
Appeal Decisions

Inquiry opened on 23 May 2017

Site visit made on 25 May 2017

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

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

Decision date: 04 July 2017

Appeal A - Ref: APP/H3320/W/16/3151392

Appeal B - Ref: APP/H3320/W/16/3151393

J Gliddon & Sons Ltd, 2 Bank Street, Williton, Taunton, TA4 4NH

- Both appeals are made under section 78 of the Town and Country Planning Act 1990 against refusals to grant outline planning permission.
 - Both appeals are made by J Gliddon & Sons Ltd against the decisions of West Somerset Council.
 - For Appeal A, the application Ref 3/39/14/010, dated 24 April 2014, was refused by notice dated 9 December 2015.
 - The development proposed is redevelopment of the site to provide a food store (Class A1), retail shops (Class A1), professional and financial services (Class A2), food and drink uses (Class A3), health services (Class D1), residential dwellings (Class C3), vehicle and pedestrian access, and associated car parking and landscaping.
 - For Appeal B, the application Ref 3/39/14/024, dated 3 September 2014, was refused by notice dated 9 December 2015.
 - The development proposed is the erection of up to 480 sqm gross of flexible Class A1/A2 floorspace linked to the proposed redevelopment of land associated with Application No 3/39/14/010 to include vehicle and pedestrian access and landscaping.
 - The inquiry sat for 3 days on 23 to 25 May 2017.
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Decisions

1. **Appeal A** is allowed and planning permission is granted for redevelopment of the site to provide a food store (Class A1), retail shops (Class A1), professional and financial services (Class A2), food and drink uses (Class A3), health services (Class D1), residential dwellings (Class C3), vehicle and pedestrian access, and associated car parking and landscaping at J Gliddon & Sons Ltd, 2 Bank Street, Williton, Taunton in accordance with the terms of the application, Ref 3/39/14/010, dated 24 April 2014, subject to the conditions set out in the attached Schedule 1.
2. **Appeal B** is allowed and planning permission is granted for the erection of up to 480 sqm gross of flexible Class A1/A2 floorspace linked to the proposed redevelopment of land associated with Application No 3/39/14/010 to include vehicle and pedestrian access and landscaping at J Gliddon & Sons Ltd, 2 Bank Street, Williton, Taunton in accordance with the terms of the application, Ref 3/39/14/024, dated 3 September 2014, subject to the conditions set out in the attached Schedule 2.

Application for costs

3. At the inquiry an application for costs was made by J Gliddon & Sons Ltd against West Somerset Council. This application is the subject of a separate Decision.

Background and Preliminary matters of Clarification

4. Both applications were submitted in outline, with only the means of access to be determined at this stage. Illustrative layout plans were also submitted, and I have had regard to these in reaching my decisions. I have also had regard to a planning obligation made by the appellant, in the form of a unilateral undertaking (UU) under section 106 of the Town and Country Planning Act 1990, as amended. This was submitted shortly after the inquiry had closed, in accordance with an agreed timescale, and I discuss it in further detail later in this decision.
5. The Council refused each application for a single reason, asserting that the proposals would give rise to a significant adverse impact on the vitality and viability of Williton. It raised no highways objections, but concerns were raised on highway grounds, in the context of the Appeal A proposal by many interested persons including the Keep Williton Special Group (KWSG). I have had regard to this matter in defining the main issues for these appeals.
6. Mr Gill indicated at the start of the inquiry that he wished to speak on behalf of the KWSG, but it later became apparent that he spoke mainly on behalf of the Spar store, and had not had contact with other members of the KWSG for about a year. Because of this I also allowed Miss Spencer to speak on behalf of the KWSG as she claimed to more widely represent the group's views.
7. At the time the decisions were made to refuse planning permission the West Somerset District Local Plan adopted in 2006 (the 2006 LP) was operative, but since that time the West Somerset Local Plan to 2032 (the WSLP) has been adopted (in November 2016). This defines a central retail area for Williton, which encompasses all of the Appeal B area and over half of the Appeal A area. Following adoption of the WSLP the Council granted planning permission, in January 2017, for a scheme nearly identical to the Appeal B proposal, save for the vehicle access details. The Council subsequently indicated, in the Planning Statement of Common Ground (SOCG) that it would not oppose Appeal B.
8. I carried out an accompanied site visit to the appeal sites and the retail area of Williton in the company of representatives of the Council and the appellant on 25 May. In addition, at the request of the parties, I also undertook unaccompanied site visits on 24 and 25 May to see the shopping areas and particular supermarkets and other convenience stores in Watchet, Minehead and Taunton.

Surrounding area, site description, and details of the appeal proposals

9. Williton is one of the 3 main settlements within the West Somerset District, lying at the junction of the A39 Minehead to Bridgewater road and the A358 from Taunton to Williton. It has a population of about 2,600, is classed as a rural service centre in WSLP Policy SC1 "Hierarchy of Settlements", and serves as the main administrative centre for the District. Watchet, which has a population of about 3,800 and lies some 2 miles to the north, is also classed as a rural service centre. The largest settlement is Minehead, which lies some 8 miles to the west of Williton and is classed as the main service centre for the District. Together with the smaller, adjacent settlement of Alcombe it has a population of about 12,000.
10. Williton's main retail and commercial premises are centred on Fore Street which contains, amongst others, the Co-operative (Co-op) and Spar convenience stores, Post Office, Lloyds Bank and a petrol service station. The Appeal A site extends to some 1.5 hectares and lies to the west of Fore Street. It includes the appellant's

well-established business fronting onto Bank Street in 3 units trading in hardware, outdoor clothing, and domestic garden machinery. Areas of hardstanding lie to the rear of these units, also within the Appeal A site, with a number of large outbuildings that have been used for retail storage, gas container storage, a horticultural workshop and a second-hand lawnmower and parts store.

