142770
<b>Applicant</b>	Estate of Mrs B E Plowright deceased
<b>Proposal</b>	Demolition of existing bungalow and redundant agricultural building and construction of 12 new dwellings, associated parking and turning and improvements to existing vehicular entrance
<b>Location</b>	Land at and adjoining 16 Castle Street, Stogursey, Bridgwater, TA5 1TG
<b>Reason for referral to Committee</b>	<b>Due to the comments of the Parish Council and level of public objection.</b>

### **Risk Assessment**

Description	Likelihood	Impact	Overall
Risk: Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Mitigation: Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

### **Site Location:**

Land at and adjoining 16 Castle Street, Stogursey, Bridgwater, TA5 1TG

### **Description of development:**

Demolition of existing bungalow and redundant agricultural building and construction of 13 new dwellings, associated parking and turning and improvements to existing vehicular entrance

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

#### ***Stogursey Parish Council***

Original scheme:

Stogursey Parish Council has several reservations about this application although it has no objection in principle to the development of the site for housing. The concerns the Council has are as follows:

1. Whatever the flood-risk on the site itself, unless there is provision made for the highest grade of water-containment and drainage on site there will inevitably be an impact of run-off on the other dwellings in Castle Street. These houses have been badly flooded in the past two years and if trends are to be believed they will always be at some risk in spite of a projected flood alleviation scheme, which is yet to be constructed and

presumably was formulated without having taken this additional run-off from the proposed development into account. Furthermore the site is at present well covered by large willows. These will have a function in retaining soil and water year-round which will be lost if they are removed and not replaced with near-by planting.

2. The design of the proposed dwellings is uniform and unattractive. It seems to make no concessions towards the individuality of the roof-lines and materials which surround it, are adjacent or in view. The Parish Council is not suggesting that the development should be a pastiche but that it should have vivacity, variety and character and be in keeping with the conservation area. The development at Paddons is successful for what it is. It is quite clearly modern, and a little stark, but it tones aesthetically with the village and is softened by some areas of planting. Development in Castle Street should be in a similar spirit and should be considered from all points of view in the landscape. Native screening planting should be required to break up the outline of the development from the viewpoint of the locality. Night-time lighting in the village is generally at a low level; lighting in the development should not impinge detrimentally on the neighborhood including the conservation area and Castle. The proposed wall around the development should be in keeping with local style and the whole should be maintained in good condition as it runs along the footpath to the Castle.

3. The Parish Council would like to see areas provided for every dwelling for the under-cover storage, out of sight, of wheelie-bins and recycling bins.

4. Eleven houses will almost certainly represent a minimum of twenty-two vehicles and probably more; if more, they are likely to be parked in Castle Street or nearby, roads which are already difficult to negotiate and short of space. Stogursey Parish Plan identified a great need for the provision of parking space in the village. The Council would be interested in seeing the 'wild-life area' - that is, the bramble-filled triangle of land between the development and Castle Street itself - developed as additional parking space.

#### Amended plans

There seemed to be a consensus that in principle the plans submitted for the site were acceptable, however the line of the proposed buildings that would back-on to Castle Street need not be so staggered. The site would lend itself well to such development and may well encourage future enhancement of the area ?

Councillors were concerned about the land surrounding the proposed development site. Should the development proceed it would prevent access to the area of land upon which two barns are sited, it would also impede access to approximately two and a half acres of land to the north-west, both areas are owned by the applicant. It would be possible to access these two areas through the housing development, but this was considered unacceptable by the councillors present.

Until such time as the access to land and barns has been resolved the Parish Council could not support the application.

#### Further amended plans:

Stogursey Parish Council representatives visited the Tanyard Farm development site on the 19<sup>th</sup> October following a submission of amended plans.

Whilst Stogursey Parish Council would support the application, there are concerns

regarding access through the development site to other parcels of land owned by the applicant. These are to the west and south of the site. Although not a planning consideration, using the proposed access route for the dwellings to gain access with agricultural machinery to the two pieces of land would, we feel, be an unacceptable burden to residents.

Stogursey Parish Council would ask for confirmation that access to these two parcels of land will not be via the proposed development site.

Stogursey Parish Council would also like to know what plans are in place for reinstating and maintaining the boundary wall to the west of the development? This is a stone wall that is in-keeping with the surrounding buildings and architecture, and should be retained.

### ***Highways Development Control***

I refer to the above mentioned planning application received on 26<sup>th</sup> August 2014 and following a site visit on 28<sup>th</sup> August 2014 I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of 11 new dwellings and associated parking.

In terms of traffic impact TRICS datasets tell us that the average dwelling generates between 6-8 movements per day. As such the site has the potential to generate a maximum of 88 movements per day onto Castle Street which can be characterised as being single width and unsuitable for heavy vehicles. This would normally be a cause of concern for the Highway Authority however the TRICS rates show that the average trip rate in the AM peak is 0.4 and the PM peak it is 0.3. As a consequence the traffic impact is not considered to be severe in terms of chapter 4 of the National Planning Policy Framework (NPPF).

Turning to the internal site layout the applicant should be made aware that allowances should be made to resurface the full width of the carriage way where disturbed by the extended construction and to overlap each construction layer of the carriage way by a minimum of 300mm. Cores may need to be taken within the existing carriage way to determine the depths of the bituminous layers. At the point of access the application site is located within an existing 30mph speed limit and as such, the proposed visibility splays (2.5m x 60m) across the site frontage are appropriate although the 'X' will need to be revised to 2.4m as per Manual for Streets guidelines. Please note there shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above adjoining carriage way level and the full extent of the splays will be adopted by Somerset County Council. Although a length of the existing raised footway on the southern side of the site access may need to be re-profiled and an existing sign post relocated to the back of the visibility splay. Furthermore the access should incorporate radii of 6.0m. Our HSPR records indicate that proposed structural works are planned within the carriage way/verge fronting the application site. The applicant may wish to liaise with the Highway Authority as regards to exact timing of these works.

