

## PLANNING COMMITTEE

THURSDAY 25 APRIL 2013 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 28 March 2013 - **SEE 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: ELEVEN**

**Date: 18 APRIL 2013**

<u>Ref No.</u>	<u>Application/Report</u>
<b>3/39/11/002</b> <b>Outline Planning</b>	<b>Land at Bank Street, Williton</b> Development of site to provide a foodstore, retail shops, professional & financial services, food & drink uses, health services, residential dwellings, vehicle & pedestrian means of access & associated car parking & landscaping.

6. Exmoor National Park Matters

7. Delegated Decision List - **Please see attached**

## 8. Appeals Lodged

**Appellant**  
Mr R H Vincent

**Proposal and Site**  
Site at land between Beverley Drive and Goviers Lane, Watchet  
Erection of one two-storey three bedroom house

**Process**  
Written Reps

### 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>				

Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;

Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

<b>Application No:</b>	3/39/11/002
<b>Parish</b>	Williton
<b>Application Type</b>	Outline Planning Permission
<b>Case Officer:</b>	Kenneth Taylor
<b>Applicant</b>	J Gliddon & Sons Ltd
<b>Proposal</b>	Development of site to provide a foodstore, retail shops, professional & financial services, food & drink uses, health services, residential dwellings, vehicle & pedestrian means of access & associated car parking & landscaping.
<b>Location</b>	Land at: Bank Street, Williton, TA4 4NH
<b>Reason for referral to Committee</b>	In view of the scale and significance of the proposals.

### Glossary of Terms

A glossary of terms has been attached to this report to define some of the technical planning terms used<sup>1</sup>.

### 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, Williton, TA4 4NH

#### 2.0 Description of Development:

Development of site to provide a foodstore, retail shops, professional & financial services, food & drink uses, health services, residential dwellings, vehicle & pedestrian means of access & associated car parking & landscaping.

#### 3.0 Consultations and Representations:

The Local Planning Authority has received the following representations:

##### 3.1 Williton Parish Council

The Parish Council object to the application on the following grounds:-

1. The scheme prevents the building of the Inner Relief Road. This is a major development and an opportunity to contribute funding towards the road. The Parish Council is fully supportive of the relief road and in supporting this application puts the Council at odds with their long term proposals for Williton.
2. In the applicant's submission it is stated "There should be no significant or adverse impacts on the vitality and viability of existing Town and Rural centres as a result of retail development". It is not felt that this will be achieved in this case. The predicted fall in Co-op sales will be replicated throughout the remainder of the retail outlets in Fore Street. This will be unsustainable.
3. We welcome the fact that Lloyds Bank will potentially be retained.
4. Bridge Street/A39 junction - (refer to Appendix D Transport Assessment Addendum). Map W110057/A/001 shows incorrect signage for a 3-way junction/roundabout. Concern is expressed over traffic turning right into Bridge Street before the roundabout from the Minehead direction.

<sup>1</sup> Provided as Appendix 1 to this Committee Report

5. Employment - those who are actively looking for work might not want to work in a supermarket. This could also steal existing workers from the current supermarket/shops.
6. 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.
7. It is felt that Williton is not the size of village to support a supermarket of this size.
8. It is felt that 2 roundabouts in Priest Street in close proximity would lead to a backup of traffic.
9. In the applicant's submission it is stated "There should be no significant or adverse impacts on the viability of existing Town and Rural centres as a result of retail development". It is not felt that this will be achieved in this case.
10. (refer to Planning and Retail Statement Addendum - Appendix 6 Sequential Site Analysis Location Plan). This plan has not been updated. It doesn't show development at E and H and incorrectly marks the Memorial Ground at G.
11. 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 burying waste material including old tractors, oil and waste agricultural equipment and would question the safety of the land for building.
12. Williton is already within the top 9 villages in the UK which provide a variety of resources for the community and members feel therefore that a rural centre is provided.

### **3.2 Watchet Town Council**

The committee wish to express their reservations on the following in relation to this application:

- The impact the loss of trade in Watchet
- The possible loss of the Lloyds Bank in Watchet if the branch in Williton is closed
- Extra traffic will be generated on the A39

On a positive note they are in favour of job creation for local people.

### **3.3 Environment Agency**

#### *Development & Flood Risk*

The majority of the built development is proposed within flood zone 1; however there are areas within the red line boundary of the site which fall within flood zone 2 and 3 (including the access/egress for the site). As such a sequential approach should be taken in the final layout of the development to steer any built development outside of flood zone 2 and 3 areas.

There is no reference to the residential dwelling element of the proposal in the flood risk assessment (FRA). Whilst we do not consider this to change our in principle opinion of the proposed development, there are amendments that will be needed at a later date. This includes increasing the lifetime of the proposed development from 60 years to 100 years, and increasing the peak rainfall intensity from 20% to 30%. This will impact on the size of the soakaway/swale for the storage of surface water run off.

We recommend that the following conditions and recommendations are included in any permission granted:

- 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.

- 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.

As the primary access/egress route to the site is located within flood zone 3; we strongly recommend that West Somerset District Council, through consultation with their Emergency Planning Officer, impose a condition on any Decision Notice for the site relating to a full emergency flood evacuation plan prior to any occupation of the proposed development.

#### *Groundwater & Contaminated Land*

Section 214 of the application form indicates that the applicant does not believe the site to be contaminated. Given the former usage we consider that there are reasonable grounds to suspect that former activities on site may have resulted in contamination. We consider that the application should be supported by preliminary information in accordance with PPS23.

Accordingly we consider that planning permission should only be granted to the application as submitted if the following planning conditions are imposed as set out below. Without these conditions the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

- Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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:
  - 1) 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.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The site investigation results and the detailed risk assessment (2) 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.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) 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 local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters.

- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) 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.

### *Environment Protection*

We recommend that the following conditions and advice are included in any permission granted:

- No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before development commences.  
Reason: To prevent pollution of the water environment.
- The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: To prevent pollution of the water environment.
- Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent.

### *Advice to applicant*

We endorse the efficient use of water, especially in new developments. The Environment Agency's Water Demand Management Team can provide information and advice on any aspect of water conservation including water saving technologies. New developments could take economic advantage of these technologies and should be considered. Wide spread use of these and other technologies that ensure efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Further advice can be obtained from our website.

## **3.4 Wessex Water Authority**

### *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.

## **3.5 Environmental Health Officer**

- This previous request was made on the basis of the air quality (AQ) report submitted with the application (Entran, 2011), who estimated a significant NO<sub>2</sub> impact on the Council's air quality station positioned outside County Stores (an additional 3.0 ug/m<sup>3</sup> in NO<sub>2</sub> concentration). This would have caused the air quality objective at this point to exceed the NO<sub>2</sub> objective.
- Based on this assessment, it would have been likely that the Council would have needed to proceed to a detailed assessment for NO<sub>2</sub> for Williton. However, this was made on the basis of an initial DMRB screening assessment
- WYG (2011) have since been commissioned to undertake a more detailed assessment. This assessment models the impact using ADMS-roads dispersion modeling for NO<sub>2</sub> and PM<sub>10</sub>.
- WYG (2011) use traffic data (based on opening year of 2012) from Savell Bird and

Axon Transport Planners, as published in the Transport Assessment. Comments from SCC in relation to this TA are therefore valid in terms of this AQ assessment.

- The WYG assessment has correctly not assumed a reduction in background NO<sub>2</sub> and so provides allows a degree of uncertainty and helps to model a worse case scenario.
- The WYG assessment explains (model verification) that the impact on the WSC AQ monitoring site to be 0.56 ug/m<sup>3</sup> NO<sub>2</sub> to give an annual mean **39.76ug/m<sup>3</sup>**. This is below the threshold for annual mean and therefore, there would be no reason as a result of the development alone, for the Council to proceed to a detailed assessment

*Conditions:*

1. The assessment however indicated a moderate adverse impact and proposed mitigation for these effects, which should be used to help form any condition as part of the Environmental Management Plan for the site
2. Furthermore, the recommendation for an odour control condition should also be taken forward and the wording within the report appears satisfactory.

Reason: To protect human health and the environment

### **3.6 County Archaeologist**

An archaeological evaluation took place on the site in 2006 which revealed prehistoric remains. Therefore, a condition requiring archaeological excavation in advance of development will be appropriate. The condition should read:

"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 excavation in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

### **3.7 Highways Liaison Officer**

*Introduction*

I refer to the above mentioned planning application. Site visits have been carried out and the Highway Authority has previously held significant dialogue with the landowner and agents with regard to the highway and transportation requirements of the proposed development.

As the Highway Authority has observed previously (July 2011), the location of the proposed development is acceptable in principle, there are no express policy concerns, but at that time matters of technical detail had not been approved by the Highway Authority and were of sufficient concern that if not agreed they could have justified a recommendation of refusal. However the principle concern, the layout of an appropriate means of access to the site from the A39 has since been agreed.

Williton has a very simple, 'no choice' highway network with one central route node where the A39 meets the A358, the mini roundabout a short distance east of the site. This junction current becomes congested such that queues form at seasonal peak times with current traffic flow variation and at such times progress through Williton can be quite slow. Traffic generated by the development is likely to impact upon this node such that increases in traffic demand may result in increased traffic delay at times.

There is currently a planning application to renew a previous permission for a residential development on the application site, which achieves access by means of a small right turn lane from the A39 Bank Street. If dwellings were to be build then traffic generated would also add to existing flows on the highway network.

*Traffic Assessment*

With regard to traffic modelling of potential traffic impacts, it is considered that the proposal

would probably result in congestion during the majority of the year on Friday afternoons and, quite possible 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 their length. The proposed development is promoted as being likely to assist self containment and will be required to operate a travel plan to maximise sustainable travel.

A robust Travel Plan and associated measures will be required which encourage the use of sustainable transport to ensure that the residual traffic impact is not so “severe” that the Highway Authority would otherwise recommend refusal of the application. Assuming that the Travel Plan and associated measures are robust to the satisfaction of the Highway Authority (SCC) it would therefore consider that the argument that the traffic impact is not sufficiently “severe” to recommend refusal in accordance with the NPPF has considerable validity.