11. Further to the rear the site contains open ground that has been used for the storage of vehicles and farm machinery and which has a lawful use of Class B8 storage. The appeal site also extends eastwards to Fore Street, by incorporating the ground floor of Lloyds Bank. The recent residential development of Shutgate Meadow lies to the north of the overall appeal site, comprising 25 dwellings with 3 detached dwellings on the site boundary. Open fields and 2 residential dwellings abut the western side of the appeal site, whilst a grade II listed police station lies adjacent to the site's south-western corner. The Appeal B site largely sits within that for Appeal A, but also contains a further, largely rectangular area currently used as private garden space, close to the rear of the Lloyds Bank.
12. Further details of both appeal proposals are contained in the Planning SOCG, but in summary the Appeal A proposal is for a food store (supermarket) of up to 2,300 sqm gross floor area; Class A1 retail units of up to 950 sqm gross floor area; up to 390 sqm gross floor area of professional and financial services, food and drink uses and health service uses in Classes A1, A2, A3 and D1; up to 3 additional new residential units; up to 175 car parking spaces; a pedestrian link to Fore Street; and a mini-roundabout at the site entrance on Bank Street. The Appeal B proposal is for up to 480 sqm gross floor space in Class A1 and/or Class A2 uses.
13. The provision of much of the proposed 950 sqm of Class A1 floorspace in the Appeal A scheme would represent replacement rather than new floorspace, as some parts of the existing Gliddon's shop units facing onto Bank Street would need to be demolished to provide the proposed vehicular access, with the appellant intending to re-occupy some of the proposed new Class A1 floorspace.

Planning policy context

14. The development plan for the area now includes the WSLP, together with some saved policies from the 2006 LP. From the WSLP, Policy SD1 sets out the presumption in favour of sustainable development, reflecting the thrust of national policy in the National Planning Policy Framework (NPPF), issued in 2012. It makes it plain that planning applications which accord with the WSLP will be approved without delay unless material considerations indicate otherwise.
15. Policy SC1 states that new development will be concentrated in the District's main centre of Minehead/Alcombe and in the rural service centres of Williton and Watchet. Such development will be at a scale generally proportionate with the centres' respective roles and functions to their own communities, and those in surrounding settlements that rely on their larger neighbours for essential services and facilities. Policy SC5 refers to the self-containment of settlements and states that development which improves the balance of land uses within a settlement in terms of minimising overall transport use will be encouraged.
16. Policy WI1 deals with development in Williton and states that development proposals must support and strengthen the settlement's role as a local service, administrative and employment centre for the north-eastern part of the District, particularly in terms of the range and quality of its services and facilities. It also requires development proposals to complement the provision of employment

opportunities, services and facilities in neighbouring Watchet; and contribute to the improvement of traffic and transport management within the village.

17. Policy EC1 supports proposals which will make the West Somerset economy stronger and more diverse, and encourages new development proposals for all types of employment generating activities. Policy EC12 defines a central retail area for Williton, within which business activities of retail and retail related activities in all the A Class uses will be the preferred use at ground floor level.
18. Also of relevance is saved 2006 LP Policy SH/3, which deals with retail development outside of Minehead Town Centre. Amongst other matters this policy explains that development proposals should not, by their nature and scale, adversely affect the viability and vitality of Minehead Town Centre or the shopping centres of Watchet or Williton.
19. Relevant national planning guidance is contained within the NPPF, especially section 2 which deals with ensuring the vitality of town centres¹, and section 4 which seeks to promote sustainable transport. Also relevant is the Planning Practice Guidance (PPG), published in 2014.

Main issues

20. Having regard to the way in which evidence was presented at the inquiry, and the fact that neither the Council nor any interested person directly opposed the Appeal B proposal in isolation, I consider it appropriate to deal with both appeal proposals together. With this in mind, the main issues are:
 - i. The effect of the proposed developments on the vitality and viability of the Williton Retail Area; and
 - ii. The effect of the proposed developments on the safety and convenience of users of the local highway network.

Reasons

Main Issue 1 – Impact on vitality and viability

21. I saw at my site visit that Williton contains a number of retail and other business premises, primarily in the Fore Street and Bank Street areas. However, there is broad agreement between the Council and the appellant that there has been a general decline in facilities and activity along with an increasing number of vacant units within this central area over several years, and specifically since a Town and Village Centres Study was carried out for the Council in 2011. It is against this backdrop that I consider the appeal proposals.
22. In so doing I note that although the Appeal A proposal is for a mix of various uses, it is only the proposed Class A1 food store of up to 2,300 sqm gross floor area which is referred to in the reason for refusal. This alleges that the proposed supermarket would have a significant adverse impact on the vitality and viability of Williton centre, and that this is likely to result in store closures and impact in investment in the centre. As a result, the Council maintains that the proposal would conflict with saved Policy SH/3 of the 2006 LP; with Policy WI1 of the WSLP; and with paragraphs 26 and 27 of the NPPF.

¹ In the NPPF, 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

23. The NPPF and PPG promote a “town-centre first” approach², requiring Local Planning Authorities to recognise that town centres are the heart of their communities and to pursue policies to support their viability and vitality. This requires a sequential test to be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Since the adoption of the WSLP a large part of the Appeal A area does lie within the defined Williton retail area and it is common ground that there are no sequentially preferable sites to accommodate the appeal proposal.
24. The NPPF also requires an impact assessment to be undertaken for applications for retail development outside of town centres which are not in accordance with an up-to-date Local Plan, if the development is over a proportionate locally set floorspace threshold, or the default threshold of 2,500 sqm if there is no local threshold. This should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made.
25. As part of the Appeal A development would lie outside the newly defined retail area for Williton there has been some debate between the parties as to whether an impact assessment is needed in this case. The appellant’s position is that no such assessment is necessary, but to assist in the determination of these proposals it has nevertheless undertaken one, and it is to this that I now turn.
26. To assess the likely impact of the proposed supermarket the appellant undertook a household survey in 2014 and updated it in 2016, for a study area of 6 zones encompassing Williton and Watchet, and extending roughly half-way to Minehead, Taunton and Bridgwater. Based on the 2011 Census, the population of the study area was predicted to be about 13,050 in 2016, rising to about 13,150 in 2021. The Retail SOCG indicates that the available convenience goods expenditure for the study area would be about £31.2³ million at 2016 and about £34.5 million at 2021, with this latter figure including £3.5 million estimated spend by tourists.
27. The household survey sought to establish in which stores people carried out their main food shopping; which other stores they also used for main food shopping; and where they carried out their top-up food shopping. An assumption was made that these 3 activities comprise 60%, 20% and 20%, respectively, of a household’s convenience spend. Although the Council expressed concern that the sample size for some of the household survey zones was well below the 100 responses normally sought in such surveys, there is no firm evidence before me to suggest that with 368 interviews for the 6 zones in total, results from the survey should be considered statistically inaccurate or unreliable.
28. The Retail SOCG indicates that only 16.9% of the population of Zone 1 (Z1), which includes Williton, undertake their main food shopping within the study area. The corresponding figure for Z2, which includes Watchet, is 17.9%, with a figure of just 12.9% for the study area as a whole. Put another way, some 83% of Z1 residents and 82% of Z2 residents do their main food shopping outside the study area, with the 3 out-of-centre stores on the eastern side of Minehead (Lidl, Tesco and Morrisons) attracting some 62% (Z1) and 63% (Z2) of this convenience

² PPG paragraph 001 ID: 2b-001-20140306

³ For ease, monetary figures and percentages have been rounded up in this decision to 1 decimal place

expenditure. For the study area as a whole, over 51% of residents do their main food shopping at these 3 out-of-centre Minehead stores.