The applicant should be made aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. Please note the gradient of the proposed access should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Castle Street.

Due to the fact the no footway provision has been made within the site, it is assumed that the internal estate road will take the form of a block paved shared surface carriage way. If

this is not the case, then at least one 1.8m wide footway should be provided adjacent to the type 4 bitumen macadam carriage way. Block paved shared surface carriageways should be designed with a longitudinal gradient no slacker than 1:80. An adoptable 17m forward visibility splay will be required across the inside of the carriage way bend fronting the parking area to plot 11. There shall be no obstruction to visibility within this area that exceeds a height greater than 600mm above adjoining carriage way level and the full extent of the splay will be adopted by Somerset County Council.

Grass margins should not be laid up to vertical faces. The last 200mm should be hardened surface – mowing strip. Grassed margins must not taper off into nothing. The last 500mm should be bitmac. In addition can the applicant please confirm who will be responsible for the future maintenance of grass verges that will fall within the prospective public highway boundary? Please note that the Somerset County Council as the Highway Authority does not have the resources to maintain these areas.

Finally please note that no doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface carriageways. The Highway limits shall be limited to that area of the footway/carriage way clear of all private service boxes, inspection chambers, rainwater, pipes, vent pipes, meter boxes (including wall mounted) and steps.

Turning to the site drainage it is noted from the Flood Risk Assessment identifies from the application site will be drained via soakaways. Can the applicant please provide a site layout plan showing the locations of the proposed soakaways. Soakaways, as a means of disposal of highway surface water, will normally not be accepted unless there are very special circumstances and will only be considered as a final resort after all engineering means to provide a positive drainage system have been explored and found to be unrealistic. The applicant must be aware that soakaways must not be constructed within 3m of any existing or prospective public footway/footpath and 5m from any structure and they should not be located in a position where the ground below foundations is likely to be adversely affected. In-situ percolation tests will need to be undertaken in accordance with the BRE Digest 365.

Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to Somerset County Council. Surface water from all private areas, including drives/parking bays, will be permitted to discharge on to the prospective public highway. Private interceptor drainage systems must be provided to prevent this from happening. Where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from the Streetworks Co-ordinator on 0845 3459155. Finally the applicant should make sure that the Environment Agency, Inland Drainage Board and Riparian land owners should be consulted as to whether or not ditches or watercourses within the development site are to be piped or require culverts. Such works require the approval of the Local Authority under Section 263 of the Public Health Act 1936.

To conclude the proposal would result in an increase in traffic, however it is not considered to be significant enough warrant an objection on traffic impact grounds. Turning to the internal layout this is considered to be generally acceptable although there are a couple of points that are set out above that would need to be addressed.

Therefore based on the above the Highway Authority raises no objection to this proposal and if planning permission were to be granted the Highway Authority would require conditions to be attached.

## Amended plans

Apologies for the delay for not responding to you sooner on this matter however after reviewing the revised plans the Highway Authority has no further comments to make in addition to our previous observations.

Please note that any minor amendments to the layout or drainage will be picked up under the S38 process.

The Highway Authority is in receipt of the revised drawings shown on drawing 140410-02/E having reviewed the details we have the following observations to make.

Under S141 of the Highways Act no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to have a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by Somerset County Council will be required for all trees that are to be planted either within or immediately adjacent to the prospective highway. A comprehensive planting scheme for planting either within or immediately adjacent to the public highway will need to be submitted to Somerset County Council for checking/approval purposes.

The proposed parking bays located between plots 1 & 2 should be constructed to a minimum length of 5.5m as measured from the back edge of the prospective public highway boundary. All proposed field accesses gates must be hung to open inwards and not outwards over the prospective public highway. The proposed footway along the site frontage should be constructed to a minimum width of 1.8m-2.0m. The footpath will need to be lit if it is to be offered for adoption to Somerset County Council. All the proposed soakaways must be located a minimum distance of 5.0m away from the public highway boundary. Finally the Highway Authority is still awaiting confirmation on the future maintenance responsibilities of the proposed grass verges.

Please note that in addition to the above the Highway Authority's previous comments and recommended conditions are still considered to be relevant but if you require any further information please do not hesitate to contact me.

### ***Somerset Drainage Board Consortium***

This site lies outside the Drainage Board's area of operation and therefore the Board will not be responding to your consultation.

Your council will need to establish that the details related to surface water disposal to serve the proposals is robust and maintainable and the infrastructure proposed is maintained for the future for the entire life of the scheme.

The Board has no further input regarding the matter.

### ***SCC - Archaeology***

The site lies within the Stogursey Area of High Archaeological Potential. This potential has been substantiated by the field evaluation carried out earlier this year, which identified the presence of medieval activity ( including a structure) together with evidence for the former town ditch.

For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made, as indicated in paragraph 141 of the National Planning Policy Framework (2012). This should be secured by the use of

model condition 55 attached to any permission granted.

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

I note that English Heritage have commented upon the settings issues relating to the Castle (a Scheduled Monument) and the Conservation Area.

### ***SCC - Ecologist***

I note that the ecological report submitted with this application recommends that there ought to be a bat emergence survey of the buildings on site to confirm absence/inform mitigation. I cannot find any follow-up survey on the WSC website. Has one been done or is it going to be done?

I would usually advise that the application be refused on grounds of insufficient information being provided.

### ***Environmental Health Team***

Further to this application, I wish to request that the contractors adhere to the considerate contractor guidance for operational hours. This is to ensure that the neighbouring and surrounding properties are not unduly disturbed by noise.