In summary the proposal is not considered to be likely to have a residual impact sufficiently severe to warrant a recommendation to the local planning authority to refuse planning permission, despite the likely impact of additional delay on some Summer afternoons on the links and nodes of the A358/A39 through Williton through which the majority of traffic is funnelled travelling to and from much of West Somerset and the Somerset part of Exmoor National Park. The capacity problems are likely to be caused by holiday 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.

The Highway Authority has previously produced a comprehensive report as submitted by the applicant recently as Appendix F of the Transport Assessment Addendum January 2013 by Vectos – I attach the text of the original report by the Highway Authority as an annex to this letter for convenience<sup>2</sup>.

#### *Parking*

Although this is an outline application and it is anticipated that the detail of parking will be determined later when matters of detail are addressed it is worth observing that the options submitted with this application do not indicate how servicing of the foodstore by large vehicles will be accommodated. Though it is possible that space can have dual purpose such that customers can park at peak times and store deliveries be made at times when customers are few of the store is closed, the design of the space must lend itself in due course to 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.

The application documents (The Policy Update (Chapter 3)) does not reference the now-adopted Somerset Parking Strategy (SCC). The original proposal was for 175 spaces, which is approximately in line with the strategy. In detail it should be ensured that cycle and motorcycle parking is to current standards. SCC would normally expect three electric charging points in a car park of this size.

#### *Travel Plan*

A Travel Plan is being developed in association with this development proposal. The TP will need to be improved in a number of areas - particularly Targets, Monitoring Strategy, Safeguards & TPC commitment - before it can be agreed, The Highway Authority sees no reason why this should not be possible in due course when certain points of detail are addressed. The Travel Plan can be most fully informed when end operators of the buildings are determined.

#### *Highway layout*

With regards to highway layout, the developer’s consultants have previously determined with the Highway Authority (2011-2012 technical exchanges between SCC and SBA then SCC and Vectos) and have reached agreement that a mini-roundabout with appropriate

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<sup>2</sup> Provided as Appendix 2 to this Committee Report



deflection, visibility splays, footways and crossing island for pedestrians etc can be achieved in the space available. This space being made up of some land reserved for this purpose on the south side of the A39, the area that is publicly maintained highway, and space that can be created to the north of the A39 by the proposed demolition of some existing retail buildings there – parts of the Gliddons Store. As you are aware some specific geometric design advice has been sent separately (March 2013) to the designers regarding design dimensions for visibility dimensions determined by traffic speeds as required by TD54/07 (DfT/Highways Agency Technical Design Note 54 of 2007), to make certain that no details associated with planning matters to be determined later should interact inappropriately with optimum safe layout of this junction. The proposed geometry has also been tested for traffic movements by large vehicles including all turns in and out of Bridge Street which would form a side road junction with the A39 close to, immediately west of, the roundabout; if the application were to be permitted. A junction can be built generally in accordance with the Vectos drawing W110057/A/001 rev A submitted with the planning application papers showing 14m ICD mini-roundabout.

#### *Highway Policy*

As already stated there is no objection in principle to the location next to the centre of Williton, however the A39 Bank Street is defined as a County route in the strategic route hierarchy. Policy 51 of the Somerset and Exmoor National Park Structure Plan. Usually there would be a policy objection to development gaining access direct to a County route, but given the current planning consents, the nature of the carriageway in this location, and the constraints of the local highway network, an objection may be unnecessary as it is considered that a safe and appropriate access can be achieved.

#### *Recommendation*

I would therefore raise no objection to the application subject to the developer entering into an S106/S278 agreement to secure, prior to commencement of development:

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

And subject to the following conditions:

- No work shall commence on the development hereby permitted until the proposed mini-roundabout, footways, pedestrian facilities, drainage, and access arm have been constructed in accordance with a design and specification to be approved in advance in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority, The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.
- The applicant shall ensure that all vehicles leaving the site during construction period are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site during the construction period, 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 construction of the site is complete.
- 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.

### **3.8 Public Consultation**

The Local Planning Authority has received c. 532 comments over the two periods of consultation. Of those comments c. 139 were in support of the proposal and c. 393 raised objections to the proposal.

#### *Summary of comments (original consultation)*

##### *Objection:*

##### *Retail impact*

- Supermarket would be detrimental to existing business, in both Williton and Watchet.
- Current shops already serve the villages 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 to Natwest or travel to Minehead.
- 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.

##### *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).

##### *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.
- Access to Natwest bank would be almost impossible.
- 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.

#### *Residential amenity impact*

- Proximity to fence of 11 North Street.
- Daylight being blocked from neighbouring properties.
- No restrictions on delivery times.

#### *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.

#### *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 wont 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.

#### Comments

- Undertaking from the applicant should be sought that they will not occupy too many of the smaller units.
- Units should be offered to existing retailers in Williton at an advantageous rate.
- The Council should realise that Williton is no longer a village but a town and regional centre.
- Careful landscaping would be required.
- Water balancing mechanisms need consideration even for a non detailed scheme, which would be essential to safeguard residential and agricultural land values.
- The proposals need to be carefully and sympathetically designed.

#### *Summary of comments (second consultation)*

#### Object:

##### *Retail impact*

- Five Supermarkets within a 15mile 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.
- Natwest bank is inaccessible for disabled people however Lloyds is on the level, if this was to go some people would have to travel to larger towns.
- 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 hard ware 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*

- 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.

#### *Highway issues*

- 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.

#### *Neighbour amenity impact*

- 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*

- 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:*

- 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.

### **3.9 Williton Chamber of Commerce and the Love Williton Group**

Representations on behalf of the Williton Chamber of Commerce and the Love Williton Group, prepared by a chartered town planner, have been received. The representations contain the following points (summarised):

- The NPPF continues to state that proposals that have significant adverse impacts on town centre vitality and viability should be refused.
- Development Plan Policy and emerging Policy does not envisage any change in role and function of Williton and does not suggest any large increases in retail floorspace in Williton. Indeed, it states that “existing provision should be maintained rather than improved”
- Williton Village Masterplan does not identify any need or desire for the proposal.
- The evidence base, in the form of the Town and Village Centres Study, does not identify sufficient capacity for the proposal.
- Watchet was omitted from the sequential test procedure
- Negative impact figures of 47% on the local Spar shop, 35% on the local Co-op and 14% on other shops in Williton.
- The above figures are considered to be significant and likely to lead to closure of existing shops in the village – a point verified by the Council’s own independent retail consultant.
- The proposal will have a significant adverse affect on the viability and vitality of Fore Street.
- Both new and emerging policy identifies the existing traffic problems in Williton as ‘severe’
- The proposal will lead to a significant increase in traffic movements, resulting in lengthy delays, congestion, air quality, noise and safety issues exacerbating the existing ‘severe problems’.
- The application should be refused.

### **3.10 Petitions**

Over the two consultations two petitions objecting to the proposal have been received. In total the number of signatures is c. 3403 (c. 1213 on the first petition and c.2190 on the second petition).

The petitions contained the following wording:

“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’ would be forced to close and the scale of the development is too big for our village.”

“The revised application for the supermarket development (February 2013) would lead to our village becoming more congested, would lead to less choice and competition within the village as our existing traders’ would be forced to close and the scale of the development is too big for our village. The revised roundabout location still does not address our previous concerns”.

### **3.11 Retail Advice**

In view of the specialist and technical nature of retail planning policy considerations the local planning authority (LPA) sought specialist advice from an independent consultant. During the consideration of the application three separate pieces of advice have been sought consisting of a detailed report, a response to the applicants comments on the detailed report and a refresh of the retail implications following the submission of the updated information in early 2013 and taking into account the changes to the national planning policy context through the publication of the Framework. Below is the most recent advice which serves as an overview of the advice received. All the comments received (and the applicant’s retail statements and various responses to the advice received by the LPA) are available on the Council’s website to view alongside this report and paper copies can be made available to Member’s if required.

#### *Policy Context*

When this application was first submitted, the development comprised RPG10, the Somerset and Exmoor National Park Joint Structure Plan and the West Somerset Local Plan. Whilst progress is being made with the preparation of the new West Somerset Local Plan, it remains in draft and the development plan has therefore not changed (The Government have recently confirmed that RPG10 will be abolished shortly but it currently remains in force and part of the development plan).

There has, however, been a change in national planning policy. When preparing our previous advice to WSC, Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009) was in force. This has now been replaced by the National Planning Policy Framework (‘the NPPF’) and, as a consequence, there is a need to understand how, if at all, national policy has changed during the context of determining this application.

At the time of preparing our previous advice, national planning policy required compliance with two key tests for retail proposals outside of town centres and not in accordance with a development plan: the tests of impact and the sequential approach. This remains the case within the NPPF and the context of the sequential test has remained largely unchanged.

For the test of impact, there are, however, differences. In PPS4, there were five indicators to consider: impact on town centre investment, impact on town centre vitality and viability, impact of the proposal on allocated sites outside of town centres, impact on in-centre trade/turnover, and the appropriateness of the scale of the proposed development.

Within the NPPF, these tests have been reduced to two: impact on town centre investment and impact on town centre vitality and viability. The latter has now incorporated the previously separate ‘impact on town centre trade/turnover’ test, although the ‘impact on allocated sites’ and ‘scale’ tests have been deleted.

As noted by paragraphs 3.5 to 3.7 of the applicants Planning and Retail Statement Addendum 5<sup>th</sup> February 2013 (PRSA), the NPPF also provides general guidance regarding the weight to be given to development plan documents. However, paragraph 3.7 contains some potentially misleading information. It suggests that the development plan documents were adopted prior to 2004. In two of the three cases, the applicant’s agents NLP are correct, but they are not correct to state that the Local Plan was adopted prior to 2004: it was actually adopted in 2006.

The importance of the adoption of the Local Plan is potentially importance, given the following guidance within the NPPF:

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).*

We are informed by WSC officers that a decision will be taken on this application in April and therefore the contents of paragraph 215 of the NPPF will apply in this instance (ie. 12 months after the NPPF came into force).

