

## Officer Report On Planning Application: 18/00001/FUL

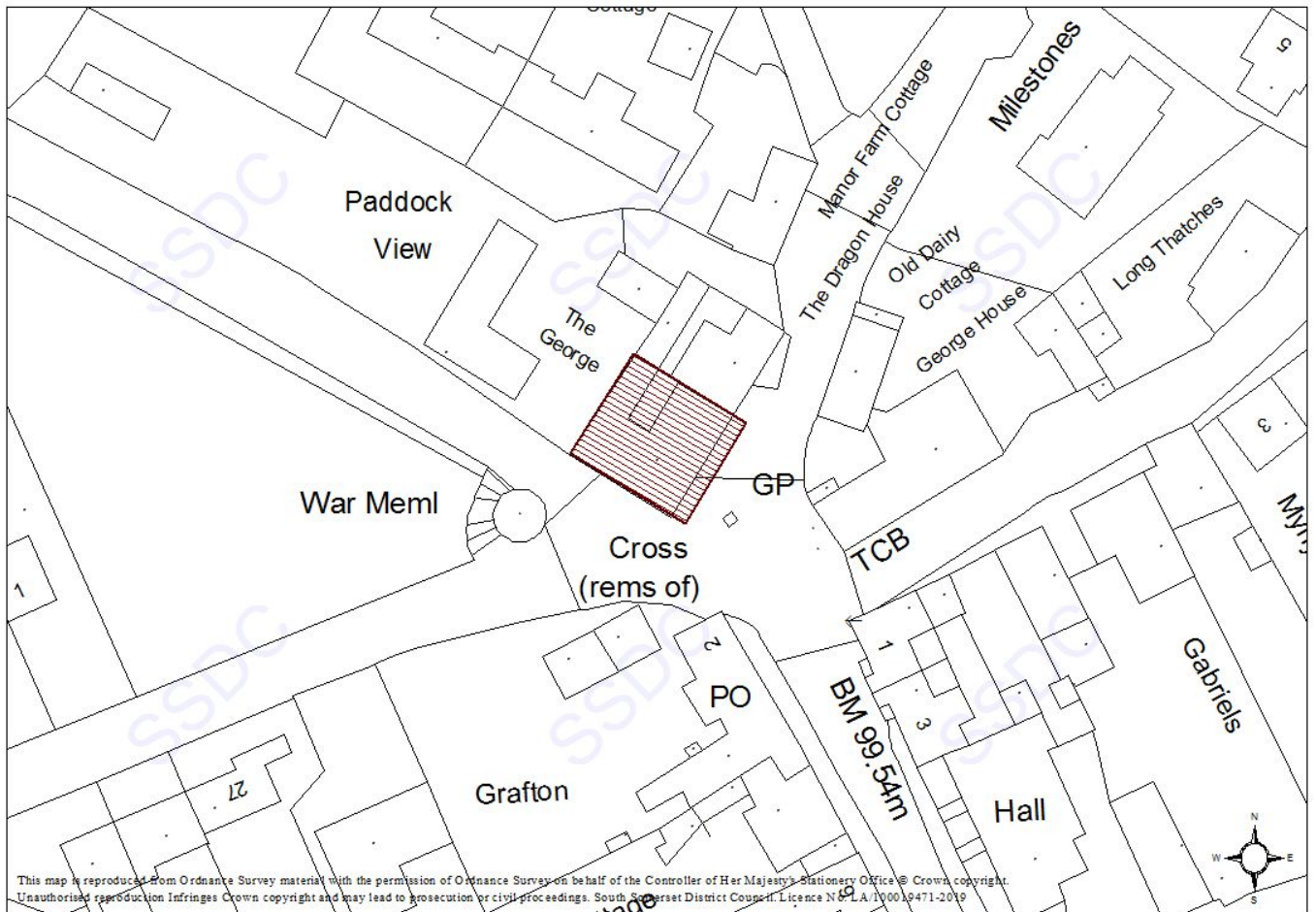
<b>Proposal :</b>	Alterations to include the change of use of ground floor of dwelling (Use Class C3) to a shop/Post Office (Use Class A1) and cafe (Use Class A3). First floor to be ancillary to shop and cafe use.
<b>Site Address:</b>	The George Back Street Winsham
<b>Parish:</b>	Winsham
<b>WINDWHISTLE Ward (SSDC Member)</b>	Cllr Sue Osborne
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date :</b>	19th July 2018
<b>Applicant :</b>	Winsham Shop Limited
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to the planning committee due to the high level of public interest and to consider highway matters.