### ***English Heritage - now known as Historic England***

#### Further amended plans:

Previously we explained that the proposed development conflicted with the character of the conservation area because of its modern estate plan form, the regularity of the terrace and the homogenous nature of materials used. The revised scheme does respond to these comments breaking the terrace and introducing a variety of materials and a range of door canopies.

The additional information does not however include an analysis or review of the character of the conservation area which would have been helpful in understanding its significance. That said, we are of the view that the scheme is improved and so withdraw our previous opposition.

### ***Historic England Recommendations***

In determining the application it will be critical for the submission of materials and the provision of joinery details to be conditioned. On discharging conditions, we strongly recommend the full engagement of your specialist conservation colleagues. Beyond the materials for the houses, careful attention should be paid to the front boundary wall and paved materials running through the group – sample areas should be made available for inspection on site.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.



### ***Housing Enabling Officer***

Further to your e-mail I would comment as follows.

I have been unable to view the planning application details but understand that a total of 11 dwellings are proposed, 3 of which are to be affordable. This equates to 27% rather than the 35% requirement. I would expect, therefore, the developer to negotiate a commuted sum top-up to be spent for the purposes of delivering affordable housing in West Somerset.

With regard to housing need in Stogursey, as of today there are 8 households who have registered with Somerset Homefinder Choice Based Lettings and who have selected Stogursey as their first choice for re-housing. All households have a local connection with Stogursey and are currently resident in the village. Length of residency ranges from 1 year to in excess of 25 years.

1 of the households is in Gold Band for re-housing, 3 are in Silver and 4 are in Bronze.

With regard to requirement, 4 of the households require one-bedroom accommodation, 3 require two-bedrooms and 1 requires a four-bedroom house.

There is no evidence of a need/demand for Low Cost Home Ownership options in Stogursey at the present time.

To summarise, I would confirm that there is adequate housing need to support the delivery of three or four affordable homes to rent in Stogursey. These should preferably be delivered at social rent levels by a Housing Association. Whilst affordable homes should be comparable to those provided for the open market I would like to see at least two of the affordable homes on this site planned as single bedroom dwellings.

### ***Biodiversity and Landscaping Officer***

ACE Consulting carried out an Ecological Appraisal of land at Castle Street, Stogursey of the site back in July 2013.

Findings of the report are as follows

Habitat - The site is mainly covered with unmanaged habitats that include ruderals, scrub, grassland and a hedgerow. There are also a number of dilapidated farm buildings.

Birds - The site offers good opportunities for nesting birds. I agree that compensation for nesting birds should be made in the new development

Badgers - The site contains suitable foraging opportunities for badgers

Bats - The site is likely to provide foraging for bats.

The later report dated July 2015 found no evidence of bat activity within the loft of the bungalow. No bats were recorded emerging from any part of the buildings during the survey. I agree that bats are transient in behaviour so a precautionary approach should be made to demolition works

I agree that compensation for bats should be made in the new development

Reptiles - The site has potential to support reptiles. A method statement for reptiles should be included in the wildlife strategy. I support the proposal to enhance the NW corner of the

site for reptiles

Suggest condition and informative notes for protected species.

### ***Somerset County Council - flooding & drainage***

The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

It is noted that the applicant has proposed to utilise permeable paving for the parking and turning areas alongside soakaways for the disposal of surface water from the proposed dwellings. However, the applicant has not provided detailed drainage designs and calculations for the capture and removal of surface water from the development. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The LLFA has no objection to the proposed development, as submitted, subject to a drainage condition being applied.

### ***Public Consultation***

The Local Planning Authority has received 21 letters of objection and support making the following comments (summarised):

Concern raised but not objecting to the scheme on the following grounds:

- No additional information on how the scheme will impact on the existing drainage problems experienced in Castle Street. Currently at times of heavy rain the drain below the site blows and water flows downwards the adjoining dwellings
- Affect on the surrounding area
- Whether the proposal would contribute as a village asset.
- The drainage improvements at the bottom of Castle Street should be coordinated with this proposed development.
- There should be strict attention to the materials to be used
- The terrace is bland and should be broken up (Comments on original scheme)
- The triangle of land that lies on the edge of the application site needs tidying up and as it is in the same ownership as the applicants a condition to ensure the area is cleaned and used as overflow parking
- Do not consider that the size of the existing mains sewer drain is not large enough to take additional sewage. The sewer blocks at present.
- Could plant trees and hedgerows along the stream to help with moisture control.

Object on the following grounds:

- It is not acceptable that funds under a Section 106 Agreement can be used to get around not providing the required percentage of affordable housing. It will not help in alleviating affordable housing need.
- The financial inducements do not ameliorate the adverse impact of the proposed development.
- This proposal will be the first phase of development as the land behind will then be developed which will be the urbanisation of the Conservation Area.