Paragraph 215 is of relevance to this application for two inter-related reasons: the loss of the 'scale' test from national policy and the consequential weight which should be placed on Policy SH/4 of the Local Plan. The issue of scale was an important influencing factors in our previous advice to WSC in relation to this proposal. The scale of proposed retail floorspace and its likely turnover is, in our opinion, larger than the amount of available retail expenditure. This conclusion led to conflict with one of the impact indicators in PPS4 and also Policy SH/4, and it also contributed to our concerns over the scale of the financial impact upon existing stores in Williton.

With PPS4 now superseded and the weight to be attached to SH/4 potentially reduced, then any concern over the scale of the proposed supermarket may have less policy support. However, we do not consider that the issue of scale has been completely removed and the lack of sufficient expenditure capacity still has an influence on the financial impact assessment (which remains part of national policy in the NPPF).

The PRSA goes on to discuss the appropriateness of meeting convenience retail needs in Williton and also takes issue with the Council's own Retail Study (and supporting quantitative need assessment) and draft Williton Village Masterplan. The latter two documents suggest that existing provision should be maintained and a significant expansion of provision is not warranted. The PRSA indicates that such an approach will not help Williton to retain more shopping trips. The PRSA also indicates that the proposed supermarket would support the existing and emerging planning strategy for Williton which *inter alia* focuses upon meeting local needs.

In order to stop a significant number of convenience goods shopping trips from leaving the local area, a store of a certain size is required. However, the size of such a store is likely, in our opinion, to have a detrimental impact on existing provision. Therefore, appears to us that the dual aspirations of maintaining and enhancing existing provision and making the village more self-contained are mutually exclusive.

In our opinion, this is the choice presented by this application and one of the considerations for WSC officers and members: maintaining and protecting existing stores and thus allowing existing shopping patterns to be maintained, or stopping the leakage of shopping trips from Williton but accepting an adverse impact upon the existing village centre.

#### *The Sequential Approach to Site Selection*

Within the PRSA, the applicant has taken the opportunity to update its sequential site assessment and has reinforced its opinion that the search for alternative sites should be focused upon Williton.

Our views with regard to the balance between Watchet and Williton have already been provided and therefore we have concentrated upon the additional sites in Williton which have been assessed in the PRSA.



The sites which have been assessed by the PRSA have been taken from the draft Williton Village Masterplan. Eight sites have been assessed, with some of these slightly closer to the main retail area, although none are of the same size as the application site. Indeed, none of these sites are likely to be capable of accommodating a supermarket use which is of a size which can meet exactly the same need as the proposed supermarket, and therefore we see no reason to depart from our advice set out in paragraph 4.10 of our July 2011 advice report.

*4.10 ...the application site lies in reasonably close proximity to the main retail area in Williton and therefore there are unlikely to be any realistic alternative locations in the town for a large foodstore (should a need for such a use be demonstrated and accepted by the Council). However, alternative sites aside, an important theme which runs through this advice report is the need for the proposed link from the site to Fore Street. We consider that this link is important in terms of its ability to encourage linked trips with the town center and therefore is an important contributory factor in the overall planning balance.*

#### *Impact*

With regards to impact, the PRSA does not offer an updated financial impact assessment and instead concentrates upon: whether proposed investment in Williton will be affected; how existing occupiers will react to the provision of the proposed development; and, the potential for linked trips.

In response to this information, it is our view that the applicant has still not been able to provide evidence that any vacant units in the village centre caused by the proposed supermarket will be re-occupied. Indeed, the evidence presented by the applicant is that some existing businesses may relocate from the existing retail area to the application edge. Whilst the distances involved in such relocations is not significant, it is a sign that the proposed development could well alter the centre of gravity within the centre of Williton, which is a material consideration for WSC when reaching a decision on this application.

In addition, whilst the PRSA concentrates upon proposed investment, the NPPF also asks for 'impact on existing investment' to be taken into account. In this instance, there are two contrasting factors to take into account: there is a risk that a significant transferral of trade from the village centre to the proposed supermarket could affect the ability of existing businesses and property owners to investment in their property (given falling levels of viability). Alternatively, the PRSA suggests that existing businesses may relocate to the proposed development. This may be considered a positive indicator and is a factor which WSC must also take into account.

In relation to the impact of the proposed development on linked trips with the existing village centre we have previously raised concern over the scale of benefit claimed by the applicant. No further information is provided in relation to the scale of benefits to be derived from linked trips, although we consider it important to acknowledge that the placement of a large supermarket in Williton will attract a large number of trips and some of these trips could be transferred into linked trips with the village centre. Our concern is that the proposed development will remove the need to visit some of the other facilities in the village centre and this should be taken into account when reaching a view on the scale of any positive benefits associated with the proposed development.

#### *Conclusions*

Within our previous advice, we have raised concerns over the scale of financial impact upon existing facilities in Williton, the significant impact on the health of the existing village centre and the inappropriate scale of the proposed development. As set out in our letter dated 22<sup>nd</sup> November 2011 we placed particular weight on the provisions of policies SH/3 and SH/4 of the Local Plan. As we have noted in this letter, the weight which can now be attached to SH/4 may be affected by the contents of paragraph 215 of the NPPF although the desire to protect the health of Williton is not inconsistent with national policy. Our view is that the issue of 'scale' should remain a material consideration, although this is ultimately a matter

for WSC to decide.

As set out earlier in this letter, this application is likely to present a choice for WSC and the residents of Williton: maintain existing facilities in the village and accept the continued leakage of some shopping trips to surrounding settlements, or, provide a wider range of retail products within Williton (and shorten some shopping trips) and accept that this may well lead to the closure of existing stores and an effect on the health of the existing village centre.

These alternate scenarios raise various contrasting positive and negative aspects for WSC to consider and place weight upon:

- The scale of the financial impact on existing businesses in Williton and Watchet;
- The lack of sufficient available convenience goods expenditure to support both the proposed store and existing businesses;
- The likelihood that the health of the village centre will be affected, with a shift in focus away from the existing high street;
- The potential for the proposed supermarket to shorten existing food shopping trips which currently go to other settlements further a field;
- The opportunity for the proposed supermarket to provide a wider range of products within Williton;
- The potential for spin-off benefits; and
- The economic impacts of the scheme in terms of new job opportunities within the development and the potential for lost job and investment opportunities elsewhere in the centre.

#### **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 & Exmoor National Park Joint Structure Plan Review (adopted April 2000), Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Local Plan (adopted February 2005) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

STR1	Sustainable Development
STR3	Rural Centres and Villages
1	Nature Conservation
11	Areas of High Archaeological Potential
17	Mixed-Use Developments
20	The Retail Framework
21	Town Centre Uses
48	Access and Parking
49	Transport Requirements of New Development
60	Floodplain Protection
SP/1	Settlement Hierarchy
SP/2	Development in Minehead and Rural Centres
NC/4	Species Protection
W/5	Surface Water Run-Off
W/6	Flood Plains
AH/3	Areas of High Archaeological Potential
BD/1	Local Distinctiveness
BD/2	Design of New Development
BD/5	New Industrial and Commercial Buildings
SH/3	Retail Development Outside of Minehead Town Centre
SH/4	Retail Development in Watchet and Williton
T/3	Transport Requirements of New Development
T/7	Non-Residential Development Car Parking
H/1	Housing Land Allocations

- H/4 Affordable Housing
- AD/1 Access for Disabled People
- PC/1 Air Pollution
- PC/2 Noise Pollution
- PC/3 Noise Sensitive Developments
- PC/4 Contaminated Land
- PO/1 Planning Obligations

The Somerset County Council Parking Strategy was adopted by the County Council in March 2012 and is a material consideration in the determination of this application.

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

### 5.0 Planning History

The following planning history is relevant to this application:

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	Decision pending	

### 6.0 Proposal

This application seeks outline planning permission for the development of site to provide a supermarket (foodstore), retail shops, professional & financial services, food & drink uses, health services, residential dwellings, vehicle & pedestrian means of access & associated car parking & landscaping. Only access is to be determined at this stage with all other matters (layout, scale, appearance and landscaping) reserved for later consideration. However the application specifically seeks consent for:

- Supermarket up to 2,300 square metres gross (maximum net floor space of 1600 square metres)
- A1 unit fronting bank street (up to 950 square metres gross)
- A1/A2/A3/D1 uses within the site (up to 350 square metres gross)
- Up to 3 additional residential units
- A pedestrian link through to Fore Street
- Up to 175 parking spaces

The vehicular access is proposed to be a mini roundabout at the site entrance on Bank Street. Indicative plans have been provided which shows the supermarket located in the northern portion of the site, parking in the centre of the site, and A1/A2/A3/D1 uses and the residential development at the south of the site to the east and west of the access.

Although the application documents refer to a foodstore, the store is likely to provide an element of comparison goods and as such a more appropriate term for this part of the proposal would be a supermarket, as such this is how this element of the scheme is referred to for the remainder of this report.

### 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.

## **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. As the new local plan evolves this will be necessary. The applicant has sought to define a main retail area. The identified area is limited in scope and relates to the run of retail premises on the west side of Fore Street (from Hosegood Ford residential letting agents (formally Motorline Autoparts) to Somerset Farmhouse on North Street. On the east side of Fore Street the defined area runs from the Spar to Williton Flooring (formally Williton Pet Care). For the purposes of considering this application it is considered that this is a sensible designation of the town centre area. Having regard to the scale and function of Williton there is not really any distinction between primary and secondary frontage and it is considered that it is appropriate to consider the whole town centre area as primary frontage.

The Framework defines an edge of centre site as follows:

“For retail purposes, a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances”.

The main part of the application site (i.e. excluding the pedestrian link but including the location where the supermarket is indicatively shown to be sited) is located between 70 and 110 metres from the frontage on the town centre area depending on which of the 4 indicative layout options are considered. This equates to between 110 – 145m walking distance from the proposed pedestrian link at the Lloyds TSB to the proposed store entrances. No part of the site is located more than 180m from the town centre frontage. As such this site can be considered to fall comfortably within the definition of the ‘edge of centre’.