29. In terms of main food shopping undertaken within the study area, the Williton Co-op attracts 14.2% of the Z1 spend, 3.5% of the Z2 spend and 6.5% of the spend of the study area as a whole. Equivalent figures for the Williton Spar are 1.5%, 0.0% and 0.6% respectively. The situation is similar in the case of other main food shopping⁴, with just 26.1% of Z1 and 26.1% of Z2 residents doing this shopping within the study area, and 17.8% of the study area residents as a whole.
30. Top-up shopping⁵ shows a markedly different picture, with over 91% of Z1 residents doing this shopping within the study area, with almost 52% of these carrying out their top-up shopping at the Williton Co-op and just over 17% using the Spar store. For Z2, 83.2% of residents do their top-up shopping in the study area, with the figure being almost 73% for the study area as a whole.
31. But notwithstanding the fact that some stores within the study area are popular for top-up shopping these agreed figures indicate, overall, that a significant amount of main food shopping by study area residents is undertaken outside the study area. Indeed, when put into monetary terms these agreed figures show that of the £31.0 million predicted to be spent on convenience shopping by study area residents in 2021, only some £7.6 million (24.3%) remains within the study area, with a substantial leakage of about £23.5 million (75.7%) to stores outside the study area. Over half of this (some £12.4 million), is predicted to be spent at the 3 previously mentioned out-of-centre Minehead stores.
32. It seems to me that simply allowing this situation to continue would not accord with the thrust of WSLP Policies SC5 and WI1 which, as has already been made clear, seek to ensure the self-containment of settlements, and the support and strengthening of Williton as a local service, administrative and employment centre for the north-eastern part of the District. This is particularly the case having regard to the planned expansion of Williton and nearby Watchet through strategic housing site allocations in the WSLP. The Planning SOCG indicates that under Policies WI2 and WA2 strategic housing land allocations have been made for about 700 new dwellings in the local area for the period up to 2032, with approximately 406 at Williton and about 290 at Watchet.
33. In addition, as Policy SC2 referred to by Mr Wood makes clear, only half of the District's new housing provision to 2032 is expected to come from the strategic sites, with a further annualised average of 43 dwellings per year expected to come from other sites at Minehead/Alcombe, Williton and Watchet. Although no precise figure can be put on likely total development in the Williton and Watchet areas, on the basis of this information the figure of about 700 dwellings clearly has to be seen as a minimum for the area.
34. With these points in mind, I turn to consider the likely impact of the proposed supermarket. The agreed figures in the Retail SOCG indicate that it would have a maximum net sales area of 1,600 sqm, with 1,350 sqm of this being for convenience sales and 250 sqm for comparison sales. Using an agreed sales density for convenience goods of £11,500⁶ per sqm, the total convenience sales of the proposed supermarket is predicted to be some £15.5 million, at 2021.

⁴ Adjusted for multiple and "don't do" responses

⁵ Again adjusted for multiple and "don't do" responses

⁶ Taken as an average of the 2016 Benchmark turnover of the Top 5 retailers, Asda, Sainsbury's, Morrisons, Tesco and Waitrose

35. The difference between the parties comes down to their estimates of from where, and from which stores, this trade would be drawn. The appellant has assumed that 60% of the new supermarket's trade would come from Z1 and Z2 (split 32%/28% respectively), to reflect the expected localised catchment of the store, with 83% of its trade in total coming from the study area. In other words, about £12.9 million is assumed to come from people resident within the study area, with a further £0.8 million from residents who live outside the study area, and £1.9 million from tourists.
36. Of this £12.9 million, the bulk would arise from those study area residents who currently undertake their main food shopping outside the study area, with some £8.2 million predicted to be clawed back from the out-of-centre Lidl, Tesco and Morrisons' stores at Minehead, and a further £2.9 million being clawed back from other out-of-study area stores. On this basis the appellant maintains that just some £2.0 million would be drawn from existing stores in the study area in 2021, with about £1.1 million predicted to come from the Williton Co-op, followed by £0.5 million and £0.2 million from the Co-op stores in Watchet⁷. Only £0.2 million is predicted to be drawn from the Williton Spar.
37. On the appellant's figures, which use estimated company benchmark sales density for the Co-op and Spar stores (as no actual turnover details have been provided), the Co-op would trade at -16% of its benchmark figure, while the Spar would trade at -64% of its benchmark figure. In the case of the Spar these figures suggest that the store would be trading considerably below the £5,000 per sqm figure assumed in a Quantitative Needs Assessment undertaken for the Council in 2011. However, no firm evidence has been put forward directly by the Spar to demonstrate its current trading performance, and in these circumstances I give weight to the appellant's latest household survey findings which suggest that there is a relatively low use of the store at the current time.
38. Furthermore, I have noted the appellant's comment that benchmark turnovers and the degree to which an individual store is trading above or below that level is very much a tool used in the absence of actual turnover data. The appellant goes on to say that in practice, retailers' decisions relate to the profitability of an individual store, which in turn will be influenced by turnover and the costs involved with running that particular store. Although both the Co-op and the Spar have raised general concerns in writing, neither has submitted detailed figures relating to their operations in Williton for me to assess.
39. Turning to the Council, its position is that a larger amount of the £12.9 million of the new supermarket's turnover from study area residents would come from existing convenience goods stores in the study area, than has been assumed by the appellant. It argues that some £3.7 million would come from stores within the study area, with just about £9.2 million being clawed back from stores outside the study area. The Council maintains that this £3.7 million would be made up primarily of £2.1 million from Williton Co-op, £0.3 million from the Williton Spar; £0.7 million and £0.4 million respectively from the Watchet Co-op stores at Liddymore Road and Swaine Street, with the remainder coming from other, smaller convenience stores in Williton and Watchet.
40. In view of the above figures the Council considers that the appellant has underestimated the likely level of trade diversion from existing stores and has placed too much emphasis on the proposed supermarket serving main food shopping

⁷ At Liddymore Road and Swain Street respectively

needs and clawing back such trips from stores outside the study area. In doing so, the Council contends that the appellant has not recognised that the Williton Co-op also attracts a large market share of main food trips from local residents. It also argues that the appellant has not placed enough weight on the ability of the proposed supermarket to attract top-up food shopping trips, which would further impact upon the trade of the existing Williton convenience stores.