### SITE DESCRIPTION AND PROPOSAL





The site consists of a link attached Grade II listed dwelling. The dwelling is located within the centre of Winsham at the cross road junction of the B3162, an unclassified road (Back Street) to the North and an unnumbered classified road (Western Way) to the West. There is a Grade II listed village cross located to the front of the site within the adopted highway. There are other Grade II listed buildings in the near vicinity including Old Dairy Cottage and Old Manor farm to the eastern side of Back Lane and the war memorial to the opposite side of the B3162.

The existing dwelling contains 4 bedrooms to the first floor. There is a small yard and ancillary outbuildings to the rear of the dwelling. The existing shop and post office premises are located approximately 30 metres to the South of the site.

The proposal involves the change of use of the dwelling to provide a shop and café. The first floor would remain as ancillary to this use and accordingly could provide storage and an office to service the proposed use on the ground floor.

Various minor alterations are proposed to the floor plan. These include alterations such as:

- Reinstatement of opening in rear wall to provide customer access to post office.
- Reconfiguration of stud partitions within outbuilding.
- Insertion of post office counter
- Upgrading of existing glass roof to rear passage
- Installation of extraction equipment

Amended plans were received which amended the proposal to delete the change of use of the first floor to 4 self contained office units from the proposal.

There are concurrent applications for Listed Building Consent and advertisement consent under

references 18/00002/LBC and 18/01705/ADV respectively.

## **HISTORY**

There is no history of relevance to the proposal.

## **POLICY**

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

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

In relation to listed buildings Section 72 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving or enhancing the character and appearance' of the conservation area.

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities have 'special regard to the desirability of preserving the building or its setting'.

The National Planning Policy Framework 2018 (the NPPF) is a material consideration. The following chapters are of most relevance:

Chapter 2- Achieving sustainable development  
Chapter 4- Decision-making  
Chapter 5- Delivering a sufficient supply of homes  
Chapter 9- Promoting sustainable transport  
Chapter 15- Conserving and enhancing the natural environment  
Chapter 16- Conserving and enhancing the historic environment

Local Plan (2006-2028)

The following Local plan policies are considered to be relevant:

SD1- Sustainable Development  
SS2- Development in Rural Settlements  
EQ3- Historic Environment  
EQ2- General development  
TA5- Transport impact of new development  
TA6- Parking standards  
EP15- Protection and provision of local shops, community facilities and services  
EQ7- Pollution Control

National Planning Practice Guidance:

The following sections have the most relevance:

- Determining an application.
- Conserving and enhancing the historic environment

Other Policy Considerations

Somerset County Council Parking Strategy

## **CONSULTATIONS**

## **Winsham Parish Council**

First response:  
recommend approval.

Second response:

Winsham Parish Council held its meeting last night, where the above planning applications were discussed (together with 95 residents of the Parish) and its observations for both applications are:

Recommend Approval. Whilst we give this application our recommendation for approval, we wish to emphasise that this has the overwhelming support of the Winsham community. It is a vital village asset which we wish to preserve and develop for the sake of all.

Third response (in response to amended description):

The Parish Council noted the amended description.

The Parish Council's original response still stands, Recommend Approval.

## **SDDC Conservation Officer**

No formal comments received.

## **SDDC Environmental Health Officer**

No waste storage in passage way or rear courtyard due to potential amenity impact on neighbouring premises.

Also noise from patrons sitting in the outside seating area could impact again on the amenity of the neighbouring premises, also noise from any extraction system could also have an impact, so would look to prevent the outside area being used for the business.

Somerset Highway Authority: (Where an application is referred to 'standing advice' on highway grounds and the recommendation of the District Council is for refusal, the proposed refusal is sent to the Highway Authority for comment. The Highway Authority have commented that they cannot support the refusal and have provided the following commentary):

### **Parking and Manoeuvring in the Highway**

Due to the existing services and facilities in the village, vehicles parking in close proximity to the 5 way junction (The southern (Church Street) and northern arms of the B3162, Western Way, Back Street and Fore Street) is a matter of fact, both in close proximity to The George, and the existing store/post office; (SDDC Highway Consultant's comments)- *This may be the case but by locating the shop in the building proposed, the traffic movements (pedestrians, cyclists and vehicles) will intensify directly outside the building leading to, in my opinion, a significant increase in the substandard junction.*