#### *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 recognized 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. 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 Structure Plan*

Policies 20 and 21 of the Structure Plan set the retail planning policy context. Policy 20 ensures that the overall scale of retail facilities are commensurate importance of the settlement and that the vitality and viability of existing town and local centres should be the prime consideration.

Policy 21 advocates a sequential approach to the location of new facilities with a 'town centre first' approach, and requires that consideration is given to the impact on vitality and viability of existing town and rural centres.

Although the Structure Plan was adopted prior to 2004, having regard to paragraph 215 of the NPPF, significant weight can still be afforded to these policies because the policies are consistent with policies in the Framework, other than in the reference to scale.

### *8.4 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 out side 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.

The supporting text to Policy SH/4 states that a similar sequential locational framework as contained in Policy SH/3 will be relevant to larger scale retail development proposals in the rural centres.

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.

#### *8.5 The (draft) New Local Plan*

The draft West Somerset Local Plan (2012 to 2032) was published in March 2012 and has been subject to a single informal consultation between March and May 2012. The draft 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 (SC5). There are no specific retail policies within the current draft of the new local plan (although, in view of the Framework, such policies will be required as the new Local Plan evolves).

The (draft) New Local Plan is at a very early stage and has only been subject to a single informal consultation. As such very limited weight can be given to the emerging policy.

#### *8.6 Town and Village Centres (Retail) Study.*

In November 2011 the Council published the Town and Village Centres (Retail) Study. This study is evidence base information to inform the evolution of the new Local Plan and will be used to inform strategic and town centre policies.

Paragraph 23 of the Framework requires that local authorities undertake an assessment of need to expand town centres to ensure a sufficient supply of suitable sites to ensure the scale and type of town centre uses are met in full. The Town and Village Centres Study is a key evidence base document to inform local plan policy to ensure any town centre needs are met.

In respect of Williton and this application the key findings of the report are considered to be the following:

#### *Convenience shopping*

- In terms of main food (convenience) shopping, 27% of trips remain in Williton, with 49% flowing to Minehead and 23% going to other settlements such as Taunton and Bridgwater. 82% of top-up shopping trips are retained in Williton with 8% going to Minehead and 3% going further afield outside of the study area. The comparatively large size of the Co-op and Spar stores help to ensure these relatively high levels of main food and top-up shopping.
- For Williton's market share in convenience shopping to increase beyond current levels of main food and top-up shopping trips, it would need to attract more main or bulk food shopping trips. However, there is insufficient expenditure capacity in the local area to support such a store and the commercial demand from grocery operators is questionable.
- The recent opening of Morrisons has absorbed any surplus capacity in the West Somerset and Exmoor National Park study area which would have existed prior to its opening.
- Due to the difference between the turnover generated in the study area and the average turnover generated by similar sized stores elsewhere, there is no quantitative shortfall in floorspace.

- The focus for Williton should be to maintain its current position rather than trying to grow.

A key finding for Minehead is that there is no need for additional convenience floorspace in the town until after 2026. This is important because Minehead is the main settlement where the majority of growth is expected for the district in the next plan period.

#### *Comparison shopping*

- There is an 'in principle' potential to increase market share for comparison goods because of leakage in the Minehead primary and secondary catchment areas.
- However, the small amount of expenditure surplus and the small size of centres is unlikely to attract new comparison retailers.
- There is a need in Williton for a focus on modest scale improvements and defending the existing retail function of the existing centre in face of larger competing centres.

#### *8.7 Williton Masterplan*

A draft Masterplan for Williton was prepared and was subject to public consultation in June and July 2011. The Masterplan explores the context for possible future development in Williton. The application site is identified as an existing proposed development site and a potential new/improved road link is shown through the site.

The Masterplan does not allocated sites for new development and does not provide a planning policy framework. The Masterplan has not been adopted by the LPA and as such the Masterplan carries very little weight in the consideration of this application.

### **9.0 Retail Policy Tests**

#### **9.1 Retail Test 1: Need**

It is noted that in correspondence the applicant contends there is no longer a requirement for an applicant to demonstrate need for a retail proposal. However, as set out above it is necessary for the Local Authority to assess the need for increased town centre uses and then plan for/expand the town centres to meet the need in full. As such the need for a new large town centre use remains a material consideration. The Town and Village Centres (retail) Study provides this background evidence.

The most significant element of this proposal is the supermarket which is proposed to be 2,300 square metres gross (1600 square metres net). The proposed split of convenience verses comparison goods has not been provided although the supporting documentation states that it is envisaged that the store will mainly sell convenience goods which meet customers main shopping needs.

The Town Centre Study concludes that there is insufficient expenditure capacity in the local area to support a main/bulk food shopping store in Williton and also concludes that there is no need for additional convenience floorspace Minehead until after 2026. The Study suggests that the focus for Williton should be to maintain its current position in terms of convenience goods rather than seeking to grow.

Local Plan Policy (SH/4) requires that retail development in Williton will only be permitted where the proposal relates to the shopping needs of the locality. Having regard to the Town Centre Study and the retail advice received by the LPA there is insufficient expenditure capacity for additional convenience floor space. However the proposal is likely to result in a degree of increased self-containment, reducing the leakage of bulk food shopping to Minehead and other towns.

The lack of expenditure capacity for increased convenience shopping weighs against this proposal, however the potential for increased self-containment weighs in favour of the proposed development.

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

The applicant has sought to define a town centre area and it is considered that the area identified is appropriate, albeit it ought to extend to incorporate the full extent of the stores and any associated parking and not just the front portions of the buildings. It is noted that the area selected by the applicant is actually slightly smaller than the “central area” defined in the Town Centre Study. The application site falls comfortably within the definition of an edge of centre site.

In order for an edge of centre site to be a sequentially acceptable site, it must be demonstrated that there are no suitable town centre sites available. Having regard to the Town Centre Study, for Williton’s market share in convenience shopping to increase beyond current levels of main food and top-up shopping trips, it would need to attract more main/bulk food shopping trips. In order to attract more main/bulk food shopping a store significantly larger than the existing convenience stores would be required on a site that could accommodate a reasonable amount of onsite car parking. In reality, if it is desirable to provide a larger supermarket, to reduce the leakage of main/bulk shopping trips, it is considered there are not any sequentially preferable sites available within Williton.

The catchment area for proposed supermarket includes Watchet (in the applicant’s own assessment, without Watchet and the surrounding hinterland there is not sufficient capacity to support a supermarket of the scale proposed). The applicant has not sought to carry out a detailed analysis for sites in Watchet. The applicant has highlighted that, while Watchet and Williton are within the same settlement tier, they have quite different functions. The applicant has highlighted that Williton has a greater role as an administrative hub (with the Council Offices, Police station etc. located within Williton rather than Watchet) and is better located to serve the potential catchment area with the A39 and A358 joining in the centre. There is some sympathy with the applicant’s view on the need to fully assess Watchet for suitable sites, however this has resulted in the applicant’s assessment not being as rigorous as it might be. In this case, on balance, it is considered that the lack of a full site search in Watchet is not, in itself a sufficient reason to withhold planning permission.

## **9.3 Retail Test 3: The Impact Test**

### **9.3.1 Convenience goods**

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 would be offered within the proposed supermarket. 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.

In view of the above there will be a financial impact on the convenience stores in Williton centre. The applicant’s own figures are that the Co-op will receive a 35% reduction in turnover, the Spar would experience a 47% reduction in turn over and “other shops” in the local area would have a 14% reduction. The retail advice the LPA has received is that these levels of diversion are likely to be underestimates and the cumulative impact of the proposed store, taken with the Morrisons store in Minehead, could be in excess of 50%. Even if the applicant’s lower estimates are accepted, the impacts are high and will affect the trading performance of the convenience stores, especially the Co-op and Spar. There is a significant concern that this level of impact could lead to store closures.

The Framework states that where a proposal would have a significant adverse impact on town centre vitality and viability, including local consumer choice applications should be refused. Due to the scale of the proposed supermarket this is likely to increase consumer choice in terms of the range of goods available. However, if the proposals did result in convenience goods stores to close the overall impact would be to reduce consumer choice in terms of the number of local convenience goods stores available.

### **9.3.2 Comparison goods**

In respect of the impact on comparison goods, the applicant predicts an impact of a 7% turnover diverted away from Williton centre. Having regard to the retail advice received by



the LPA, this is not an unreasonable assumption and the LPA's adviser would expect around a 10% impact.

There would be an element of comparison goods floor space within the supermarket (undefined within the application documentation). The proposal also involves other units (which would benefit from flexible uses) totalling 1300 square metres. Although a range of uses could occupy this floor space, it is likely that a good proportion would be taken up with comparison goods. Having regard to the Town Centre Study there is some capacity for increased comparison goods sales within Williton and as such this element of the proposal is not in its self of significant concern in terms of the impact on the vitality and viability of the town centre. In view of the flexible nature of the permission sought and the potential for convenience shopping to impact on the viability of the centre, limitations on use of these units for providing convenience shopping would be appropriate.

### *9.3.3 Overall impact*

There is a need to look at the overall impact of the supermarket on the vitality and viability of Williton centre (i.e. beyond the impact to individual retailers). Having regard to the retail advice the LPA has received, the health and function of the centre will be fundamentally affected by the proposal. There would be a shift in the convenience goods shopping to an edge of centre location, leaving the centre of Williton with a poorer convenience goods offer and reliant on linked trips between the new store and the centre. It must be acknowledged that the provision of a large supermarket in Williton will attract a large number of trips. Some of these trips could result in linked trips with the centre. The applicant has not provided any substantive information in relation to the scale of benefits associated with linked trips. The proposed development would also remove the need to visit some of the other facilities in the centre. As such it is considered the scale of any positive impact, through linked trips, would be tempered by potential losses of visits to other town centre stores.

The Framework requires that the impact on existing investment in a town centre be taken into account. With the proposed supermarket there is a significant risk of a transferral of trade from the village centre to the proposed supermarket. This could affect the businesses and property owner's ability to invest in their property in view of falling revenue.

Overall the retail advice provided to the LPA concludes that the proposed store, particularly the convenience goods floor space, would have a negative impact on Williton centre in view of the scale of financial impact and the likelihood of store closures.

