

APPELLANT'S COMMENTS ON THE RESPONSE OF THE LOCAL PLANNING AUTHORITY (SOUTH SOMERSET DISTRICT COUNCIL) TO THE APPEAL AND TO THE OBJECTIONS LODGED

Part 1: Comments on the Response of the LPA

The LPA's Response singularly fails to meet the case put forward by Winsham Shop Limited in its Notice of Appeal. Instead of concentrating on the actual dynamics of pedestrian and vehicular traffic in the village, of which there is good evidence available from a variety of different sources, it has substituted its own judgement about what shop customers do now and would be likely to do in the future. This judgment is founded on a series of assumptions.

The LPA's approach is said to be based on concerns about the safety for vehicles and pedestrians in the vicinity of the four-way road junction at the centre of the village, but it ignores the fact that the junction will continue to exist as it is, whether or not the shop moves and with it, the same risks will remain.

Residents of the village are alive to those risks and accept them. This is evidenced by the strong backing of the Parish Council (past and current) for locating the shop and Post Office in The George and the many residents of the village who, in most cases, wrote reasoned letters of support for the original application.

Despite this support, the LPA seems to be adopting the patronising view that the village needs protecting from itself; but this completely ignores the strongly-expressed independent opinion of the Somerset County Council Highway Authority, that road safety will not be compromised by the move from one side of the B3162 to the other. The author of the LPA's Response seeks to marginalise the Highway Authority's input by pointing out the fact that responsibility for determining any road safety issues arising out of the planning application had been delegated to SSDC; but that delegation serves only to empower the LPA to act on the Highway Authority's behalf and does not destroy the validity of the Highway Authority's arguments if it chooses (as it did here) to express them. It is notable that the Planning Officer tried, not once but twice, to persuade the Highway Authority to support his recommendation to refuse the application. On neither occasion was he successful.

Dealing with the specific points of apparent concern:

Road Safety

(a) *Pedestrians*

Residents of the village are very familiar with the junction and know where it is safe to cross the "main" road. There has been no reported road traffic incident involving a pedestrian or pedestrians crossing any of the roads. Had there been, the village would have been aware of it. The LPA has still not grasped the fact that moving the shop and Post Office from one side of the B3162 to the other will not make a significant difference to the pattern of pedestrian traffic associated with them. The B3162 effectively divides the village in two. Currently, those going to the shop or the recreation ground on foot from Western Way, Bakersfield and Davies Close do not have to cross this road; but those living north-east of it, (in Back Street, Colham Lane, High Street and Fore Street) do and presumably have to cross back again. The position would simply be reversed if the shop and Post Office moved to where The George is

now; but a significant number of the letters of support for the move came from residents of Western Way, Bakersfield and Davies Close, although they would be the part of the village most affected by it.

By reference to Figure 1 on page 4 of its comments, the LPA seeks to demonstrate that the pattern of pedestrian movements would significantly alter were the appeal to be allowed; but the superimposed red and yellow arrows do not represent either the existing or the likely future pattern of crossing of the B3162. Shoppers from Back Street and Fore Street rarely, if ever, choose to walk down to the point immediately opposite to the shop before crossing, as suggested. They tend to cross at the mouth of the junction where there is reasonable visibility in all directions. Equally, it is disingenuous to suggest (as Plate 3 on page 5 seeks to do) that those crossing back into Western Way, or going to the Recreation Ground from the shop, would choose to take the route with the worst visibility, hard up against the side of the building. It has to be remembered that that crossing is made daily now, particularly in the summer and nobody takes the route suggested. Moreover, it has been envisaged from the outset that there would be a barrier of some sort between the side of the building and the Village Cross (see Plate 2 on page 5). This would effectively prevent people crossing the B3162 at the point where there is no visibility to the right. The Parish Council has taken over responsibility for liaising with the County Council to achieve this, regardless of the outcome of the appeal. True to form, the LPA, far from welcoming this in the interests of general road safety, have raised the objection that a barrier could further impede visibility, if planters were allowed to become overgrown.

Plate 1 on page 4 is said to demonstrate the apparent danger involved in crossing from the south-west side of Church Street into Back Street¹, because it involves pedestrians “*ending up crossing into the carriageway of Back Street rather than onto a pavement*”; but that is what happens now for those who live in Back Street and Fore Street. More to the point, Plate 1 demonstrates that there is clear visibility right up Back Street and it is a wide-mouthed junction. The street itself is a modest residential street with light traffic at all times.