Drivers approaching this junction on the through-route; i.e. no need to stop and 'give-way', from the north will be aware that their onward journey onto the southern arm of the B3162 will entail using the northbound carriageway due to parked vehicles on the eastern side of the road; (SDDC Highway Consultant's comments)- *I do not understand the relevance of this statement. I acknowledge that on-road parking occurs on the east side of the B3162 forcing southbound vehicles travelling on the B3162 to straddle the centreline of the road to pass such parked vehicles, but this manoeuvre occurs beyond the substandard Back Street/Fore Street junction.*

Further, drivers will know that vehicles are regularly parked outside The George and there is a risk that reversing movements occur. In this regard, speed of vehicles is kept low. If the existing situation with vehicles reversing into the highway outside The George were inherently dangerous it would be reflected in the collision data held by this Authority. I have had a look at our records and no collisions have been reported to us over at least the last three years. (SDDC Highway Consultant's comments)- *Given the*

*very poor forward visibility caused by the building, it is my view that it would not be possible to anticipate the reversing movements whether drivers are local or not. While reference to the collision data can be a good indicator as to whether or not the local highway network is safe, it is important to note that the data only records personal injury collisions that have been reported to the police authority, damage-only collisions are not recorded and most importantly, the intensification in use of the substandard junction as a result of the shop could result in an increase in risk of collision injuries occurring.*

#### Trip Generation

This Authority does not consider the proposal as submitted will be a major trip generator for people who would require motorised transport to attend the site. In our opinion, whilst a small café may entice people to gather for refreshments these are likely to be local residents who will walk to the site. (SSDC Highway Consultant's comments)- *I do not disagree with this statement but it is the concentration and intensification of traffic movements directly outside the building that is my concern.*

The applicant has provided details of the pedestrian activity associated with the existing site and whilst a few more visits may be created by the addition of the café, this Authority considers most of the café users will be existing store/post office customers. The level of new traffic will be minimal. (SSDC Highway Consultant's comments)- *The data provided by the applicant indicates a significant volume of pedestrian traffic generated by the shop. The provision of a new café within the premises is likely to attract cyclists given the growing popularity of the sport/recreation. Again, it is the intensification of pedestrian traffic and the increase in cycle traffic in this specific location that is cause for concern, as well as the prospect of delivery and service vehicles reversing onto the B3162.*

For northbound pedestrians wishing to cross Church Street to attend the new store/café, the desire line would take them to the corner of No2 Church Street. From this location the least visibility is along Western Way, but this still measures approximately 30m; (SSDC Highway Consultant's comments)-*For pedestrians to cross the road (west to east) at the safest point would lead to pedestrians walking into the bell-mouth of the Back Lane junction.*

For pedestrians approaching the site along Western Way, the least visibility is of vehicles leaving Back Lane where approx. 25m of visibility is provided; (SSDC Highway Consultant's comments)- *I would anticipate pedestrians walking from Western Way to the shop crossing the road at the above location, directly into the bell-mouth of the Back Lane junction*

For pedestrians crossing to the western side of Church Street it is likely that they will stand in the region of the kerb edge on the southern corner of The George especially if the proposed planters are granted a licence

From this location vehicles approaching from the north are positioned such that at least some of the vehicle is visible almost on the centre line of the carriageway. In this regard the centre line is visible in a northerly direction for over 100m; (SSDC Highway Consultant's comments)- *I do not agree with this statement at all. Pedestrians exiting the shop and walking in the direction of Western Way or the recreation field would have zero visibility if crossing the road at the corner of the building and about 6m if crossing the road immediately adjacent to the Cross. National guidance indicates that the set-back distance for pedestrians when crossing a road should be 1.5m back from the edge of the highway. This takes account of people pushing prams, wheelchair/buggy users, etc. From such a distance but even from a standing position, the visibility in the northerly direction is extremely substandard.*

Due to the fact that vehicles will be in the process of negotiating this junction their traffic speeds will be very low and this Authority considers the aforementioned visibility splays to be acceptable. (SSDC Highway Consultant's comments)- *The existing northerly visibility splay at the junction is significantly below the required standard.*

#### Planters in the Highway

This plan shows the area of land outside The George to be covered by highway rights  
As such the proposed planters will require licencing by this Authority.

If the highways legislation contains provision whereby an appropriate licence can be granted, the terms of the licence can take positioning and future growth of plants into account thereby removing the issue of vegetation growth hindering vision further.

If no such provision exists, the licence cannot be granted and the planters will not be allowed.