The applicant remains confident that the proposal would be unlikely to lead to store closures and considers, that in the event that stores do close it is likely that these would be re-occupied quickly. As evidence for this they highlight a number of letters that have been submitted from various businesses expressing an interest in occupying one of the units in the proposed development. However this evidence from the applicant is that some business may locate to the new development and not the centre. These expressions of interest are not a firm commitment and several of the possible users are not uses that would attract a high footfall. The applicant has also pointed out that shops that have closed recently have quickly been reoccupied (for example the pet store re-opened as a carpet/flooring shop). However there is not strong evidence that, if larger units became vacant, they would be re-occupied quickly.

Although the 'scale' test has been lost from national policy, it is considered that the impact of the scale of the proposed supermarket remains a material consideration as this would have a direct link to the impact on the health of Williton centre. The scale of the proposal is such there would be likely to be significant adverse effects on the existing centre.

The proposed development could result in an alteration to the centre of gravity of activity away from Fore Street to an edge of centre site. This is a material consideration that must be taken into account. The applicant has pointed out that centres can and do change over time and the location of the focus of centre uses need not necessary be a negative impact. However national and local policy seeks to protect existing centres and as such a proposal that was likely to see a shift of activity away from an existing centre does not accord with the thrust of planning policy.

#### **9.4 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.

#### **9.5 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.

#### **9.6 Other material retail considerations**

The provision of the pedestrian route with the associated impacts on 23 Fore Street (Lloyds TSB) has resulted in significant concerns. Although a small shop unit would be retained, the alterations of the ground floor area would mean that a bank is unlikely to function within the space available, resulting in the loss of this use from the centre. There is concern that existing customers would have to travel further afield to visit a branch, or switch to a different bank. This concern is appreciated, however the impact on one particular premises would need to be weighed against the benefits of the proposal as a whole and itself would not be a sufficient reason to withhold planning permission. There could also be opportunities for the bank to relocate to one of the newly proposed units.

#### **9.7 Conclusions on Retail Planning Issues**

To put the issues simply this proposal presents a choice for the LPA:

- Maintain the existing facilities in Williton and accept the continued leakage of some shopping trips to surrounding settlements

Or

- Provide a wider range of retail products in Williton, shortening some shopping trips, and accept that this is likely to lead to the closure of existing stores and an effect on the health of the existing centre.

Having regard to the status of the local plan full weight cannot be afforded to Policies SH/3 and SH/4, especially in the reference to the scale (size) of the store. Nevertheless the scale of the proposed supermarket remains a material consideration because this has a direct relationship with the scale and the level of impact of the proposal on the existing centre. Having regard to paragraph 14 of the Framework, where a development plan policy is out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.

The weight of planning policy indicates that proposals for town centre uses should meet

identified needs and ensure that the viability and vitality of town centres is protected. Customer choice should be supported as should proposals that encourage the reduction in journey length for shopping trips. Ultimately some of the impacts of this proposal accord with planning policy and other impacts would be at variance with planning policy.

In balancing the various negative and positive aspects of the proposal it is considered that the likelihood that there would be a significant adverse impact on the vitality and viability of the existing centre. The weight of planning policy indicates that the vitality and viability of town centres should be protected. The benefits of the proposal, while significant, are largely wider benefits and not directly beneficial to the town centre. The improvements to customer choice in terms of increased choice of convenience goods available is tempered by the likely loss in customer choice and competition through likely closures of exiting convenience goods stores. Overall from a retail perspective it is considered that the adverse impact to the vitality and viability of Williton centre outweighs the benefits associated with the proposals (increased self containment, reduced journey lengths and increased customer choice through a wider range of convenience goods on offer).

### **10.0 Housing Allocation**

The northern portion of the site (approximately 50% of the area) 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 Draft Regional Spatial Strategy for the Southwest identifies a need in West Somerset (outside of Exmoor National Park) for a total of 2, 500 homes (125 dwellings per year) for the 20 year period ending 2026. Williton is one of the three main settlements within West Somerset (the others being Minehead and Watchet) where there is a presumption that the majority of new housing will be provided (Policies SP/1 and SP/2 of the WSDCLP, Core Strategy – Options and the Draft New Local Plan). This site is currently the only site allocated for housing within Williton. The LPA is currently unable 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. Changes in building practice has resulted in more efficient use of land over recent years and it is considered that the allocation remains important.

The important role this land will play in the provision of residential units (including affordable housing), must be weighed against any benefits associated with the proposed supermarket. Having regard to the analysis above, where it has been concluded that the adverse retail impacts associated with the supermarket do not outweigh the positive effects, it is considered that the loss of land allocated for housing is unacceptable, especially in the context that the Council cannot currently demonstrate a 5 year housing land supply.

### **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. The Framework recognises that residential development can play an important role in ensuring the vitality of centres. Policy SP/2 of the Local Plan allows the provision of residential units within the development

limits of Williton. Although the site is not considered to be within the town centre, it is in an edge of centre location and residential development on such sites as part of a mixed use scheme is acceptable.

### *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 northern portion of the site.
- The car parking in the centre of the site.
- The A1/A2/A3/D1 uses and the residential development at the front of the site turning the corner to at the access to the east of the proposed roundabout and on the west of the access point.

### *21.2 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 the existing shop building which is to be retained. 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 of 6.5 metres at the eaves and 9 metres to the ridge. 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 TSB) 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. A small shop unit on the northern side of the building is shown with an access archway in the centre of the building, approximately 2.5 metres wide, and an access door to provide access to the upper floors on the south side of the building.

This building 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 a maximum eaves height of 6.5m and a maximum ridge height of 9m.

The applicant has carried out a daylight and sunlight assessment which has provided parameters where there would be an impact on daylight to the nearby neighbours. It is considered that a building could be provided on the site without having an unacceptable impact on the daylight available to nearby neighbours. 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). There is potential for an overbearing impact to occur on the garden of number 30 and as such careful siting of the building would be required.

11 North Street is located to the west of the 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. If the proposed building was sited close to this boundary with the gable end adjacent, there could be a significant impact on the garden. The location of the building would need to be considered carefully at the reserved matters stage.

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 (i.e. more limited than the overall opening times) 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 site shows the buildings that would provide all the other elements of the proposal other than the supermarket 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 could be up to three storeys.

The proposed uses would not give rise to significant amenity issues as these are uses that are 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.

Policy 49 of the Structure Plan requires that development provides access for pedestrians, cyclists and public transport and ensures safe access to roads of an adequate standard.

Following the initial submission the application has been amended to provide an altered form of access. A three arm mini roundabout at the site access is now 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 envisage that, should the proposal result in a step change in the volume of traffic a peak periods, it would settle back down as people adjust travel time habits and possibly route choices.

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.

#### *14.4 Highway Layout*

The Highway Authority considers that the proposed access can be achieved within the application site (the red line). The agreement of the finer details of the access works would be necessary, but the Highway Authority is satisfied that an adequate and safe access can be achieved.

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.

#### *14.5 Access to a County Route*

The A39 is a County Route (Policy 51 of the Structure Plan). Policy 49 of the Structure Plan states that, unless the special need or benefit of a development would warrant an exception, access should not be derived directly from a County Route. In this case the access to the County Route already exists, however the traffic generation from the existing use is very substantially lower than the proposed development would bring about. Historically planning permission has been granted for residential development of around 66 dwellings and a small scale retail development on the site with access from the A39 (via a right hand turning lane). The site is located within the development limits of the village and any development of this site is likely to see access onto the A39. As such it is considered that access the site onto a County Route is acceptable in this case. Having regard to the comments above, it is considered that safe and appropriate access can be achieved.

#### *14.6 Parking*

Policy T/7 of the Local Plan sets out the parking standards. However the County Council adopted a Parking Strategy in 2012, this document set out an up to date parking strategy and parking standards for development.

As the application is in outline form, the layout and detail of the parking (including numbers) would be a matter for the reserved matters consideration. 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 general accordance with the Parking Strategy. 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.

#### *14.7 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.

#### *14.8 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 before the major part of the development commences. The roundabout and access will ultimately form part of the adopted highway. The securing



of the details of the access works is more appropriately dealt with via a S278 agreement (i.e. an agreement with the County Council that is separate to the planning permission). A planning condition that prevents other works occurring on site before the mini roundabout and access has been provided would be sufficient.

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.

#### *14.9 Access and highway safety issues during construction*

The phrasing of the recommended conditions from the Highway Authority is such that the new mini roundabout access would need to be constructed before works start on the construction of the rest of site. An element of demolition is required to achieve the new access and this would have to take place as part of the access to the site.

The provision of the new access as the first phase of the development would allow for the safe access to the site for construction vehicles. There would be sufficient space within the site to ensure that space for deliveries of materials, contractors parking etc can be accommodated within the site. This could be secured via appropriate planning conditions and conditions could be put in place to ensure that vehicles leaving the site are cleaned so that mud and debris is not carried onto the highway.

#### *14.10 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.

### **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 a 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 61 of the Structure Plan seeks to direct development away from areas vulnerable to flooding unless the development is needed in that area, there is no alternative location for the development exists and adequate measures can be provided to protect the development from flood risk. 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.

### *16.2 Sequential Test*

As part of the site is located within flood zone 2 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 supermarket 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. Policy 11 of the Structure Plan requires that development proposals take account of important remains that may exist so that appropriate assessment and any necessary protection can be afforded to archaeological remains. Policy AH/3 of the Local Plan requires that before planning permission is granted an evaluation should be carried out to determine whether there are archaeological remains of local or national value on site.

The County Archaeologist has been consulted and he has confirmed that an archaeological evaluation took place in 2006 which found some prehistoric remains. 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 1 of the Structure Plan requires that biodiversity is maintained and enhanced. 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 was supported by an ecological survey, ultimately it was found that the development of the site could occur with necessary mitigation. The survey is a little out of date (it usually being considered that they are refreshed after two years). It is considered that the survey is sufficient to demonstrate that the site could be developed without harm to protected species, however updated and additional surveys would be required to fully inform mitigation strategies. It would be essential that this is carried out and all the mitigation strategies are fully agreed before works, including site clearance, commenced on site.