- The quality of the proposed units are appalling.
- The importance and relevance of the Town Ditch along the Southern boundary has been ignored.
- The Stogursey Interim Settlement Policy 1979 states that land to the east of The Rectory should not be built on for environmental reasons associated with the unstable sub soil.
- The associated parking of one space per household is not enough.
- 11 houses is too much for Castle Street.
- Paddons should be completed before any more houses are built.
- Stogursey can not accommodate more housing.
- The development would have a negative impact on Stogursey Castle and the protected views may be destroyed or reduced. This is in contravention of policy LB/1, CA/3 and point 10.16.17 of the settlement inset. (Comments on original plans)
- The proposal is not compatible with the preservation or enhancement of the Conservation Area (Comments on original plans)
- Contrary to policies BD/1 and BD/2 due to the lack of small casement windows which are a typical feature of Stogursey. (Comments on original plans)
- The proposal does not align with the traditional sitting of buildings in the village which follow the street line. (Comments on original plans)
- Access to the remaining agricultural buildings may be difficult or become dangerous and this could lead to these buildings falling into further disrepair. (Comments on original plans)
- Lack of substantial hard and soft landscaping.
- Increase in the use of the path to Stogursey Castle leading to erosion and severe compaction of the historic site
- Additional noise pollution which would be contrary to policy PC/2 as the noise will cause a nuisance to the occupiers of nearby properties including Stogursey Castle
- Lack of need for the houses
- If this is granted it will set a precedent for farms and farmland to be left and become run down and then to allow development as it improves the area.
- There has been no transport survey so are the additional parking spaces on the development for the use of the houses or for others?
- Castle Street is narrow and the development could increase congestion
- Vibrations from large vehicles are felt as the houses do not have modern foundations and this could be increased with the extra construction and delivery lorries.

Supports on the following grounds:

- Provided that there are conditions relating to a SUDS scheme being implemented and an attenuation area is created together with a condition stating that the existing farm wall is retained, strengthened and repaired.
- Sensible place for development provided there is a need and will tidy up the area.

### **Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan has been submitted for examination and therefore the policies should be given weight as a material consideration.

The following Policies are considered relevant to this application:

W/6	Flood Plains
UN/2	Undergrounding of Service Lines and New Development
AH/3	Areas of High Archaeological Potential
BD/1	Local Distinctiveness
SP/3	Development in Villages
SP/1	Settlement Hierarchy
PO/1	Planning Obligations
H/4	Affordable Housing
CA/3	Redevelopment Within Conservation Areas
CA/2	Demolition in Conservation Areas
CA/1	New Development and Conservation Areas
BD/2	Design of New Development
T/8	Residential Car Parking
NC/4	Species Protection
NH1	Historic Environment
NH1A	Areas of high Archaeological potential
NH10	Securing high standards of design
SC1	Hierarchy of settlements
CC2	Flood Risk Management
R/6	Public Open Space and Small Developments
SC4	Affordable Housing
SD1	Presumption in favour of sustainable development

### **National Policy**

[National Planning Policy Framework \(the NPPF\)](#)

[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

### **Local Policy**

[West Somerset Local Plan \(2006\)](#)

[West Somerset Local Plan to 2032 Published Draft Preferred Strategy \(June 2015\)](#)

[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)

[Somerset County Council Parking Strategy \(2013\)](#)

[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

### **Planning History**

The following planning history is relevant to this application:

3/32/80/009	Renewal of permission for demolition of buildings in a conservation area and residential development	Grant	23 July 1980
3/32/76/029	Demolition of buildings in conservation area and residential development (two dwellings)	Grant	20 June 1977

### **Proposal**

The application seeks planning permission for the demolition of one bungalow and a redundant agricultural building and the construction of 12 dwellings and associated parking. The vehicular access from Castle Street is to be improved.

A terrace of 6 three bed houses, 1 two bedroom house and 2 one bedroom flats are proposed. This terrace runs parallel to Castle Street along the front of the site with the front

elevations fronting Castle Street. There will be four stone properties, two at either end of the terrace with two rendered properties adjoining these dwellings. The middle dwelling in the terrace is proposed to be brick. All these properties will have natural slate roofs and the windows and doors will be stained.

A detached rendered three bed house is proposed on the site of the bungalow to be demolished and will have clay tiles on the roof. At the rear of the site two semi detached properties are proposed; one with 3 bedrooms and one with 2 bedrooms together with one detached house. These properties will be rendered with clay interlocking tiles. The windows and doors are to be stained wood.

The lias stone wall that fronts the public footpath and Castle Street is to be increased in height from 1.3m to 1.5m whereas the wall that is to remain from the barn that is to be demolished will be reduced to 1.5m. A 1.5m high stone wall is proposed around the periphery of the site except at the two points of access into the adjoining land where a 5m gate is proposed at each access point. 1.8m timber panel fences are proposed to delineate the garden areas except where the gardens border onto the internal access road where 1.5m high stone walls are proposed.

16 parking spaces are proposed to the rear of the terraced houses together with a garage and one parking space for the detached property and two parking spaces for each of the semi detached properties.

The detached dwelling at the rear of the site is to be provided with a garage and a parking space and the semi detached houses, would have two parking spaces each. A stone barn that lies adjacent to and parallel to Castle Street is to be demolished except for part of the wall that forms the boundary wall to Castle Street. The two flats and 2 two bedroom properties will be affordable dwellings. A stone wall 1.5m high is also proposed around the perimeter of the site.

### **Site Description**

The roughly rectangular site forms part of a former agricultural yard that lies at the southern end of Castle Street and includes a stone agricultural building and a bungalow and its garden. The site is currently overgrown. The site is bounded mainly by a stone wall along the Castle Street elevation and by a stream along the southern and western boundaries. There is also a line of trees along the western boundary.

### **Planning Analysis**

#### *1. Principle of Development*

The site lies within the development limits of Stogursey where the relevant settlement policy is SP/3. This policy states that development will be limited to that which supports the social and economic viability of the village, protects or enhances the environmental quality of the village and is unlikely to lead to a significant increase in car travel. It is therefore considered that the proposal is acceptable in principle provided it meets these three criteria.