Finally, something is made by the LPA for the first time² of the speed of vehicles approaching the junction from the direction of Chard. Figure 1 on page 4 shows that there is a natural “chicane” in the road which slows traffic down. If the speed of approaching vehicles was really an issue, it is surprising that no action has been taken (or has been considered necessary) up to now by the Highway Authority and no traffic-calming measures have been proposed or put in place.

(b) Cyclists

The LPA’s argument is, frankly, unacceptable.

- The type of cyclist likely to visit the proposed café will probably not require the protection of SSDC to provide a totally risk-free point of exit from the premises.
- There is a strip of land against the east wall of the building which is in private ownership and therefore not in the control of the Highway Authority, where bicycle racks could be erected, if necessary.
- Again it is disappointing that Winsham Shop Limited is criticised at this late stage for not including “cycling parking facilities” on its submitted plans and not providing evidence that the Somerset County Council Highway Authority, would look favourably on an application for a licence for such facilities, when the first time that

¹ At a point where it is agreed that visibility is safe in both directions

² There was no reference to this data in the Planning Officer’s Report to the Area West Planning Committee.

the appellant was aware that this was a contentious issue was when the Planning Officer's Report for the Area West Planning Committee appeared on the SSDC website, five days before the Area West Planning Meeting.

(c) *Private vehicles*

The LPA's traffic consultant had agreed with the observation of Adam Garland on behalf of the Somerset County Council Highway Authority that: "*This Authority does not consider the proposal as submitted would be a major trip generator for people who would require motorised transport. 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*" (See: **Appendix 6 page 2**). Mike Bellamy from SSDC did not disagree with this statement. He did say that it was the "*concentration and intensification of traffic movements directly outside the building that was [his] concern*", but that could not apply to private vehicles, given his concession.

Now, it seems the LPA is arguing that there would be "additional vehicle movements being generated as [the café] represents a new use". This argument seems to fly in the face of what had been said earlier and the sensible (and realistic) suggestion by the Highway Authority, that the clientele of the café would be likely to walk there.

The major argument now seems to be about parking for shop customers arriving by car which is answered below under "**Parking**".

(d) *Delivery/service vehicles*

The main delivery vehicle comes once a week and parks in the position described in the Grounds of Appeal, which the LPA now accepts as being accurate (Plates 4 and 5 on page 9). Complaint is now made that: "*...other traffic has to move to the offside carriageway in order to pass the parked delivery vehicle, potentially into the path of other vehicles turning into Back Street from Church Street.*" This is the current situation! This will not change whether or not the appeal is successful. The lorry is in position for no more than 20 minutes once a week. Back Street is probably the least busy street in village itself. The weekly delivery has never caused a problem. Once again the mantra of "*intensification of other traffic movements, (pedestrian, cycle and vehicular)*" is repeated; but in fact the delivery routine will remain unchanged, wherever the shop is situated. The light vans which deliver the papers, dairy products and bread, between 07.00 and 08.45 will either park for the short time it takes them to make the deliveries on Church Street, as they do now, or in front of the George, off Back Street. In neither case will they cause an additional obstruction or any increase in traffic in the village. The final suggestion from the LPA (see page 9) is that the van delivery drivers may be in such a hurry that they will choose to reverse out of Back Street into the B3162 (with no visibility at all until the van has completely obstructed the road) rather than drive up Back Street and down Fore Street to leave the village or turn round in Back Street and drive out forwards. It should be remembered that there are only three regular van deliveries made on a daily basis from Monday to Saturday and they rarely coincide.

Parking

As far as parking is concerned, the LPA's basic premise is that customers travelling to the shop/Post Office by car will require/want to park as close to the shop as possible. That is not correct. The great majority of the shop's customers walk there. It is only those living a significant distance from the shop, or are *en route* elsewhere or returning home, who arrive by car. Obviously they do not all arrive at the same time and there is no "peak" time.

The suggestion is that if the shop moves to Back Street, everyone arriving by car will want to park outside the shop where parking is limited. That is unlikely to be the case. There is no dedicated parking attached to the current shop premises, but there is a clear pattern. The few arriving from Back Street tend to park in Back Street or the east side of Church Street. Those arriving from Fore Street tend to park in Fore Street or the east side of Church Street; while those arriving from Western Way park at the mouth of Western Way.

It is unlikely that this pattern will change. It is fanciful to suggest that a driver coming from the direction of Western Way would choose to drive across the B3162 to park, simply to be a few metres nearer to the shop, when it would necessarily involve crossing back again; the more so if the customer's ultimate destination was Chard or Crewkerne.