In either case the suggested hindrance to pedestrian vision will not occur. (SSDC Highway Consultant's comments)- *I am not convinced that if the planters are licensed they will prevent pedestrians from seeking to cross the road at that point but in any event as indicated above even if pedestrians cross the road immediately to the south of the war memorial visibility is extremely substandard in the northerly direction.*

#### Refusal of Permission

As has been stated previously, if permission is refused and the current shop becomes financially unviable, the closure of the shop will mean local residents will have to travel further afield for groceries. The limitations of the public transport system through the village will mean the vast majority of people will use their private cars which will increase the amount of vehicles negotiating the aforementioned junction which will increase the risk of collisions. (SSDC highway consultants comments)- *In my view, highway safety is more important than any potential likelihood of additional trips being made further afield. The highway authority's concern that the closure of the shop may increase the risk of collisions suggests that it does consider the junction to be substandard.*

*I have assessed the details of this matter and, in this case, the Highway Authority's finds we are unable to support the comments made below. The Inspector will need to assess any relevant details presented and make their decision accordingly.*

#### **SSDC Highway Consultant:**

Second response (In response to amended plans).

I note the alterations that are now being proposed. If planters are to be located within the highway extents, the necessary approvals and a licence would be required from SCC. It would be useful to know whether or not an approach has been made to SCC for this purpose. The plans indicate that there would be gaps between the planters and I am mindful that any vegetation growing within the planter may exacerbate the restricted visibility, but in any event I remain very concerned that the location of the shop at The George building would result in a significant increase in use of the substandard Back Street/B3162 junction which for the reasons given previously, I am unable to support.

First response:

I acknowledge that there is an existing shop in the village but it is the location of the proposed shop at the Back Lane/Church Street junction and the additional uses (café and commercial offices) that are of significant concern. The junction visibility in the northerly direction measures just 2.4m x 11m (see attached photograph IMG5539) and while I acknowledge that vehicles are decelerating as they approach the village from the north, the extent of the sightline is well below the standard required. Even from Fore Street junction visibility to the right is deficient (see attached photograph IMG5541). Given the increase in vehicular movements that would occur as a result of this development around the two junctions, I am concerned that the safety of all road users would be compromised.

I believe it is highly likely that delivery vehicles for the proposed shop would enter Back Lane from Church Street, park in front of the proposed shop (in the vicinity of the area shown on the attached photograph IMG5545, block the highway, and then reverse back out onto Church Street. I note the statements that the parking of customer vehicles and delivery vehicles associated with the current shop already takes place in this area; however, I believe it is likely to occur on a much more regular basis with the shop being located on the east side of Church Street.

Pedestrians exiting the proposed shop heading towards Western Way would have virtually no visibility

to the north when crossing the road - see attached photograph IMG5550. I am mindful of children walking between the proposed shop and the recreation field, but also of other pedestrian movements to residences along Western Way from the proposed shop. I note the statements referring to the possibility of positioning planters to prevent crossing movements taking place in this location but there does not appear to be any firm proposals in this respect, fully supported by the highway authority (the County Council would need to consider the highways safety implications and licensing issues related to such a scheme) and in any event, the planters may not have the desired effect of discouraging movements on that blind corner. The traffic survey recorded some 39 pedestrian movements in the area in an hour which I consider to be a significant number.

Given the growing popularity of cycling, the proposed café element of the scheme could attract cyclists yet it is not clear where cycles would be safely and securely parked, and when leaving the premises to re-join the B3162, cyclists would be faced with the substandard visibility splay mentioned above. The provision of a café could lead to additional parking demand in the immediate area, particularly for the travelling public.

The proposed commercial units would also generate additional vehicular traffic and a demand for parking, yet there appears to be no off-road dedicated parking spaces for this element of the scheme.

In light of the above concerns which have remained since I was first approached about this development proposal, I am unable to support the application on the grounds that the development scheme would lead to a significant increase in use of a substandard junction arrangement by all traffic, and that insufficient parking provision has been proposed potentially leading to indiscriminate on-road parking and an exacerbation of the highway safety issues previously mentioned.