41. Taken together, along with trade lost from non-study area residents, these points lead the Council to contend that the Williton Co-op would lose some £2.3 million of trade at 2021 (an impact of -62% on 2021 turnover levels), whilst the Williton Spar would lose £0.3 million (an impact of -43%⁸). When the impact of the proposed supermarket's comparison floorspace is also taken into account, along with the impact on other, smaller convenience stores, the Council maintains that the overall impact on existing stores in Williton would be a loss of about £2.8 million of retail expenditure.
42. It is, however, both important and necessary to put these matters into context. Even on the Council's figures, significantly more convenience expenditure would be retained within the study area with the proposed supermarket than without it. Indeed, the market share of convenience expenditure retained by the study area would be 53.9% at 2021 on the Council's figures, and 55% on the appellant's figures. By any measure this would represent a significant increase over the current levels of market share (put at 13.7% by the appellant and 24.4% by the Council), resulting in some £19.0⁹ million of convenience expenditure within the study area, as opposed to the figure of about £7.6 million agreed in the retail SOCG without the proposed developments.
43. Looking specifically at the newly defined Williton retail area, whilst much of the proposed supermarket would lie outside this area, the latest illustrative plan¹⁰ shows that the entrance and an appreciable amount of the store's floor area would lie within this central retail area, a matter confirmed in the submitted UU. This would mean that the new supermarket would lie partly inside and partly outside the defined retail area, and guidance on how to treat such floorspace is contained in the former "Practice guidance on need, impact and the sequential approach", appended to Mr Wood's evidence. Whilst no longer extant, this still seems to me to provide sound and relevant advice on such matters, which has not been formally superseded or countermanded by any more recent guidance.
44. In summary this advice indicates that when judging whether such a site should be regarded as "in centre", a relevant consideration should be whether the proposals accord with or run counter to a clearly defined strategy for the centre. It goes on to explain that it will be appropriate to consider the degree of integration and linkage between the proposals and the rest of the main shopping area, and whether they would genuinely function as part of the main shopping area.
45. On this point I have noted the concerns raised by the Council, and many interested persons, that the proposed supermarket and new retail and commercial units could result in a rather insular development, separate to the existing part of the retail area and drawing trade away from the Fore Street area. This is seen to be especially likely as the new development area would be served from Bank Street and would have its own, extensive parking areas providing a maximum of 2

⁸ The Council has assumed a higher benchmark turnover for the Spar, than has the appellant

⁹ This represents 55% of the 2021 total of £34.5 million, including spend by tourists

¹⁰ Document 6

hours free parking. It is self-evident, therefore, that in order to achieve effective integration of the proposed supermarket and new development area with the rest of the retail area, the pedestrian link proposed to be created through the ground floor of the existing Lloyds Bank building would be of fundamental importance.

46. This proposed link has been described as narrow by Mr Morris in his written and oral evidence, but there is agreement in the Planning SOCG that the proposed developments could be linked to and from Fore Street via a safe, convenient and accessible link. Indeed, such a link has already been approved by the Council when it granted planning permission in January 2017 for essentially the same scheme as Appeal B, but without the roundabout access details.
47. My assessment, arising from my site visit to this location, is that the proposed link would not be unduly narrow, and that with careful design it could provide a popular and attractive link from the established, existing retail and commercial area through to the extended part of the central retail area created through WSLP Policy EC12. In coming to this view I have had regard to the evidence provided by the appellant from other locations where such links have been created, such as Chipping Sodbury, Highworth and Sandbach. This evidence shows that such links can successfully integrate new and established retail and commercial areas, even when significantly longer and less direct than would be the case here.
48. Furthermore, having regard to the current disposition of land uses within the existing retail area, as detailed in the Retail SOCG, it is my view that there are many important uses on and to the east of Fore Street which would be very likely to remain popular to visitors to Williton's centre, and would create a draw to people visiting the new supermarket and the other proposed units. These include the Post Office, Library, Parish Council and District Council Offices, Children's Centre, Social Club and Surgery/Pharmacy, as well as a variety of retail and commercial premises. To my mind this indicates a very clear potential for linked trips to be created, especially as the submitted plans show that the distance from Fore Street to the supermarket entrance would only be about 80m, and only about 60m or so to the already approved units, referred to above.
49. In addition, I consider that the provision of additional parking within this central retail area as part of the Appeal A proposal, free for up to 2 hours, would be in line with guidance in both the NPPF¹¹ and the PPG¹², and would assist in maintaining and boosting the viability and vitality of the Williton retail area.
50. In light of the above points, I consider there to be a very strong likelihood that the proposed developments, as a whole, would function as part of the village's defined retail area. Because of this I consider it legitimate to regard the proposed supermarket as an extension to the retail area, and the level of expenditure which would be retained in the study area as a result of the supermarket and the other proposed developments would, in my assessment, add to its viability and vitality, rather than detract from it. I note that this view accords with the views expressed in the Council Officer's report to Committee on the Appeal A proposal, reflecting the advice given to the Council by Mr Morris, prior to the adoption of the WSLP and prior to Council Members' decision to refuse planning permission.
51. The Council has made it plain that its principal concern is the potential for the proposed supermarket to divert such a level of trade from the existing Co-op and

¹¹ NPPF paragraph 40

¹² PPG paragraph 001 ID: 2b-001-20140306

Spar stores that the continuing viability of either one or both of them would be seriously undermined. It takes the view that the potential for such store closures is not simply of concern to the commercial operators themselves, but also of concern to the centre itself, arguing that both (although principally the Co-op), act as anchors for the centre.