### **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 retail impact assessment carried out on behalf of the LPA, if planning permission were granted for the proposals, there would be significant impacts on Williton centre. In the event that the view was reached that those impacts were acceptable, when considered against the benefits associated with the scheme, means of mitigating the impact of the proposals on Williton centre would be necessary. In such circumstances a package of mitigation would need to be secured through a S106 agreement. Such measures could include the provision of adequate signage to direct users of the supermarket to the centre, ensuring that the period allowed for free parking was of sufficient length to allow visitors to visit the supermarket and shops in the 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 as well as other initiatives

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 Alternative Uses*

Several representations have suggested alternative uses for the site. When dealing with planning applications the proposal must be determined on its own merits and other possible uses for the site are not a material consideration of any significant weight, unless a site is specifically allocated for another purpose or contains a use that it offered protection through planning policy.

### *21.6 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 planning policy document. There is a suggestion that this is a possible solution to some of the highway issues associated with Williton in the draft Masterplan. It must be appreciated that the draft Masterplan has not been adopted by the LPA and the purpose of a Masterplan is to explore the context for possible new development and does not set policy. As such only a small degree of weight can be given to this document and as such, this is not a sufficient reason to withhold planning permission for this application. 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 the proposed supermarket would have a significant adverse impact on the vitality, viability and health of Williton centre and that the benefits associated with the proposal do not outweigh this harm.

However should the Planning Committee consider that the benefits associated with the proposal outweighed the harm to Williton Centre, a package of conditions would be required to limit the impact of the development and a Section 106 agreement would be required to secure means of limiting the impact of the development on the Centre and to secure a travel plan. In such circumstances delegated authority should be granted to the planning Manager to grant planning permission subject to the conditions considered to be necessary and the provision of a legal agreement securing the above.

## Reason for Refusal:

- 1 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 and 161 the National Planning Policy Framework.

## Notes

### 1 **STATEMENT OF POSITIVE WORKING**

In the determination of this application the local planning authority complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority.

During the consideration of the application significant concerns were raised by the Highway Authority in respect of the access arrangements. The Local Planning Authority allowed the applicant time to address these issues with the Highway Authority resulting in revised access arrangements which meant that the Highway Authority removed their objection to the scheme. The Local Planning Authority also shared all the specialist retail advice received with the applicant to allow them the opportunity responded so that these additional comments could also be taken into account in the consideration of the application.

In this case the Local Planning Authority concluded that impact of the vitality, viability and health of the town centre would be significantly adverse and that the benefits associated with the proposal did not outweigh this harm. For these reasons (as expanded upon in the Committee Report) the application was refused.

- 2 This decision relates to Drawing Numbers: 352/025/K & 352/026/F.

<b>Glossary of terms</b>	
<b>Word / phrase / acronym</b>	<b>Explanation</b>
Archaeological interest	There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.
Comparison goods	Books, clothing and footwear, furniture, floor coverings and household textiles, radio, electrical and other durable goods, hardware, and DIY supplies, chemist's goods, jewellery, silverware, watches and clocks, recreational and other miscellaneous goods.
Convenience goods	A term used in retailing to indicate goods purchased for regular consumption. Includes food, groceries, drink, confectionery, tobacco, newsprint.
Edge of centre	For retail purposes, a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.
Out of centre	A location which is not in or on the edge of a centre but not necessarily outside of the urban area.
Out of town	A location out of centre that is outside the existing urban area.
Previously developed land	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposed where provision for restoration extraction or waste disposal by landfill purposes where provision for restoration ahs been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.
Primary and secondary frontages	Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.
Primary shopping area	Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage).
Travel plan	A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.

Town centre	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 by 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.
Town centre uses	Retail, leisure, offices, arts, tourism and cultural activities.



### Highway Authority – Report in respect of revised access proposals – August 2012

#### 1. Executive Summary

1.1 The proposed foodstore plus other small retail and service units in central Williton is likely to generate peak traffic loads on some summer afternoons which may result in delays to journeys up to a few minutes for each vehicle. Access was proposed via a 4-armed mini roundabout (deemed insufficiently safe); this report now focuses on a 3-armed mini-roundabout as vehicular access to the development.

1.2 The proposed 3-armed mini roundabout is nearby and west of the existing 3 armed mini roundabout junction of the A39 and A358 in the middle of Williton. The Highway authority considers that this layout can be provided and will be a sufficiently safe design subject to some relaxations from ideal. This small junction form though, being introduced to the A39 which carries high seasonal traffic flows and to serve this scale of development is likely to result in additional delay to traffic travelling through and about Williton.

1.3 The proposal directly affects the A39 National Primary Route corridor which Williton sits astride and the Highway Authority has therefore deliberated fully on whether or not residual detrimental affects on the network are likely to be sufficiently severe to warrant a recommendation of refusal to the Planning Authority in accordance with the National Planning Policy Framework (NPPF). There is no appropriate alternative route for HGV/freight traffic travelling between the M5 to the east of the district and much of West Somerset and Exmoor (popular tourism destinations crucial to the Somerset economy). In the event of emergencies or significant incidents there is no viable appropriate alternative to the A39 through Williton, particularly Bank Street where the A39 and A358 converge. Though relatively unusual in this geographic area, in other parts of Somerset (and indeed large parts of the country), the introduction of delay in peak conditions is not unusual and in many loaded parts of the strategic network delays exceeds the worst case scenario peak load delays of additional 4 minutes to pass through the proposed new junction.

1.3 The Local Planning Framework is not at present promoting any strategic infrastructure requirements to support the growth set out in the Local Plan period; at present there is no proposal to provide relief to the A39 through Williton. Significant Improvement is not considered essential nor deliverable at this time (the proposal itself further reduces deliverability by blocking a potential central relief road route, though the need for demolition of existing buildings is already a barrier to its delivery). The preferred options published recently for the emerging West Somerset Local Plan propose to focus development in West Somerset on Minehead, Watchet and Williton. The proposed development would serve the proposed growth at both Watchet and Williton and may also serve to reduce pressure due to growth on the foodstores at Minehead and roads in between.

1.4 The levels of congestion which might occur will probably have some affect on air quality which should be considered in association with the planning application.

1.5 The HA has also been mindful of the major national infrastructure project for new nuclear reactors at Hinkley Point to the east of Williton which may if permitted also impact significantly on the area in time. It is proposed to build a park and ride site for employees travelling to and from the power station at Smiths Yard, a short distance west of Williton along the A39, just north of Washford Cross such that buses would pass to and fro through the centre of Williton and the two mini-roundabouts (should this foodstore etc development go ahead).

1.6 A few other substantive proposals in the area include the significant national project to introduce enhanced broadband connectivity is taking shape, but there will nevertheless be residual traffic movements upon the A39 and A358 which flows may increase over time.

Butlins in Minehead as a major traffic attraction west of Williton has both predicted longevity and is reviewing its general provisions and accommodation such that its business model may be changing. This too may result in a net change in traffic using the A358 and A39 to access Minehead in time, it may alter the traditional change-over peak-time flows. It is recognised that West Somerset has an increasingly elderly and dispersed population such that there is reliance on the private car to access essential goods and services – eg Drs, Schs etc which is unlikely to change much soon.

1.7 In summary the proposal is not considered to be likely to have a residual impact sufficiently severe to warrant a recommendation to the local planning authority to refuse planning permission, despite the likely impact of additional delay on some Summer afternoons on the links and nodes of the A358/ A39 through Williton through which the majority of traffic is funnelled travelling to and from much of West Somerset and the Somerset part of Exmoor National Park.

## **2.0 Planning Application for Proposed Foodstore off A39 Bank Street**

Planning application ref. 3/39/11/002 was submitted to West Somerset District Council on 14th January 2011 to provide a foodstore, some smaller retail units and premises for professional and financial services along with a new vehicular and pedestrian access into the site and associated car parking, north of the A39 Bank Street Williton. In detail the proposal is for a new foodstore, 2,300 m<sup>2</sup>, and a net addition of other use – shops, financial and professional services, restaurants/ cafes, non-residential institutions (A1/A2/A3/D1 uses) - of 2,295m<sup>2</sup> (though the floor areas may be subject to some adjustment as a result of the recommended 4-arm to 3-arm mini roundabout access re-arrangement).

The Highway Authority has confirmed that it is content with the principle of a new foodstore in the centre of Williton, but has considered carefully the effect of the development traffic on the movement of traffic around and through Williton. Williton straddles the A39, a national primary route, and for traffic in the vicinity there is no viable alternative to the A39 links of Fore Street and Bank Street to access much of West Somerset.

The original access proposal was to use a four armed mini roundabout; however the Highway Authority considered that the design was unsafe and advised the LPA accordingly. Amended drawings for an alternative junction layout, a three armed mini roundabout, have been submitted to the Highway Authority for its consideration and it is this layout considered by this report.

The report considers the overall predicted changes in traffic flows and accessibility that would result from this development proposal as accessed by a three armed mini roundabout on Bank Street/ Priest Street (the A39 to Minehead) immediately east of the junction of Bridge Street.

In detail the proposal is for a new foodstore, 2,300 m<sup>2</sup>, and a net addition of other use – shops, financial and professional services, restaurants/ cafes, non-residential institutions (A1/A2/A3/D1 uses) - of 2,295m<sup>2</sup> (though the floor areas may be subject to some adjustment as a result of the 4-arm to 3-arm mini roundabout access re-arrangement).

### 2.1 Current Use of Site

The site is currently occupied by the J Gliddon and Sons retail business, it accommodates over 4,000 m<sup>2</sup> of retail commercial floorspace. However, the current layout, access and parking provision do not accord with modern highway standards and in particular are sub-standard in terms of visibility, width (particularly for HGVs), not ideal for pedestrians, nearby on-street parking interferes.

### *2.2 The Planning Application Access Details*

As part of the current application submission, the access and egress arrangements serving the site are proposed to consist of:

- A new mini-roundabout on Bank Street to provide access from Bank Street, south of

the site, for shoppers and deliveries

- New, uncontrolled pedestrian crossing facilities on Bank Street (dropped kerbs, tactile paving and refuge islands); and
- A new traffic-free pedestrian link between the site and Fore Street, east of the site, connecting the proposal with the existing retail and service facilities in Williton.