#### *2. Character and Appearance of the Area*

Castle Street is characterised by terraced rendered and stone properties with slate and tiled roofs and many incorporate canopies over the front doors. There is a raised pavement running along one side of the street. The narrow public footpath that runs along the leat to The Old Mill and Stogursey Castle borders the stone boundary wall. The residential development opposite the site incorporates new rendered dwellings with lias boundary walls and the converted stone and brick abattoir building. The site gently slopes down towards

The Old Mill, a Grade II listed building and to the rear of the site are fields and to the south are modern agricultural buildings. Stogursey Castle and the causeway bridge both Grade II\* listed buildings lie on land to the south of the site but are located on higher ground than the application site. Stogursey Castle is also a Scheduled Monument.

As the site lies within Stogursey Conservation Area and nearby three listed buildings, special attention must be paid to preserving or enhancing the character and appearance of the area and the setting of the listed buildings must be preserved. As part of the application an assessment of the impact of the proposals on the character of Stogursey Conservation Area together with a settings assessment have been submitted. These conclude that the setting of the listed buildings and the character of the Conservation Area will not be adversely affected. Historic England however consider that there is an impact on the Conservation Area but that the impact is not sufficient to warrant an objection. On the original proposal, Historic England considered that to fully assess the impact on the Conservation Area further information was required but it was also considered that the scheme needed amending as it is suburban in plan form. The amendments are required to make the scheme more in keeping with the Conservation Area as the proposal did not preserve or enhance the Conservation Area. Amended plans have since been submitted to take into account these comments as the terrace is no longer regular and more materials are to be incorporated together with a range of door canopies. With regard to the setting of Stogursey Castle, Historic England's view is that the proposal would compromise to a degree the cleared zone between the Castle and the village but that this would not be critically harmful to the significance of the Scheduled Castle. Overall it is therefore concluded that the amended scheme does not adversely affect the character of the Conservation Area or the setting of the nearby listed buildings and Scheduled Ancient Monument.

### *3. Residential Amenity*

As the proposed terrace of dwellings and replacement dwelling are located at least 14m away from the front walls of the houses on the opposite side of Castle Street there is no adverse loss of privacy or loss of light to habitable rooms to the existing dwellings. The proposed houses to the rear of the site will not adversely affect the amenities of any existing dwellings due to the distance between the proposed and new dwellings. These proposed dwellings face each other with a distance of approximately 11.5m. This is considered to be a sufficient distance from a privacy point of view. Each dwelling will also have the benefit of a private garden area.

The issue of noise has been raised as it is considered that proposed development will lead to noise issues that will cause a nuisance to the occupiers of nearby properties including Stogursey Castle. It is considered that there could be an increase in noise due to the site being occupied on a residential basis rather than as a farmyard will be limited and not cause significant harm.

### *4. Highway Safety*

The Highway Authority has advised that whilst the proposal would result in an increase in traffic it is not considered that this is significant enough in terms of the National Planning Policy Framework to warrant an objection on traffic impact grounds. With regard to the internal layout, the Highway Authority considers that it is generally acceptable although there are some points that need to be addressed. These can be addressed through conditions which have been recommended by the Highway Authority. These relate to the condition of vehicles leaving the site, a condition survey of the road prior to works commencing on site, submission of a Construction Environmental Management Plan, access and driveway gradients, internal design of the road network, construction of the service road, discharge for surface water and 300mm visibility spays. It is considered that a condition regarding the

condition survey of the road is not required as planning permission would not be refused without this condition. The other conditions are however considered to be relevant and necessary.

The Parish Council are concerned that access is to be provided through the site into the adjoining fields will be an unacceptable burden to residents. As the residents will be aware that agricultural vehicles will be accessing the adjoining fields via the access road and as the access road can accommodate the agricultural vehicles together with the fact that the fields need access it is considered that the proposed two field access points are acceptable and that permission could not be refused on the grounds that agricultural vehicles have access through the proposed development.

#### *5. Flood Risk*

A Flood Risk Assessment (FRA) has been submitted as part of the application as a very small part of the site adjacent to the Castle Street boundary wall in the vicinity of the existing stone building is in Flood Zones 2 and 3. This relates to less than 5% of the application site. Castle Street to the south of the access to the application site is also within Flood Zones 2 and 3 and has flooded a number of times whereas the area to the north of the access is in flood zone 1. The area to be developed is also in Flood Zone 1. The FRA concludes that there is a low risk of flooding.

The Lead Local Flood Authority has advised that that the development will have an increase in surface water runoff and has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled. A condition relating to drainage details and a programme of implementation is therefore required to ensure that a satisfactory system of water drainage is implemented. The need for this condition is also recommended by the Highway Authority.

#### *6. Affordable Housing*

Saved local plan policy H/4 states that in Stogursey any development of 2 or more dwellings or on a site that is 0.1 hectares or over shall provide affordable housing if there is an identified need subject to a number of criteria. In addition under the West Somerset Council Planning Obligations Supplementary Planning Document (2009) it states that 35% of the proposed housing should be affordable housing. Four properties are proposed to be affordable. Two will be one bed flats and the other two will be 2 bed houses. This equates to 36.4% as whilst 12 properties are proposed one of these is a replacement dwelling and as such the percentage that is required as affordable housing is based on 11 dwellings. A S106 Agreement will be required to ensure that the affordable housing are retained as affordable housing in perpetuity. The Agreement will need to be flexible to allow the affordable dwellings to have a social or intermediate rent, are to be discounted purchase properties or shared equity properties due to the changing affordable housing market. The Housing Enabling Lead had originally preferred social rented properties but due to the recent changes made by the Government a more flexible approach to the type of affordable housing is preferred. Overall as there is a need for the affordable dwellings, the type of dwellings and how they are to be provided on site and as over the 35% of the site are to be affordable homes this contribution is a benefit of the development.