52. However, not only does the submitted evidence not support this position, I am not persuaded that it is the correct way to view the situation. On the first point, it is clear that the proposed supermarket is likely to result in some loss of trade for the other convenience stores in the centre, with the greatest impact predicted to be on the Co-op. However, as highlighted by the appellant, although the Co-op has submitted written evidence to the inquiry, this does not state that the Williton store is likely to close if permission is granted for the Appeal A proposal.
53. Indeed, on the basis of the evidence placed before me it appears that the Co-op is making a significant investment in the Williton store in the form of what I was told is an expensive investment programme for the roof and a complete refurbishment of the store, having already previously invested in store improvements. The evidence further suggests that this investment is planned to occur with the next few weeks, and has been contracted in full knowledge of this appeal¹³. These actions do not lead me to conclude that the Co-op is currently considering closing this store.
54. With regards to the Spar, I am not aware of any representations made at either application or appeal stage, with the only correspondence before me being a short letter submitted by Mr Gill on the opening day of the inquiry. Whilst this letter expresses concern about the accuracy of appellant's evidence, and doubts whether the new development would result in linked trips to the existing retail properties, it does nothing to provide any alternative, personal information to reinforce its stance. Indeed, its general assertion that the proposed new supermarket would lead to the closure of the Spar is not supported by any meaningful evidence, and in any case the appellant's evidence makes it clear that this franchise operates in many centres with multiple outlets, including supermarkets.
55. Overall, no convincing evidence was submitted to suggest that there is any serious likelihood of any existing stores closing. But even if this were to be the case, there is nothing before me to suggest that the prominently located premises currently occupied by the Co-op and the Spar could not be beneficially let, to take advantage of linked trips and the likely increased footfall in the retail area as a whole, if the appeals were to be allowed. In view of these points I am not persuaded that the appeal proposals would unacceptably harm the viability and vitality of the Williton retail area, even if they did lead to some store closures.
56. Dealing briefly with the other retail and commercial units proposed through both Appeal A and Appeal B, in order to allay fears that the development of the supermarket would not be accompanied by the development of these other units, the appellant has committed, through the UU, to construct all the additional units to shell and core finish before the new supermarket opens. In addition, the UU specifies that none of the uses contained in either the Appeal A or Appeal B schemes should be open for use until the aforementioned pedestrian link to Fore Street has been constructed in accordance with details approved by the Council.

¹³ See paragraph 3.16 of Document 25

57. Drawing all the above points together, I conclude that neither the Appeal A proposal nor the Appeal B proposal would have a significant adverse impact on the vitality and viability of the Williton Retail Area. Accordingly I find no conflict with WSLP Policies WI1, SC5, EC1 or EC12, all referred to earlier, or with section 2 of the NPPF. Further, I find no conflict with saved Policy SH/3 from the 2006 LP, but in any case I consider that this policy can only carry moderate weight as it is not in complete accordance with the NPPF, paragraphs 26 and 27 of which indicate that it is only where a development proposal would result in a significant impact that planning permission should be refused.

Main Issue 2 – Effect on the safety and convenience of users of the highway network

58. As noted above, no objections on traffic or highways grounds were raised to either of the appeal proposals by the Council, and there was therefore no reason for refusal given on such grounds. However, objections covering these matters were raised at the inquiry by both Mr Gill and Miss Spencer for the KWSG, and by many of those who submitted written objections.
59. A wide range of concerns have been raised by these objectors, including that traffic generated by the new development would exacerbate already dangerous and congested streets, and would add to the additional traffic already expected as a result of the expansion of Hinkley Point; that the extra car movements would increase wear and tear on the roads and increase the risk of accidents; that the proposed site entrance mini-roundabout would be awkward to negotiate, particularly for articulated lorries; and that its proximity to the roundabout junction between the A358 and the A39 would cause problems and tail-backs.
60. Concerns were also expressed about pedestrian safety, and about health and the environment, with claims that increased traffic volumes, particularly in the holiday season, would mean more congestion and more atmospheric pollution. In addition, some objectors argued that drivers would use Bridge Street as a “short cut/rat run”, and that this could place the emergency services at risk and result in access problems for the Croft House care home and community centre. It was also alleged that the local Highway Authority¹⁴ (HA) has not carried out a proper report or assessment of the likely traffic impact of the proposals.
61. On this final point, and contrary to the assertions made, it is plain that the local HA has been fully consulted on these proposals, as is made clear in the Council Officer’s report to Committee. The HA has considered the detailed and comprehensive transport assessment (TA) that has been undertaken by the appellant, and has concluded that the 3-arm mini-roundabout proposed for Bank Street and intended to provide access to the appeal sites is acceptable and would be able to satisfactorily accommodate all vehicle types, including wide emergency vehicles. In this regard I note that the layout, which would include some pedestrian facilities, has been subject to rigorous testing and modelling and has also been subjected to a Road Safety and Design Audit by the HA.
62. The HA acknowledges that this proposed roundabout would probably result in some congestion during the majority of the year on Friday afternoons and possibly during the day on Mondays in the summer, but should operate within capacity at other times. The transport assessment comments that the worst delays would be likely to average up to 4 minutes per vehicle through Williton which the HA regards as acceptable for these limited periods, especially as this is unlikely to be

¹⁴ Somerset County Council

the only “pinch point” on the highway network. There is no firm, authoritative evidence before me to cause me to take a contrary view.

63. Insofar as the appeal proposals could lead to increased use of Bridge Street as an alternative route for vehicles heading to or from Taunton, this has not been raised as a concern by the HA, and in the absence of any firm, factual evidence highlighting particular problems I am not persuaded that this matter should weigh significantly against the proposals. Nor has the HA raised any specific concerns regarding the impact which increased delays could have on the emergency services’ response times, and there is no firm evidence before me to suggest that any such delays are likely to be severe.
64. I have noted the assertion from the KWSG that the appeal proposals would not contribute to the improvement of traffic and transport management within the village, and would therefore conflict with WSLP Policy WI1. However, notwithstanding the fact that delays would be likely to increase at some peak periods, I share the HA’s view that that the presence of a larger food store in Williton could give rise to some positive impact on the wider highway network, as it is very likely to remove some trips currently being made to Minehead, Bridgewater or Taunton, or at least reduce overall trip lengths.
65. In addition, there would be other traffic and transport benefits for the village as a whole, such as the provision of a pedestrian-friendly traffic-free link between the development and Fore Street and the provision of additional conveniently located off-street parking. Moreover, the central location of the proposed developments means that they would be accessible for many local residents on foot or by cycle, thereby reducing the need to travel by private car, and would also be close to existing bus stops that connect Williton with Minehead, Watchet and Taunton.
66. Overall, the HA has taken the view that subject to a robust travel plan being in place, aimed at encouraging the use of sustainable transport, the residual traffic impacts of the proposed developments are unlikely to be sufficiently severe as to warrant the withholding of planning permission. In the absence of any firm, technical evidence to the contrary, I share that view, especially in the light of the additional information submitted by the appellant to the inquiry, updating the traffic survey data and concluding that the traffic flows and assessments undertaken in the TA can still be considered robust; and responding to specific, written queries from Mr Gill¹⁵.
67. Having regard to all the above points, I conclude that the Appeal A and Appeal B proposals would not have a significant or severe adverse impact on the safety and convenience of users of the local highway network. As such I find no conflict with WSLP Policy WI1, or with paragraph 32 of the NPPF which indicates, amongst other things, that new development should provide safe and suitable access for all people, and that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. Moreover, it seems to me that by potentially reducing the need for many trips to be made to supermarkets in Minehead, Bridgewater and Taunton, the proposed developments would assist in promoting the self-containment of Williton/Watchet, as sought through WSLP Policy SC5.