This was, and is, an exciting project for the village. The shop and Post Office are a community asset which are run for the benefit, not only for the whole of the village, but also the surrounding area. They are more than a mere commercial concern; they are the central hub of the community. We had hoped that by raising money to buy a property in which the shop, the Post office and a café could be housed, we would secure their long-term viability, because they would no longer be subject to increasing rent demands in the future. The money has been raised or promised, but it cannot be applied to the existing shop premises which are not for sale. Nor could the footprint of the existing shop accommodate the café, which has been identified as a source of a modest amount of additional income.

The village had hoped and anticipated that the LPA would be supportive of us in pursuit of our goals. Disappointingly, that has simply not been the case at any stage. The LPA has been obstructive, unhelpful and secretive; it has raised obstacles at every stage. It has fought "tooth and nail" to destroy the project, as its response to our appeal has made abundantly clear. It even argues in its response to the appeal, that if WSL's appeal is successful, conditions should be applied to the grant of permission which would either restrict or remove the possibility of having outdoor seating for the café at the front and/or back, which would obviously have an impact on its popularity. Other village shops³ with cafés attached have tables beside the road, even where they are surrounded by residential accommodation.

If it succeeds in having the decision of the Area West Planning Committee upheld in this appeal process, the LPA will walk away having made no constructive

³ For example: Thorncombe, in Dorset

contribution to the long-term viability of a shop and Post Office in this village and having shown no sympathy for the clearly-expressed wishes of most of the village and the wider community.

Part 2: Comments on the letters of objection

The appellant has identified 10 recent letters of objection; but three of those who have written are from the same household and a fourth (who lives in Chard) is a relative. It was advised that it was not necessary for those who had written letters in support of the original application to resubmit letters in support of the appeal, since the earlier letters had been uploaded onto the system by the LPA. None of the original correspondents has withdrawn his/her/their support, but there have been two additional letters of support: from the newly-elected Parish Council and from the SSDC ward councillor, Sue Osbourne.

The letters of objection fall broadly into six categories with some degree of overlap:

- 1. Letters effectively arguing the case put forward by the LPA.*

There are two technical “reports” 11 and 5 pages long produced by the occupants of Colham House, Colham Lane. The authors both work for South Somerset District Council, in Development Management. They are professional colleagues of the planning officer Mr Hicks and the Highways Consultant Mike Bellamy.

- 2. Letters attacking the credibility of Adam Garland of Somerset County Council Highway Authority.*

It is hardly appropriate for those asked for comments on the appeal to make personal attacks on the credibility and expertise of Mr Garland who was only responding to the Highways case advanced by the planning officer.

- 3. Letters attacking the business case for the move to The George and criticising Winsham Shop Limited for failing to consider an alternative location for the shop and Post Office.*

It surely cannot be relevant to the determination of this appeal (or even the original application) that a very small number of people question the suitability of the site for a shop, Post Office and café and criticise the Shop Committee for failing to consider sites elsewhere in the village. The Committee charged with running the shop considered other possibilities but came to the conclusion that none of them were viable. The author of the letter of objection was invited in February 2019 to investigate and report on the feasibility of (and the financial case for) one particular location which he had proposed, but he declined to do so. On the other hand, the Shop Committee has held two well-attended public meetings where the whole project was explained and debated and there have also been two Parish Council meetings in June 2018 and January 2019⁴ when the shop was on the agenda. No one spoke up at either meeting in favour of any other location.

⁴ Attended by nearly 100 people.

4. *The next-door neighbour to The George, one resident higher up Back Street and one in Colham Lane.*

5. *A perceived competitor, concerned about the effect on her business at The Bell public house.*

The owner of The Bell objected to the original application and has renewed her objection. Experience suggests that it can often benefit an existing pub or café business to have another outlet serving a different clientele in a small town or village, but the Appellant questions whether it is for the Town and Country Planning system to protect businesses from any competition. In any event, it is a sad fact of life that a large number of pubs close every week, not because of competition from cafés, but because the business model is not sustainable.

6. *A resident of Chard, who has family connections in the village.*

It is difficult to see what weight can be attached to this objection.

These 10 objectors no doubt feel strongly and genuinely for different reasons about the original application and this appeal. However this needs to be seen alongside the letters of support from 169 households⁵ that were sent to the Planning Department before the original application was determined and the initial petition in support which attracted over 250 signatures.

At least one of the current objectors suggests that there is a “silent majority” in the village which is opposed to WSL’s application. That is simply not the case. This is obviously an easy card to play because the “silent majority” is not identified; but had there even been a groundswell of discontent, it would have emerged at the public meetings, the Parish Council meeting or from the discussions which our SSDC ward councillor regularly has with residents of the village.

⁵ Source: Planning Officer’s Report to SSDC Area West Planning Committee; Appendix 9 page 7.