#### *7. Biodiversity*

An Ecological Appraisal was submitted as part of the application which recommended that the following be undertaken :

- Eradication of Himalayan Balsam using best practice
- Bat activity survey of the buildings to prove absence of bats to inform any mitigation

- required
- Watching brief for vegetation removal in relation to birds
- Implementation of a method statement to safeguard reptiles

A bat survey has since been submitted which found that no bats were recorded emerging from the bungalow but that common pipistrelle bats were active in the area. The report recommended that as bats are transient in behaviour that a precautionary approach be taken in regard to the demolition works. If in the unlikely event that bats are found during demolition, works must stop immediately and further advice sought.

The Council's Landscape and Biodiversity Officer agrees with the recommendations contained in the initial survey and the bat survey and has recommended that a number of informative notes be included on any decision notice relating to nesting birds, bats and other protected species. A condition relating to a wildlife strategy being required that takes into account the recommendations of the two surveys is also recommended. The recommended informative notes and condition are therefore recommended to be imposed to ensure that the protected species and biodiversity is not adversely affected by the proposed development.

#### *8. S106 Legal Agreement*

As the proposal attracts the need to provide affordable housing on site and part of the application site for open space (saved local plan policy R/6 refers) whether it is for the provision, for example, of an area for amenity and informal use or for children's play space a S106 legal agreement is required to ensure that this provision is provided. It should be noted that as provision can not be made on site for recreation use a contribution towards the improvement of existing facilities is acceptable. In addition as there are areas of land within the application site that may not be allocated to a particular property the maintenance of these areas needs to be ensured and it is therefore considered that a Management Company or something similar needs to be set up. In the Council's Supplementary Planning Guidance it is noted that monitoring costs should also be paid by the applicant. Recent case law (Oxfordshire County Council v Secretary of State for Communities and Local Government [2015] EWHC 186 (Admin)) has found however that such costs do not meet the tests set out at Reg 122 of the CIL Regulations and so can not be requested. Such a clause is therefore not proposed even though the applicant has agreed to pay such a fee.

The heads of terms that have been agreed with the applicant are:

1. Four affordable dwellings (2 one bed flats and 2 two bed houses)
2. £5,000 per dwelling as a contribution towards community infrastructure. This relates to 11 dwellings making the total of £55,000
3. To secure a mechanism to provide for the maintenance of areas within the development that do not belong to the proposed dwellings.

#### *9 Contamination*

Two Ground Investigation Reports have been submitted as part of the application which conclude that the site is suitable for the proposed development. There has been tipping on the site together with made ground (but this has been removed). The land has been in agricultural use and it is unlikely that there has been any relatively recent industrial activity on the site that might be likely to give rise to harmful contamination. Contaminants are present but these are well within the recognised Soil Guideline Values. No special precautions with regard to any foundations or buried concrete needs to be taken. Environmental Health have been consulted on this document and have not raised any concerns or requested the need for any conditions. No conditions are therefore



recommended.

### *10. Archaeology*

The application site lies within the Stogursey Area of High Archaeological Potential and as such the results of an Archaeological Trench Evaluation has been submitted as part of the application. Seven trenches were excavated. These trenches did not conclusively expose the remains of the former town ditch. The possible site of the town ditch is to the north of the site but to the south of the bungalow to be demolished. A 19th Century culvert and probable tannery pits were also found. The remains of a possible medieval structure with internal drainage was exposed to the south of the possible position of the town ditch. In addition 22 shards of pottery were recovered of which 8 are medieval together with ceramic building material (including handmade bricks, roof tiles and lime mortar) plus four shards of glass that date from the late 19th Century and fragments of one and shell.

The Evaluation has shown that there is archaeological potential on the site and as such the County Archaeologist is recommending that the heritage asset be archaeologically excavated and that a report on any discoveries be produced as required by paragraph 141 of the National Planning Policy Framework. For this reason a condition concerning the implementation of a programme of archaeological work be agreed and carried out is required.

### *6. Other Implications*

#### *Demand for dwellings and future development*

Comments have been received stating that there is no need for additional housing and that this is shown with the Paddons development not being completed. They felt that the Paddons development should be completed prior to any new houses being built. As the site is predominantly within the development limit for Stogursey and as there is a need for housing and for affordable housing it is considered that the redevelopment of this site is acceptable. The fact that another housing development has not been completed is not a reason not to withhold planning permission for this scheme.

Concern has also been raised as a number of objectors consider that this proposed development is the first phase and that development in the adjoining fields will be developed and that this will urbanise the Conservation Area. Should an application(s) be submitted on this land it will be dealt with on its merits and it does not automatically follow that the fact that planning permission has been granted on the application site that planning permission will be granted.

It has been suggested that the triangle of land between Castle Street and the application site be cleared and used as overflow parking as this land is owned by the applicants. As the recommended level of parking is to be provided on site and as the use of this land as a car park would not preserve or enhance the Conservation Area or the setting of the adjoining listed building it is not considered that such a condition is necessary as it would not meet the relevant tests for imposing the condition especially as it is considered that the application would not be refused without this additional car parking.

It has been suggested that should planning permission be granted this will set a precedent for farms and farmland to be left and become run down and then to allow development as it improves the area. As each application is determined on its own merits a precedent will not have been set.

## **Environmental Impact Assessment**

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2015 and so Environmental Impact Assessment is not required.

## **Conclusion and Recommendation**

It is considered that the proposal, is acceptable and it is recommended that subject to the completed of a S106 Agreement for the provision of four affordable dwellings, a contribution of £55,000 towards community infrastructure and a mechanism for the maintenance of the land not included in the curtilage of any of the dwellings that planning permission be granted.