## **REPRESENTATIONS**

Following consultation, representations have been received from 191 households, 169 in support and 18 objecting to the application. The following comments are made:

Support:

- The village needs a shop. The loss of the shop would be detrimental to the village residents.
- The village needs a post office
- Social benefits for residents
- Benefit to elderly
- Highways situation of the proposed site is no worse/better than than the existing.
- Shop provides employment
- Sustainability benefits of not generating additional car trips to shops in Chard

Objection:

Highway Safety:

- Location on 5 way junction
- Limited visibility
- Unsafe for pedestrians and vehicles.
- Increased use of junction is not safe
- Proposed planters are unsuitable to prevent pedestrians crossing the road in-between the building and the village cross.
- No dedicated parking
- Difficulty/unsafe site for delivery vehicles
- Excess speed of vehicles passing the site

Other issues:

- Lack of compliance with building regulations- means of escape, disabled ramp, lobby, opening of rear wall.

- Harm to the amenities of adjoining residents in relation to noise and disturbance.
- The proposal is unviable financially. Cost of purchase, cost of alterations required etc. .
- This site is not the only option in the village for the relocation of the shop.
- The village already has a public house providing a community facility.
- Competition for the public house
- Difficult disabled access despite proposed ramp.
- Relocation will not solve the current problems with chillers
- Lack of space for bin storage.

## **CONSIDERATIONS**

### **Principle of Development**

There are a number of Local Plan policies and sections within the NPPF that are relevant to this proposal. As stated above, development proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy EP 15; 'Protection and provision of local shops, community facilities and services', states:

Provision of new community facilities and services will be supported. Proposals that would result in a significant or total loss of site and/or premises currently or last used for a local shop, post office, public house, community or cultural facility or other service that contributes towards the sustainability of a local settlement will not be permitted except where the applicant demonstrates that:

- alternative provision of equivalent or better quality, that is accessible to that local community is available within the settlement or will be provided and made available prior to commencement of redevelopment; or
- there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment, and all reasonable efforts to secure suitable alternative business or community re-use or social enterprise have been made for a maximum of 18 months or a period agreed by the Local Planning Authority prior to application submission.

Policy SS2 states (inter alia) that development in Rural Settlements will be strictly controlled and limited to that which creates or enhances community facilities and services to serve the settlement.

Having regard to the above, there is general compliance with the relevant policies EP15 and SS2 in that the proposal involves the provision of a new community facility. However the proposal is for a new premises to replace the existing shop and concerns are raised over the new site, particularly over the impact on highway safety and this issue is discussed in the relevant section of the report below.

The applicant has stated that the business in its current location is not financially sustainable due to the level of rent, other business costs and the requirement for investment to refurbish various aspects of the premises. The applicant further states that the additional space within the George would allow diversification into the café to provide an additional income stream. There has been a debate within the village as evidenced by some of the neighbour comments over whether the proposal is likely to be financially sustainable and questions over whether remaining in the existing premises or seeking an alternative site would represent a better long term and sustainable solution for the village. The applicant has submitted a statement which runs through the various other sites that were considered within the village with reasons why these other sites were discounted. It is not the role of the planning system necessarily to arbitrate in this debate or to consider in detail the financial viability of the proposal. As with any commercial proposal, the onus is on the applicant to have due diligence in order to ensure that a proposal has a good prospect of survival. In terms of whether or not other options are available in the village in the future, it is considered unlikely that in the event of this proposal failing, the village would have absolutely no other options open to them, however it is accepted that this proposal is the route



that the existing shop committee have chosen to pursue at the current time.

Having regard to the above, it is considered that the acceptability of the proposal would depend on site specific material considerations such as highway safety, residential amenity and the impact on heritage assets. These considerations are discussed in the report below.

### **Character and appearance/impact on the listed building**

The proposal would necessitate a range of internal and external alterations to the listed building. These are also subject to a concurrent application for listed building consent. The most noticeable external alteration would be the provision of signage. This is subject to a concurrent application for advertisement consent.

The Conservation Officer has been consulted and does not raise objection to the proposal. The most significant alteration is the reinstatement and enlargement of the blocked up former opening in the original rear wall of the building to create access for customers into the 'covered area' and post office pod. This is considered to result in a minor degree of harm, however it is understood that the rationale is to provide disabled access into the post office and toilet area rather than altering the existing opening at the rear of the central passage. On balance, considering the proposed public use of the building and the need to provide adequate accessibility and circulation space it is considered that the proposed doorway is not sufficient to warrant refusal of the application.

Other alterations relate to the need to upgrade existing internal doors to be considered as adequate fire breaks. The applicant has confirmed that the fully panelled doors would be treated with a fire retardant paint. The glazed doors would be adapted with timber inserts and then treated accordingly.

The provision of a domestic specification extractor in the rear wall of the building is considered to be acceptable in relation to the impact on the listed building.