¹⁵ See Documents 17 to 20

Other matters

68. The submitted UU sets out a number of timing provisions, aimed at ensuring the proposed pedestrian link to Fore Street is constructed and open for use before any of the units proposed through either appeal can be open for business. It requires the car parking area and the Parking Management Scheme to be in place before any of the Appeal A units are opened. Further, it requires the 4 Appeal B units and the 1,340 sqm of other units in Appeal A to be constructed to shell and core finish before the supermarket in Appeal A can be opened. It also specifies that the pedestrian entrance of the proposed supermarket will be located within the central retail area, and that the other units under Appeal A will be constructed entirely within this central retail area.
69. In addition, it makes provision for a signage scheme costing up to £7,500 within the centre of Williton, directing visitors to shops and attractions, and also a Town Centre Area Contribution of £20,000 to enhance the public realm and help pedestrian movement and circulation within the central retail area. It also contains a commitment to a Local Employment Agreement, aimed at giving a high priority to helping local people find work and improve their skills; and provision for implementing and monitoring a Travel Plan to seek to reduce single occupancy car-borne journeys to and from the developments.
70. I am satisfied that all the provisions in the UU are necessary to make the proposed developments acceptable in planning terms; would be directly related to the developments; and would be fairly and reasonably related in scale and kind to the developments. As such, I find that they would meet the tests in paragraph 204 of the NPPF and comply with Community Infrastructure Levy Regulation 122. I have therefore taken this UU into account in my determination of these appeals.
71. I have noted the representations made by Williton Parish Council, and others, that the appeal proposals could prejudice the provision of an "Inner Relief Road" for the village. However, as was made clear through the evidence of Mr Russell, no plans for any such relief road feature in the WSLP, which covers the period up to 2032, and no further details have been submitted on this topic. I therefore give this matter little weight.
72. I have also noted the many representations which fear that the appeal proposals would lead to the closure of Lloyds Bank on Fore Street, which is now the only bank in the village, since the closure of the Natwest Bank in Bank Street in 2015. However, some reconfiguration of the ground floor of the Lloyds Bank building would inevitably flow from the need to provide a pedestrian link as part of the planning permission already granted by the Council for 4 Class A1/A2 units in January 2017. In any case there are clear opportunities for a bank to occupy other A2 premises within the retail centre, and indeed the appellant agreed to a condition requiring the provision of a unit of up to 130 sqm of specific Class A2 floorspace as part of the aforementioned planning permission. Because of this I do not consider that this matter should weigh significantly against the proposals.
73. I do, however, give weight to what the appellant has demonstrated amounts to a fall-back position in the form of the re-use and conversion of its Bank Street premises to a convenience store of about 790 sqm gross floorspace, with dedicated parking at the rear. Further evidence has been submitted from property agents confirming that the location and configuration of such a store would be likely to attract interest from retailers seeking convenience store outlets. This seems to me to represent a reasonable and realistic fall-back position, but one

that would not claw back as much main food shopping as the Appeal A proposal, nor generate the same amount of new footfall. As a result I share the appellant's view that such a store would be more likely to compete directly with the existing Co-op and Spar for their existing type of trade, to their general trading detriment.

74. In addition, I have had regard to 2 lawful development certificates which have been granted by the Council and which are detailed in the Planning SOCG. The first of these, granted in October 2014 indicates that land and buildings at Bank Street, encompassing some 4,508 sqm lying entirely within the Williton central retail area can lawfully be used for Class A1 retail uses. This exceeds the maximum area of 4,120 sqm proposed to be developed through the Appeal A and Appeal B schemes, and to my mind reinforces the acceptability of the appeal proposals.
75. The second lawful development certificate, granted in October 2015, confirms that the northern part of the Appeal A site has a lawful mixed use consisting of Class B1 (business) and Class B8 (storage and distribution), as well as a small area of land identified as having a lawful retail use. The appellant argues that granting planning permission for Appeal A would, in effect, enable a largely non-conforming use to be removed, thereby improving the character and appearance of the site, enhancing the outlook for adjoining residential occupiers and avoiding the continued use of the existing sub-standard access. The Council does not dispute these points, and I regard them as material considerations weighing in favour of the appeal proposals.
76. The appellant also argues that in addition to having the clear potential to reduce the length of main food shopping trips and promote self-containment of Williton, the appeal proposals would also satisfy the economic, social and environmental dimensions of sustainable development referred to in the NPPF. In economic terms, the food store and associated development would generate jobs for local construction companies and suppliers during the whole course of the development. Moreover, the UU contains a commitment to ensuring that local workers would be employed, wherever possible, with an emphasis on those providing apprenticeships for young people.
77. In addition, there is agreement between the parties that the appeal proposals would result in the creation of new employment opportunities, with the appellant claiming that at least 150 full-time equivalent jobs would be created. No net figure was provided, to take account of any job losses arising from local diversion of trade and/or store closures, but I see no reason to doubt the appellant's assertion that the new jobs created would be a significant benefit of the schemes. The appeal proposals would therefore satisfy the economic role of sustainable development and I give this matter significant weight.
78. By retaining a much larger proportion of main food convenience expenditure within Williton and providing a significant number of new jobs, the proposals would, in my assessment, help to support and strengthen the village and local area and help create and maintain a strong and vibrant community. I consider this to be important as information before me indicates that Williton is one of the top 10 most deprived wards in the County. In addition, the submitted evidence demonstrates that the proposed development could be delivered to a high quality of design, and would allow for significant enhancement of the local townscape. In view of these points the appeal proposals would also satisfy the social role of sustainable development, and again I give this matter significant weight.

79. Finally, the proposals would also satisfy the environmental role of sustainable development by redeveloping a brownfield site in the centre of the village, and by improving the quality of the built and local environment. In addition, the appellant has made it clear that the new buildings would be designed to minimise carbon emissions and make maximum use of renewable energy sources, and there would be further environmental benefits as a result of the reduction in the number and length of car journeys for main food shopping, already referred to. I give significant weight to these benefits also.