### **Planning Permission is subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 140410 - 02F, 03D, 04B, 05C, 06D, 07C, 09C, 10B and 11B and Ecological Appraisal of Land at Castle Street, Stogursey by ACE Consulting Natural Solutions dated 15 July 2013 and Bat Survey of Bungalow at Castle Street, Stogursey by Crossman Associates dated 1 June 2015.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: To ensure that the development does not prejudice the free flow of traffic or highway safety nor cause inconvenience to other highway users and occupiers of adjoining properties having regard to the provisions of Saved Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

- 4 The gradient of the proposed access shall not be steeper than 1 in 20. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 5 The proposed estate road, footways, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriage way gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 6 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriage way to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 7 The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 8 No works shall commence on the development hereby approved until a drainage scheme including surface water for the site showing details of gullies, connections, soakaways and means of attenuation on site and a programme of implementation and maintenance for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details prior to the occupation of any of the hereby approved dwellings and shall thereafter be retained.

Reason: To ensure that water is not discharged onto the highway, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006) and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

- 9 There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriage way edge on the centre line of the access and extending to points on the nearside carriage way edge 60m 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: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 10 The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries

leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of development and thereafter maintained until the development of the site is complete.  
Reason: In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 11 No works shall be undertaken on site unless details for the provision of bicycle parking/storage been first submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwellings hereby approved. The parking and turning areas shall thereafter be retained in accordance with the approved details.  
Reason: To ensure that sufficient provision of bicycle parking/storage is provided having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).
- 12 The development hereby permitted shall not be commenced until details of a strategy including a programme of implementation to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of ACE Consulting and Crossman Associates submitted reports, dated July 2013 and June 2015 and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
  3. Measures for the retention and replacement and enhancement of places of rest for the species

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife bearing in mind these species are protected by law in accordance with the provisions of saved policy NC/4 of the adopted West Somerset District Local Plan (2006).

- 13 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority.  
Reason: To enable the remains of archaeological interest which may exist within the site to be recorded having regard to the provisions of Saved Policy AH/3 of the West Somerset District Local Plan (2006).
- 14 No works shall be undertaken on site unless samples of the materials including colour of render, paintwork and colourwash and materials for the access road and parking areas to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.  
Reason: To safeguard the character and appearance of the Conservation Area and the setting of listed buildings having regard to the provisions of Saved Policies BD/2 , CA/1

and LB/1 of the West Somerset District Local Plan (2006).

- 15 No works shall be undertaken on site unless full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows and external doors. The works shall thereafter be carried out in accordance with the approved details and thereafter retained as such.

Reason: To safeguard the character and appearance of the Conservation Area having regard to the provisions of Saved Policies BD/2 and CA/1 of the West Somerset District Local Plan (2006).

- 16 No works shall be undertaken on site unless a 1m x1m sample panel of the stone walling for the dwellings and boundary walls has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The sample panel shall include the capping required for the stone walls. The works shall thereafter be carried out only in accordance with the details so approved and thereafter retained.

Reason: To safeguard the character and appearance of the Conservation area and the setting of listed buildings having regard to the provisions of Saved Policies BD/2, LB/1 and CA/1 of the West Somerset District Local Plan (2006).

- 17 The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plan for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of the vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

- 18 No works shall be undertaken on site unless a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs details of the hard surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no free standing buildings shall be erected within the front gardens of the dwellings fronting Castle Street hereby approved, without the granting of express planning permission from the Local Planning Authority.

Reason: The Local Planning Authority considers that the introduction of curtilage buildings could cause detriment to the character of the surrounding area and for this reason would wish to control any future development to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).

## Notes

### 1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application concerns were raised by a statutory consultee and neighbours. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address the concerns and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Traffic and Transport Development Group, Somerset County Council, County Hall, Taunton TA1 4DY or by telephoning 0845 345 9155. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

- 3 It is recommended that the appropriate right of discharge for surface water is obtained prior to the submission of a drainage scheme as required under condition 8.
- 4 There is always a possibility that any building or structure may be used by bats and nesting birds. Your attention is drawn to the following:
  1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) Barn owls are classed as Schedule 1 birds and have additional protection against disturbance whilst at or near its nest. No work should proceed while birds are building a nest, on a nest, or until the young become fully independent.
  2. The applicant and contractors should be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and under European legislation. Should a bat or bats be encountered whilst work is being carried out on the property, work should cease immediately and advice should be sought from the Government's advisers on wildlife, Natural England (tel. Batline 0870 833 9210). Bats should preferably not be handled (and not unless with gloves) but should be left in place, gently covered, until advice is obtained.
  3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
- 5 This permission is the subject of a S106 Agreement relating to affordable housing, £55,000 contribution towards community infrastructure and a mechanism to ensure that the open space not included in the curtilage of the dwellings is maintained.



Application No 3/32/14/004  
 Demolition of existing bungalow and  
 redundant agricultural building and  
 construction of 12 new dwellings,  
 associated parking and turning and  
 improvements to existing vehicular  
 entrance  
 Land at and adjoining 16 Castle  
 Street, Stogursey, Bridgwater, TA5  
 1TG 13 August 2014  
 Planning Manager  
 West Somerset Council  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council  
 Licence Number: 100023932



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### Delegated Decision List

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/01/15/007	Kingfisher Cottage, Woolston, Williton, TA4 4LN	Installation of handrails for spiral staircase	03 November 2015	Grant	<a href="#">EP</a>
3/01/15/009	Chilcombe House, 30 Trendle Lane, Bicknoller, Taunton, TA4 4EG	Erection of dwelling house with double garage and formation of vehicular access from Chilcombe Lane.	13 November 2015	Grant	<a href="#">SK</a>
3/01/15/013	Bicknoller Village Hall, Dashwoods Lane, Bicknoller, TA4 4EQ	Installation of new playground equipment to replace old playground.	13 November 2015	Grant	<a href="#">SK</a>
3/04/15/010	Bramblehurst, Mill Lane, Brushford, TA22 9AY	To increase the width of the existing pedestrian access to allow vehicular access from private lane to single dwelling	06 November 2015	Refuse	<a href="#">RW</a>
3/04/15/017	Stocklinch, Station Road, Brushford, TA22 9AD	Erection of rear two storey extension	13 November 2015	Grant	<a href="#">BM</a>
3/05/15/011	Townsend Farm, Main Road, Carhampton, TA24 6NH	Variation of conditions 2, 3 and 7 on planning permission 3/05/13/006 in order to change the natural stone boundary wall material to natural stone and render, the reconstituted stone boundary walls to natural stone and render and timber fence,	11 November 2015	Grant	<a href="#">EP</a>

and to amend the visibility splay obstruction height to 600mm.