### *2.3 Proposed Changes to Access Arrangements*

Discussion and technical exchanges between the developer's highways/transportation consultants, Vectos, and ourselves have been ongoing since the application was submitted, including technical audit and road safety review. Though content with the principle of a new foodstore in the centre of Williton, the HA had some reservations regarding the effect of the development traffic at a mini-roundabout junction here on the local and strategic county highway network; the A39.

A 3 arm mini-roundabout on Bank Street has been determined as the most appropriate form of access to the proposed development here, balancing the restricted space to make improvements, safety of all users, and capacity of the junction and nearby highway and public transport network. A preliminary design has been worked up in accordance with current design standards. Detailed modelling has been undertaken of the development access junction and the nearby, existing Fore Street/Bank Street/High Street mini-roundabout junction.

The proposed layout is considered to provide an appropriate balance of capacity for traffic and provision for pedestrians, with the safety of all users borne in mind. However in the mature built up environment of Williton there is insufficient space to provide a junction layout with capacity for free flowing traffic at all times, even from opening date. There will be peak times during summer weeks when there will be some relatively modest delay due to intense traffic demand for short periods at the mini-roundabouts.

## **3.0 Impacts of Development**

### *3.1 Traffic Scenarios*

The junction modelling for this development considered a range of assessment scenarios, both in the original Transport Assessment submitted with the planning application and in later correspondence regarding the proposed 3-arm layout with Vectos.

It has been concluded that for most typical evening weekday peaks (i.e. *not* a summer Friday), the extent of queuing and levels of delay should not result in a detrimental impact on the safe and efficient operation of the highway network in Williton.

That said, the Friday afternoon peak during the summer months was considered to be an important indicator to consider. A significant traffic generator in West Somerset is Butlins at Minehead; peak arrival/ departure flows are observed which impact on the A39 for much of its length through the District but particularly in Williton where they coincide with some local traffic peaks and exacerbate the effects of local issues (such as on-street parking 'friction') on the A39.

Modelling for these higher summer peaks demonstrates that at the busiest times, capacity issues can be expected. The predicted level of queuing for west bound traffic would extend from the new junction, along Bank Street to the existing Fore Street A39/A358 mini-roundabout and beyond along (the A39 Fore Street approach and the A358 Tower Hill approach). This queuing would result in the worst delays averaging perhaps up to four minutes per vehicle through the town. A similar effect, but to a lesser extent, may be expected during summer Mondays.

It is unusual for networks to cater for times of highest demand in so-called tourist 'honey pots'. Some delay for a short period one or two afternoons a week in the busiest seasons is not considered unusual – indeed most local people in West Somerset are already well aware of Minehead change-over days and may choose to avoid travelling or making appointments

in the area on those afternoons. It is likely that the additional congestion anticipated would influence people to alter their journey habits even more. Should the new development go ahead and on opening result in a sudden substantial step change in the volume of traffic at peak periods, we anticipate it would subsequently settle back down to a more acceptable level as people adjust travel time habits and where possible route choices. A recent example of this in Somerset was the opening of Waitrose in Wellington, where local conditions worsened significantly for a time but have since improved.

The scenario described above is therefore very much a worst case scenario: limited to busy summer afternoons and likely to even out in time as people act to minimise inconvenience.

For further detail see tables and diagram in Appendix 1.

The most noticeable change will probably be how far from the junctions the queues form at the busiest times, albeit these are infrequent. The congestion may benefit pedestrians to a degree as the high traffic volumes will also be slow moving; the backs of the queues will usually be readily apparent to approaching drivers who will be approaching at speeds safely regulated by the built up environment. In practice the delay from the roundabout will be combined with street 'friction', and it must also be borne in mind that the removal of on-street parking will counterbalance by reducing some friction thus lessening delay along a stretch of Bank Street.

We consider that with travel/access behavioural change the predicted number of primary trips associated with a foodstore in this location could be lower during peak times than that considered in the modelling assessments. In practice, local residents will often adapt trip patterns to avoid these periods when they expect congestion on their familiar road network.

### *3.2 Beneficial Impacts*

We have also taken into account the likely positive impact on the wider network. It is considered likely that county-wide mileage could be reduced. With a new foodstore in Williton increasing choice, people from Watchet and Williton can make shorter trips to buy groceries where otherwise they might choose to travel to Minehead, Taunton and Bridgwater where the nearest supermarkets are. Some commuters to those areas may make a 'passby' trip to the new store rather than travelling additional distances (and increasing congestion) within those towns. This sort of adaptation would be an indication of more self-containment in the local area – households doing more shopping locally instead of travelling farther afield to the larger stores at Minehead, Bridgwater and Taunton. Conditions for this are what the emerging Local Plan sets out to achieve.

### *3.3 Other Accessibility Considerations*

Whilst considerable effort has been focused on the design of the vehicular access arrangement and its impact on the A39, there are a number of other important elements to provide a most sustainable development here, one that can be readily accessed by a variety of travel modes. A Travel Plan to maximise use of infrastructure and sustainable travel alternatives must be agreed with the developer and where possible more specifically with any future operator, and this should be tied to a suitable Planning Obligation deed.

Together these will have a major positive impact on accessibility within Williton generally, providing benefit to the wider community of Williton:

1. Convenient, traffic free pedestrian link between the site and Fore Street; an alternative route for pedestrians who will be able to avoid use of the existing narrow footway along Bank Street alongside the former Egremont Hotel. Shoppers able to link trips between the new and existing shops and between car parks ( the proposed and the central one at Fore Street/Killick Way, also destinations such as the church and large care home to the south of Bank Street. Bus users will have easier access between Fore Street and the new development – both customers and staff.
2. Providing improved pedestrian crossing facilities for Bank Street near the

development access benefiting the residents of Bridge Street, the large care home there and beyond.

3. The proposed new foodstore will provide a readily accessible, alternative main food shopping destination for the residents of Williton and Watchet and nearby villages, reducing the overall distances people travel or numbers of trips they make for their main food shopping - reducing need for local residents to travel to Minehead, Taunton or Bridgwater to undertake a main food shop. With around 90% of the new store's trade expected to transfer from stores outside of Watchet and Williton, the provision of a foodstore in Williton will assist in reducing the overall travel distances with an estimated approximate reduction of 1.7M vehicle kilometres per annum.

4. The location offers residents of Williton another local facility that they can walk or cycle to instead of travelling by car, with a subsequent reduction in the number of vehicles on the road network.

5. The developer suggests it will provide the necessary shopping facilities to meet the needs of future residents that are to be accommodated in the 600 planned houses in the Williton/Watchet area in the future.

6. The introduction of the mini roundabout will act as a gateway/traffic calming feature on entering the town from the west.

7. The development will require the existing on-street parking to be removed from Bank Street, which itself can often cause unnecessary delay when drivers are trying to find a space and then attempt to park. However it will also provide an attractive alternative off-site car park only a short distance away that will be available to all visitors to Williton.

8. The development proposal will offer local job opportunities in Williton, reducing the potential need for local residents employed at it to drive elsewhere to find employment.

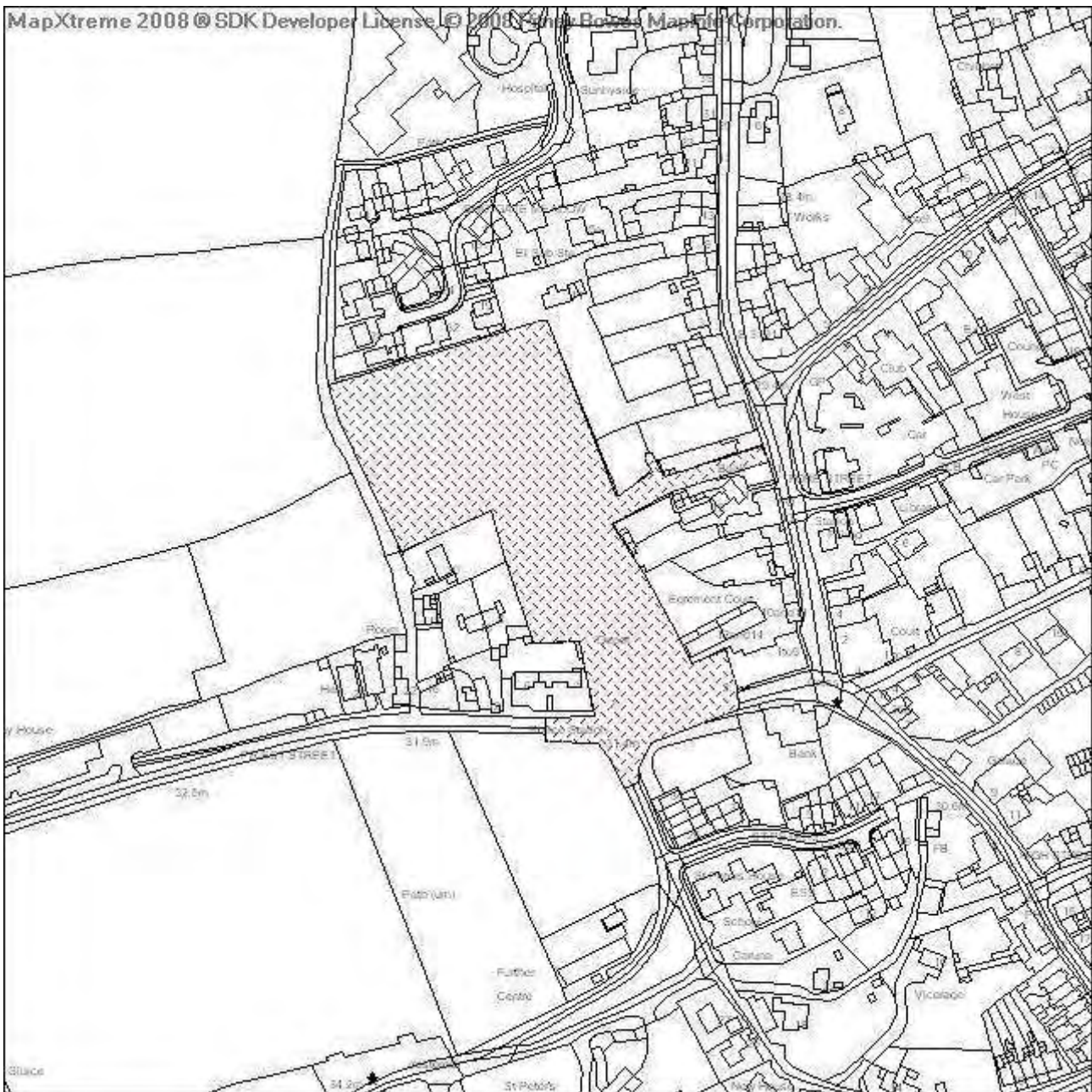
#### **4.0 Conclusions**

The proposed development will result in improvements to pedestrian and vehicle accessibility within Williton. The proposed 3-arm mini-roundabout is considered sufficiently safe and will not result in any noticeable increase in traffic delays much of the week including during most typical weekday evening periods. It will however result in the formation of traffic queues and delay at tourism-related peak times, currently short periods on Monday and Friday afternoons during the summer months.