Summary and overall conclusion

80. Drawing all the above points together, paragraph 14 of the NPPF explains that the presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking. In the context of these appeals this means approving development proposals that accord with the development plan without delay. A second strand of this section of paragraph 14 indicates that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
81. Although the appellant maintains that it is this second strand – the “tilted balance” – that applies here (as saved Policy SH/3 from the 2006 LP is out-of-date as it is not fully consistent with the NPPF), I am satisfied that the overall impact of these development proposals would not be to cause harm to the viability and vitality of the Williton retail area. As such, I do not find a conflict with Policy SH/3, notwithstanding the fact that it is somewhat out of kilter with the NPPF. In these circumstances, and having regard to my conclusions on the main issues and the other matters discussed above, I conclude that both appeal proposals accord with the development plan. But even if the tilted-balance were to apply I am satisfied that any harm, which is only like to arise to the private interests of other individual retail operators, would not significantly and demonstrably outweigh the benefits of these proposals.
82. I therefore intend to allow both Appeal A and Appeal B, subject to a number of conditions as detailed below and set out in the attached Schedules. Although some of the conditions may duplicate matters covered in the unilateral undertaking, I have imposed them to comply with the guidance in paragraph 203 of the NPPF which makes it plain that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. This matter is reinforced by the PPG¹⁶.

Conditions

83. Appeal A. Condition 1 is a standard condition for outline planning permissions, whilst Condition 2, which requires development to be carried out in general accordance with a specified illustrative layout plan is imposed to provide certainty. Condition 3 is necessary to ensure that the development is served by an adequate highway access, and also to provide certainty. Conditions 4, 5, 6 and 7 are imposed in order to limit the impact on the existing retail area of Williton, with Conditions 5 and 6 also being imposed to ensure, respectively, that pedestrian access is provided to Fore Street and sufficient parking is available.

¹⁶ PPG paragraph: 011 Reference ID: 21a-011-20140306

84. Conditions 8, 9, 20 and 21 are imposed to safeguard the living conditions of nearby residents and the amenity of the area, while Conditions 10 and 11 will prevent the increased risk of flooding and ensure the provision of a satisfactory means of surface water disposal. Conditions 12, 13, 14 and 15 are needed to protect controlled waters and prevent pollution of the environment, with Conditions 16 and 23 being imposed to ensure satisfactory servicing, parking and turning facilities are provided, in the interests of highway safety.
85. Condition 17 is imposed to ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network, while Condition 18 will ensure that satisfactory facilities are provided for the parking of cycles, and to encourage travel by means other than the private car. Condition 19 is needed to ensure the recording and preservation of archaeological remains on the site, whilst Condition 22 is imposed to protect and accommodate wildlife.
86. Appeal B. Condition 1 is a standard condition for outline planning permissions, whilst Condition 2, which requires development to be carried out in general accordance with a specified illustrative layout plan is imposed to provide certainty. Condition 3 is necessary to ensure that the development is served by an adequate highway access, and also to provide certainty. Condition 4 is imposed to ensure that the development has pedestrian access to the retail area at Fore Street, whilst Conditions 5 and 6 are imposed to safeguard the living conditions of nearby residents. Condition 7 is needed to ensure that land contamination can be dealt with adequately, to prevent any harm to the health, safety or amenity of any users of the development, whilst Condition 8 is needed to ensure the recording and preservation of archaeological remains on the site.
87. Condition 9 is imposed to ensure that adequate parking and turning facilities are provided, in the interests of highway safety. Finally, I have imposed Condition 10 to ensure that replacement Class A2 provision is made and retained as part of the development. Notwithstanding the fact that other Class A2 premises are available within the retail area, I consider that this condition meets the necessary tests in the particular circumstances of this case, where at least part of the ground floor premises of the Lloyds Bank would be directly affected by these appeal proposals.
88. I have had regard to all other matters raised, including the points put forward in the other representations and the petition opposing the proposals, but these are not sufficient to outweigh the considerations which have led me to my conclusion that both Appeal A and Appeal B should be allowed.

David Wildsmith

INSPECTOR

Schedule 1 - Conditions for the Appeal A proposal (23 in total)

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

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 2) The development hereby approved shall be carried out in general accordance with the Illustrative Site Plan No 482_Draft_Rev a.
- 3) No part of the development hereby permitted shall be commenced until a scheme of works to provide the revised vehicle access from Bank Street to the south of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be in general conformity with Plan No W110057/A/001 Rev A other than the indicative signage, and the agreed scheme shall be implemented prior to beneficial occupation of the site.
- 4) The total net sales floor space, including checkout areas, of the supermarket hereby permitted shall not exceed 1,600 sqm. No more than 350 sqm of the total net sales area shall be used for the display and sale of comparison goods; the net sales area for the sale of convenience goods shall not exceed 1,350 sqm.
- 5) Prior to the opening of the supermarket the pedestrian route linking to Fore Street shall be constructed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority and shall be made available in perpetuity for public use. This shall also include details of the siting and design of the concessionary units proposed along the route.
- 6) Prior to the opening of the supermarket or any of the retail/commercial units hereby permitted, the car parking shall be constructed in accordance with details submitted to and approved in writing by the Local Planning Authority and shall be made available in perpetuity for public use. Details of the car park charging regime shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented and maintained as approved.
- 7) Prior to the opening of the supermarket the 4 units permitted under Application No 3/39/14/024 shall be constructed to shell and core finish.
- 8) Prior to the commencement of use, details of the hours of operation of the supermarket, including delivery hours, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.
- 9) Prior to its installation, details of all external lighting, to include hours of operation and strength of illumination, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.
- 10) 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.

- 11) 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.
- 12) Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - a) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority in writing. The scheme shall be implemented as approved.