Having regard to the above it is considered that the proposal would respect the historic character of the Listed building and the setting of the church in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028)

### **Residential amenity**

Concerns have been raised by local residents about the impact on amenity by way of noise and general disturbance, in particular the proximity to the adjoining attached dwelling, Dragon House and the dwelling to the rear, Paddock House.

The applicant has confirmed the opening hours for the shop and café as 07.00 to 06.00 Monday to Friday and, 8am to 1pm Saturday 09.00-12.00 Sunday. These opening hours are considered to be acceptable in relation to the impact on surrounding occupiers given that the nature of operating a shop is a quiet operation and there have been no recorded noise complains resulting from the existing premises.

Concern has been raised by the Councils Environmental Protection Department over the tables and chairs that were proposed in the covered area at the rear of the premises and the potential for noise and disturbance. It is considered that these concerns are valid given the proximity to the adjoining occupier. It is considered that a planning condition would be necessary to remove this detail from the scheme.

Concerns have been raised over the impact of the café element on the amenities of adjoining occupiers in relation to noise and odour.

The applicant has stated in the application that no deep frying would take place within the café. The Councils Environmental Health department have commented that the regulations around ventilation and extraction require that such equipment is of sufficient standard for the required task and that basic reheating would not require anything more than domestic extraction. In the event of planning permission

being granted, a condition could be imposed that restricts the type and specification of extraction to be installed. This would provide some limitation on the type of cooking that takes place in the café kitchen.

Having regard to the above, it is considered that the proposal would have an acceptable impact on neighbour amenity and would therefore comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

### **Highway Safety**

Concern has been raised by some local residents about the impact of the development scheme on highway safety and the lack of parking. The Council's Highway Consultant has considered the application in detail and has carried out an assessment on site. The Highway Consultant has commented that the impact on highway safety would be unacceptable. The County Highway Authority have commented that they cannot support the proposed recommendation for refusal. Their comments are included in the relevant section of the report above with the Council's Highway Consultants response to each section in italics. In summary, the issues mainly relate to the location of the site on a substandard five-way junction and the associated impact on the safe functioning of the highway network around the junction for vehicles, cyclists and pedestrians.

There is a significant lack of visibility for vehicles exiting Back Street onto the B3162 Church Street - this measures just 11 metres to the north of the junction. It is considered likely that delivery vehicles and customers would turn into Back Street and park in front of or close to the shop, and then when departing, reverse onto the B3162 without being able to see on-coming traffic from the Chard direction due to the severely substandard visibility to the north. An increase in parked vehicles around this junction would further compromise the safe functioning of the junction.

The other concern relates to pedestrian movements, especially to and from the western side of Church Street and Western Way, and particularly children walking to and from the recreation ground. There is no visibility for pedestrians crossing Church Street (east to west) from in front of the shop. The applicant has proposed planters along the carriageway edge; however, it is considered that there is no guarantee that such provision would prevent pedestrian movement and it has not been demonstrated that the necessary license and approvals would be issued by the Highway Authority. Shrubs growing within the planters may exacerbate the substandard visibility available when exiting from Back Street. In any event, if the aforementioned pedestrian movement occurred adjacent to (immediately south of) the war memorial, there is still a lack of adequate visibility in the northerly direction as mentioned above.

Furthermore, the application site contains no dedicated parking provision for vehicles or cycles and the increase in ad-hoc parking in and around the junction would compromise the safety of highway users.

While it is accepted that some deliveries and parking may occur in and around the Back Street junction at present with the shop located in its current position, the establishment of a shop in the location proposed would concentrate and intensify those activities and operations at the junction such that a significant increase in use of the substandard junction would occur.

Accordingly it is considered that the proposal would not accord with Policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and paragraphs 108 and 109 of the National Planning Policy Framework (2018)

### **RECOMMENDATION:**

Refuse permission for the following reason:

01. The location of the development proposal and the traffic generated by the scheme (including pedestrians, cyclists, private vehicles, and delivery/service vehicles) would lead to an increase in use of the existing Back Lane/B3162 Church Street/Western Way/Fore Street junction such that safe and suitable access to and from the site cannot be achieved for all users, and the impact

on highway safety would be unacceptable. In addition, the development fails to provide any off-road parking leading to additional on-road parking in and around the aforementioned junction to the detriment of highway safety. Therefore, the proposal would not accord with Policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and would be contrary to paragraphs 108 and 109 of the National Planning Policy Framework (2018).

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