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/06/15/001	Higher Beverton Farm, Brendon Hill, Watchet, TA23 0LP	Retention of double garage, gate pillars, additional windows and a door to the main house plus erection of a conservatory	10 November 2015	Grant	<a href="#">BM</a>
3/21/15/068	The Cottage, Cleveland's, St Michaels Road, Minehead, TA24 5RZ	Erection of side and rear garden gates (retrospective)	03 November 2015	Grant	<a href="#">EP</a>
3/21/15/069	The Cottage, Cleveland's, St Michaels Road, Minehead, TA24 5RZ	Erection of side and rear garden gates (retrospective)	03 November 2015	Grant	<a href="#">EP</a>
3/21/15/080	Hillcrest, Millbridge Road, Minehead, TA24 8AG	Replace the existing garage with a two storey structure with a garage at ground floor and a hobbies room at first floor.	03 November 2015	Grant	<a href="#">BM</a>
3/21/15/081	Land at Higher Park, Minehead	Erection of a detached two bedroom dwelling over the existing footprint of two garages to the west of Higher Park.	13 November 2015	Refuse	<a href="#">RW</a>
3/21/15/083	Blake House, 12 Bampton Street, Minehead, TA24	Installation of a doorway from the ground floor store room into the rear	03 November 2015	Grant	<a href="#">EP</a>

5TT courtyard

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/15/085	1 Grove Place, Alcombe, Minehead, TA24 6EN	Erection of an historical information plaque	18 November 2015	Grant	<a href="#">EP</a>
3/21/15/087	Tobias Cottage, 13 Manor Road, Alcombe, Minehead, TA24 6EH	Replacement of existing corrugated plastic sheet roof for a polycarbonate roof. Removal of rear utility timber door and window and replacement with slimlite double glazed window and half glazed door, plus internal alterations (retention of works undertaken)	11 November 2015	Grant	<a href="#">EP</a>
3/26/15/017	25 Monks Path, Old Cleeve, Minehead, TA24 6HJ	Enclose the existing vehicle hard standing with a hipped roof structure, enlarge the existing opening in the wall and install a garage door to the street frontage.	03 November 2015	Grant	<a href="#">BM</a>
3/26/15/018	Little Meadow, 17 Lower Bilbrook Lane, Old Cleeve, Minehead, TA24 6HJ	Remove internal lobby partition.	03 November 2015	Grant	<a href="#">EP</a>
3/37/15/019	1 Wyndham Road, Watchet, TA23 0EA	Erection of side extension	05 November 2015	Grant	<a href="#">BM</a>
3/41/15/003	1 Park Cottages,	Retention of a replacement timber	30	Grant	<a href="#">BM</a>

Sandrocks Lane,  
Withycombe,  
Minehead, TA24  
6QW

carport

October  
2015

Ref No.	Application	Proposal	Date	Decision	Officer
ABD/28/15/002	Mill Farm, Sampford Brett, Taunton, TA4 4LJ	Prior approval of proposed change of use of agricultural building to a dwellinghouse (resubmission of ABD/28/15/001)	13 November 2015	Prior approval required and given subject	<a href="#">RW</a>

Ref No.	Application	Proposal	Date	Decision	Officer
C/21/15/009	Oakwood, Martlet Road, Minehead, TA24 5QE	Approval of details reserved by condition 2 (relating to materials) in relation to planning permission 3/21/13/071.	27 October 2015	Grant	<a href="#">SW</a>

Ref No.	Application	Proposal	Date	Decision	Officer
CA/16/15/001	St Mary's Church, Holford, Bridgwater, TA5 1RY	Pruning of three Yew trees	03 November 2015	Raise No Objection	<a href="#">DG</a>

Ref No.	Application	Proposal	Date	Decision	Officer
CA/21/15/014	The Avenue/The Parade, Minehead	Pruning to the majority of street trees on both sides of The Avenue and The Parade.	03 November 2015	Raise No Objection	<a href="#">DG</a>

Ref No.	Application	Proposal	Date	Decision	Officer
CA/21/15/015	Farleigh, Beacon Road, Minehead, TA24 5SE	Removal of Willow (T1), removal of Cherry (T2), removal of three lowest limbs to Tulip (T3) to form crown lift	03 November 2015	Raise No Objection	<a href="#">DG</a>

Ref No.	Application	Proposal	Date	Decision	Officer
T/28/15/001	Pendray House, Sampford Rocks, Sampford Brett, Somerset, TA4 4JT	Copper Beech (T1) - reduce by approximately 2 metres radially and thin by approximately 10%.	03 November 2015	Grant	<a href="#">DG</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
T/39/15/002	Land near Catwell House Barn, Catwell, Williton, Taunton, TA4 4PF	Works to 3 Lombardi Poplars - removal of existing dead wood and ivy, crowns to be reduced by 6.09 metres (20%) and removal of lower lateral limb over drive	09 November 2015	Split Decision	<a href="#">DG</a>