- 13) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 14) No occupation of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 15) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no

resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

- 16) No building hereby permitted 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.
- 17) No development hereby permitted shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented by the approved Contractor in accordance with the approved details. The plan and any contract shall stipulate the size of vehicles to be used for deliveries and the routes to be used. The approved contractor shall ensure that works do not interrupt the movement of traffic on the A39 at certain times: November to March, Monday to Friday 08:00-09:30; April to October, Monday to Saturday 08:00-19:00; nor April to October, Sundays 10:00-19:00.
- 18) No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.
- 19) No development hereby approved shall take place until the appellant, or its agent or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 20) The boundary fence for noise attenuation shall be constructed in accordance with the submitted Noise Report and shall be erected prior to the supermarket being brought into use. The detail of the fence position shall be submitted to and agreed in writing by the Local Planning Authority prior to its erection and shall thereafter be retained as agreed.
- 21) No building hereby permitted shall be occupied until details of any kitchen fume extraction system designed to control the emission of fumes and odours from the premises have been submitted to and approved in writing by the Local Planning Authority. The details shall show the location of the fume extraction flue and specify the system's servicing and maintenance requirements, termination height of the fume extraction system and low resistance cowl details. The fume extraction system shall only be operated in accordance with the approved details.
- 22) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of First Ecology's Ecological Appraisal dated April 2014 and shall include:
 - The retention and protection of the hedgerow along the north-western boundary of the site during construction and thereafter;
 - The submission of a method statement outlining how badgers and other mammals will be protected from accidental harm on the construction site;
 - Confirmation that trees, bramble and scrub will be removed and other tall vegetation cut back outside of the bird nesting season

or if this cannot be done, works will be undertaken according to a method statement outlining how checks are to be conducted for nesting birds and the actions that will follow such checks;

- Up to date surveys for bats and reptiles by suitably qualified and experienced ecologists at appropriate times of the year and according to recognised methodologies. The survey reports should include mitigation proposals that can be carried out to mitigate any harm identified.

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

- 23) The development hereby permitted shall not be brought into use until the accesses, staff parking facilities and areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Schedule 2 - Conditions for the Appeal B proposal (10 in total)

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

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

- 2) The development hereby approved shall be carried out in general accordance with the Illustrative Site Plan No 482_015_Rev C.
- 3) No part of the development hereby permitted shall be commenced until a scheme of works to provide the revised vehicle access from Bank Street to the south of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be in general conformity with Plan No W110057/A/001 Rev A other than the indicative signage, and the agreed scheme shall be implemented prior to beneficial occupation of the site.
- 4) Prior to the opening of any of the retail units (Class A1/A2) the pedestrian route linking to Fore Street shall be constructed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority and shall be made available in perpetuity for public use. The scheme shall include lighting as part of the public realm works.
- 5) Prior to the commencement of use, details of the hours of operation of the retail units, including delivery hours, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.
- 6) Prior to its installation, details of all external lighting, to include hours of operation and strength of illumination, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.

- 7) Prior to the commencement of development the appellant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The appellant shall:
 - a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
 - b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
 - c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the appellant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.
- 8) No development hereby approved shall take place until the appellant, or its agent or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 9) The development hereby permitted shall not be brought into use until the accesses, staff parking facilities and areas for the manoeuvring, parking, loading and unloading of vehicles has been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 10) A minimum gross floorspace of 130 sqm shall be provided for Class A2 purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), this floorspace shall not change to any other Use Class without the express grant of planning permission.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Christian Hawley of Counsel	instructed by West Somerset Council
He called:	
Mr Matthew Morris	Director, GVA
BSc(Hons) DipTP MRTPI	
Mr Bryn Kitching	Area Planning Manager, Taunton Deane Borough
BSc(Hons) DipTP MRTPI	Council (also covering West Somerset Council)

FOR THE APPELLANT:

Mr Paul Tucker QC and	instructed by Mr Mark Wood of MWA Planning
Mr Gary Grant of Counsel	
They called:	
Ms Christine Reeves	Director, Reeves Retail Planning Consultancy
BSc(Hons) DipTP MRTPI	
Mr Mark Wood	Director, MWA Planning & Development
BA(Hons) BTP MSc	Consultancy
PGDip MRTPI MCILT	
Mr Matt Russell	Director, Vectos Transport Planning Specialists
BEng MCIHT MICE	

INTERESTED PERSONS:

Mr Brian Tynan	Operator of Williton Post Office
Mr Robin Mayes	Local resident
Mr Stephen Gill	On behalf of the "Keep Williton Special Group"
Miss Wendy Spencer	On behalf of the "Keep Williton Special Group"

DOCUMENTS SUBMITTED AT THE INQUIRY

Doc	1	Opening submissions on behalf of the appellant
Doc	2	Opening statement on behalf of the Council
Doc	3	Letter of objection from Spar/Gilletts Callington Ltd, dated 19 May 2017, submitted by Mr Gill
Doc	4	Drawing No 482_015_Rev C, "Illustrative Site Plan Proposals Additional Area" relating to Appeal B, submitted by the appellant
Doc	5	Drawing No 482_Draft_Rev a, "Illustrative Site Plan Proposals – Revised Link" relating to Appeal A, submitted by the appellant
Doc	6	Table showing the change in floorspace within and outside of the defined retail area boundary, submitted by the Council
Doc	7	Errata Sheet – Replacement for Ms Reeves' Appendix CR/6, submitted by the appellant
Doc	8	Extract from the now superseded "Planning for Town Centres – Practice guidance on need, impact and the sequential approach", submitted by the appellant
Doc	9	Summary and Conclusions sections for Mr Kitching's evidence, submitted by the Council
Doc	10	List of 94 Businesses and Professionals who have written in support of the appeal proposals, submitted by the appellant

Doc	11	Letter handed in by Ms Camilla Perry
Doc	12	Points raised at the inquiry by Mr Mayes
Doc	13	Statement presented to the Inquiry by Mr Gill, on behalf of the KWSG
Doc	14	Bundle of 3 letters, distancing themselves from the content of the KWSG's representations
Doc	15	Original representation by Mr Gill, on behalf of the KWSG, dated 4 July 2014
Doc	16	Written response from Mr Russell to Questions raised by the Inspector, dated 24 May 2017, submitted by the appellant
Doc	17	Written response from Mr Russell to Questions raised by Mr Gill, dated 24 May 2017, submitted by the appellant
Doc	18	Technical Note – Review of Traffic Flows (West Somerset) May 2017, submitted by the appellant
Doc	19	Email and attached tables, showing various traffic flow scenarios, submitted by the appellant
Doc	20	Suggested Site Visit Itinerary
Doc	21	Lists of suggested conditions for Appeal A and Appeal B, agreed between the main parties
Doc	22	Speaking points for Miss Spencer, with attached Highways Note
Doc	23	Emails setting out the basis for Mr Morris's appointment to review the appellant's retail assessment and to provide written advice, submitted by the Council
Doc	24	Closing submissions on behalf of the Council
Doc	25	Closing submissions on behalf of the appellant
Doc	26	Application for Costs on behalf of the appellant, with attached emails dated 4 & 6 April 2017
Doc	27	Response to Costs Application, on behalf of the Council
Doc	28	Signed and completed unilateral undertaking, submitted by the appellant