As set out in Section 4 Para 32 of the recently published National Planning Policy Framework, development should only be prevented on transport grounds where the residual impacts of the development are *severe*. It has been demonstrated that for the majority of the time, the small increases in driver delay are acceptable to the Highway Authority. The provision of new pedestrian links and improved crossing facilities should encourage greater use of non-car based travel and greater self-containment in the environs of Williton and Watchet with resultant benefit.

Should the development be permitted and built, traffic is expected to pass through and travel within Williton without unsatisfactory delay most of the time on most days of the week most months of the year. For the busiest summer Monday and Friday afternoons there may be some delay to traffic using the A39. In accordance with the recently published National Planning Policy Framework (NPPF), the Highway Authority considers that the proposed residual impacts are not sufficiently severe that a recommendation of refusal should be made. It has concluded that the increased delays on a couple of afternoons a week during the peak tourism season is not sufficiently 'severe' on this route in this location to make that recommendation of refusal.

The Transport Development Group having the delegated authority of the Highway Authority, Somerset County Council, is therefore minded not to recommend refusal of a planning application of this nature. Should the Local Planning Authority, West Somerset District Council, be minded to grant planning permission then that permission should though be subject to certain planning conditions and planning obligations. The proposed development is promoted as being likely to assist self containment and will be required to operate a travel plan to maximise sustainable travel.



Application No 3/39/11/002  
DEVELOPMENT OF SITE TO PROVIDE A  
FOODSTORE, RETAIL SHOPS,  
PROFESSIONAL & FINANCIAL SERVICES,  
FOOD & DRINK USES, HEALTH  
SERVICES, RESIDENTIAL DWELLINGS,  
VEHICLE & PEDESTRIAN MEANS OF  
ACCESS & ASSOCIATED CAR PARKING &  
LANDSCAPING.  
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24/01/2011

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West Somerset House  
Killick Way  
Williton TA4 4QA  
West Somerset Council  
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Easting: 307613      Northing: 141023      Scale: 1:2500

### Delegated Decision List

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/04/13/001	Upcott Farm, Brushford, Dulverton, TA22 9RS Extension to the west elevation with rear linking corridor, addition of small decking area and double doors off a converted barn in the courtyard of the main farmhouse.	10 April 2013	Grant
3/17/13/003	East Withy Farm, Huish Champflower, Taunton, TA4 2EN Proposed extension and alterations to existing farmhouse	22 March 2013	Grant
3/21/13/005	35 Hillview Road, Minehead, TA24 8EE Side and rear single storey extension	21 March 2013	Grant
3/21/13/008	Minehead Barbarians Rugby Football Club, Ellicombe, Minehead, TA24 6TR Surfacing existing access road and parking area adjacent to gymnasium/ground keepers store and erection of lean-to store.	19 March 2013	Grant
3/21/13/009	Long Combe Lodge, Manor Road, Alcombe, Minehead, TA24 6EJ Erection of balcony on rear elevation, alterations to front and side walls and a replacement gate	11 April 2013	Grant
3/21/13/010	12 The Parade, Minehead, TA24 5UG Conversion of loft to form one-bedroom flat	26 March 2013	Grant
3/21/13/011	Hedley Price Funeral Directors, Mart Road, Minehead, TA24 5BJ Proposed extension to Chapel of Rest and garage (amended scheme to 3/21/12/092)	19 March 2013	Grant
3/21/13/012	The Retreat, 11A The Avenue, Minehead, TA24 5AY Alterations to the shop frontage.	04 April 2013	Grant
3/21/13/013	Flat 1, Queen Anne Court, Minehead, TA24 5AB Replacement of timber framed windows with double glazed upvc woodgrain effect frames with white	11 April 2013	Grant



interior window casements.

<b><u>Ref No.</u></b>	<b><u>Application</u></b>	<b><u>Date</u></b>	<b><u>Decision</u></b>
3/21/13/015	13 Hillview Road, Minehead, TA24 8EE Proposed garage	05 April 2013	Grant
3/21/13/019	Minehead Golf Club, WARREN ROAD, MINEHEAD, TA24 5SJ importation of top and subsoil for golf course improvements (consultee)	22 March 2013	Raise Objections
3/31/13/003	Lings Cottage, 7 Brook Street, Stogumber, Taunton, TA4 3SZ Repair and repointing of gable wall on east elevation and installation of oil-fired central heating system, involving siting of tank, installation of flue, pipes and radiators	26 March 2013	Grant
3/31/13/004	Lings Cottage, 7 Brook Street, Stogumber, Taunton, TA4 3SZ Siting of oil tank for central heating	21 March 2013	Grant
3/32/13/004	2 Shurton Court, Shurton, Stogursey, Bridgwater, TA5 1QE Installation of secondary glazing and replacement of two windows (Lounge and Bedroom) with 'Slimlite' wooden double glazed units and replacement of two doors.	19 March 2013	Grant
3/32/13/006	The Dovecote, Lonlay Lodge, Stogursey, Bridgwater, TA5 1RG Raise existing wall adjacent to The Dovecote, proposed mezzanine storage platform, installation of stairs, 2 ventilation grilles and wooden front door together with the use of Krend.	10 April 2013	Grant
3/32/13/007	2 Burgage Road, Stogursey, Bridgwater, TA5 1QZ Change of use of adjoining grass land to residential	09 April 2013	Grant
3/37/13/002	18 Admirals Close, Watchet, TA23 0QD Retention of carport canopy over a section of the existing vehicle hard standing area to the west of the	21 March 2013	Grant

dwelling.

<b><u>Ref No.</u></b> 3/37/13/003	<b><u>Application</u></b> 5 Whitehall, Watchet, Taunton, TA23 0BD Two storey rear extension to provide improved living room and additional bedroom	<b><u>Date</u></b> 02 April 2013	<b><u>Decision</u></b> Refuse
<b><u>Ref No.</u></b> 3/37/13/004	<b><u>Application</u></b> 8 Wristland Road, Watchet, TA23 0DH Demolition of outbuilding and erection of single storey extension plus formation of parking space	<b><u>Date</u></b> 09 April 2013	<b><u>Decision</u></b> Grant
<b><u>Ref No.</u></b> 3/38/13/001	<b><u>Application</u></b> St Audries Garage, West Quantoxhead, Taunton, TA4 4DN Removal of conditions 6 (relating to drainage details) and 8 (relating to windows, fascias and barge boards) and variation of condition 2 (relating to approved drawings) relating to planning permission 3/38/12/014	<b><u>Date</u></b> 10 April 2013	<b><u>Decision</u></b> Grant
<b><u>Ref No.</u></b> 3/39/13/002	<b><u>Application</u></b> Webbers Post, The Croft, Williton, TA4 4SQ Demolition of existing bungalow and garage and erection of four bungalows, garages and associated external works	<b><u>Date</u></b> 19 March 2013	<b><u>Decision</u></b> Grant
<b><u>Ref No.</u></b> 3/39/13/004	<b><u>Application</u></b> 16 Half Acre, Williton, Taunton, TA4 4NX Erection of two storey three bedroom dwelling (amended scheme to 3/39/12/016)	<b><u>Date</u></b> 11 April 2013	<b><u>Decision</u></b> Grant
<b><u>Ref No.</u></b> EIA/32/13/002	<b><u>Application</u></b> Land at Stringston Reinforcement of existing water main with an additional 800m water main	<b><u>Date</u></b> 19 March 2013	<b><u>Decision</u></b> EIA not required
<b><u>Ref No.</u></b> EIA/38/13/001	<b><u>Application</u></b> Land at West Quantoxhead Reinforcement of an existing water main along a 3,250m length.	<b><u>Date</u></b> 19 March 2013	<b><u>Decision</u></b> EIA not required
<b><u>Ref No.</u></b> NMA/32/13/001	<b><u>Application</u></b> Hinkley Point C, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UF non material amendment to 3/32/10/037 for submission of further information following an application to Sedgemoor District Council for a Temporary Park & Ride . Freight management and postal courier facility.	<b><u>Date</u></b> 10 April 2013	<b><u>Decision</u></b> Grant

<b>Ref No.</b>	<b>Application</b>	<b>Date</b>	<b>Decision</b>
T/01/13/0 01	Combe Cottage, Dashwoods Lane, Bicknoller, Taunton, TA4 4EQ Fell Monterey Cypress	19 March 2013	Grant

<b>Ref No.</b>	<b>Application</b>	<b>Date</b>	<b>Decision</b>
T/07/13/0 01	2 KINGS ACRE, CROWCOMBE, TAUNTON, TA4 4BX works to 8 sycamore trees, and works to Cryptomeria Japonica	09 April 2013	Grant

<b>Ref No.</b>	<b>Application</b>	<b>Date</b>	<b>Decision</b>
T/26/13/0 01	9 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JA Removal of Grand Silver Fir tree	19 March 2013	Grant