

South Somerset District Council

Minutes of a meeting of the **Area South Committee** held at the **Council Chamber, Council Offices, Brympton Way, Yeovil. on Wednesday 3 October 2018.**

(2.00 - 5.30 pm)

Present:

Members: Councillor Peter Gubbins (Chairman)

John Clark	Graham Oakes
John Field	Wes Read
Nigel Gage	David Recardo
Kaysar Hussain	Gina Seaton
Andy Kendall	Peter Seib
Sarah Lindsay	Alan Smith
Mike Lock	Rob Stickland
Tony Lock(from 2.15pm)	

Officers:

Jo Boucher	Case Services Officer (Support Services)
Simon Fox	Lead Specialist (Planning)
Marc Dorfman	Senior Planning Adviser
Natalie Fortt	Area Development Lead South
Linda Hayden	Area Lead Planner (South)
Sarah Hickey	Senior Planning Lawyer

NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.

16. Minutes of previous meeting (Agenda Item 1)

The minutes of the Area South Committee held on 5th September 2018 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

17. Apologies for absence (Agenda Item 2)

Apologies for absence was received from Councillor Cathy Bakewell.

18. Declarations of Interest (Agenda Item 3)

Councillor Peter Gubbins declared a personal interest in Item 10 Planning Application 18/02019/FUL as he is the Portfolio Holder and personal interest in Item 11 Planning Application 17/02896/FUL as he is Chairman of the Yeovil Refresh Board.

Councillor Sarah Lindsay declared a personal interest in Item 11 Planning Application 17/02896/FUL as she is a member of the Yeovil Refresh Programme Board.

Councillor Rob Stickland declared a personal interest in Item 10 Planning Application 18/02019/FUL as he is Vice Chairman of the Yeovil Crematorium and Cemetery Committee. He also declared a personal interest in Item 11 Planning Application 17/02896/FUL as he owns a flat in Wyndham Court however it does not face the application site and he is also a member of the Yeovil Refresh Stakeholder Group.

Councillor Graham Oakes declared a personal interest in Item 10 Planning Application 18/02019/FUL as he is a member of the Yeovil Crematorium and Cemetery Committee.

Councillor John Clark declared a personal interest in Item 11 Planning Application 17/02896/FUL as she is a member of the Yeovil Refresh Programme Board.

Councillor Mike Lock declared a personal interest in Item 11 Planning Application 17/02896/FUL as he is a member of the Yeovil Refresh Stakeholder Group.

Councillor Gina Seaton declared that she is a member of the West Coker Parish Council.

19. Public question time (Agenda Item 4)

The Chairman of Friends of Ham Hill Community Group addressed the committee and asked what support was available for the future development of the Ham Hill Country Park including health and well-being, strategic and further economic development in order to benefit and attract people to the area. He also asked what opportunities were being developed with regard to income generation to help renovate, maintain and further develop facilities for the future of the park.

In response the Leisure and Recreation Manager- Commercial Services & Income Generation advised that the Country Park now sits within the Commercial Directorate of the Council and agreed there was a need to develop and rejuvenate the Country Park. It is a complex site however and she confirmed they are working towards drafting a comprehensive Heritage Lottery Fund (HLF) Grant Bid as detailed in the Leisure and Recreation business plan. Before submission to HLF in 2019 she confirmed there will be broad consultation with partners, parishes and volunteers. She acknowledged the need for appropriate income generation opportunities for Ham Hill Country Park and that work is being completed to bring these forward.

20. Chairman's announcements (Agenda Item 5)

There were no Chairman's Announcements.

21. Reports from representatives on outside organisations (Agenda Item 6)

Councillor Andy Kendall informed the committee that it was his understanding that the 'South Somerset Mind' organisation no longer exists and that it was now known as 'Somerset Mind'. His comments were noted and further research would be carried out to confirm this.

22. Yeovil Refresh Update Report (Agenda Item 7)

The Regeneration Programme Manager presented the report and gave members an update on progress with the Yeovil Refresh. She introduced Ian Timms, the Refresh Project Manager who will be working with SSDC for three days a week. She also updated members on the Car Park Review and that a successful bidder had been agreed, however procurement rules required a cooling off period before confirmation of the successful bidder can be given, nonetheless the project was progressing well.

She concluded overall the Yeovil Refresh programme was on track and there was an increase in market confidence with new businesses opening in the town and the challenge to retain this position.

In response to a members question the Regeneration Programme Manager confirmed that no decisions have been made yet on the location of the disabled bays within the town centre and that it was only investigative work being undertaken at this stage.

There being no further debate members were happy to note the report and progress to date.

NOTED

23. Area South Forward Plan (Agenda Item 8)

Councillor David Recardo requested that the Chief Executive from Yeovil District Hospital be invited to committee early next year to give members an update on the performance and any future expansion and objectives of the hospital.

RESOLVED: (1) that the Area South Forward Plan and the comments of Members be noted.

(2) that the reports identified by Members be added to the Area South Forward Plan.

(Voting: Without dissent)

24. Schedule of Planning Applications to be Determined by Committee (Agenda Item 9)

Members noted the Schedule of Planning Applications.

25. Planning Application 18/02019/FUL Yeovil Crematorium Bunford Lane Yeovil (Agenda Item 10)

Application Proposal: Refurbishment of the existing crematorium building to include improvements to the external envelope and façade as well as new porte-cochere. Development of new second chapel and subsidiary spaces. Relocation of chapel of remembrance to existing floral tributes area. Enhancements to surrounding amenity spaces.

The Area Lead Planner presented the application as detailed in the agenda and with the aid of a power point gave a presentation showing the site and proposed plans. She confirmed to members, as stated in the report that as part of the Western Corridor highways improvement works, motorists will be discouraged from turning right in to the crematorium and will instead access the site from the left hand lane only via the Bunford Lane roundabout.

She referred to the key considerations being the visual impact, residential amenity, highways issues/parking and Ecology. She considered it to be a well contained site with good mature trees and planting to be retained, also being an appropriate enlargement of the site with no impact on the residential amenity due to the considered siting of the chapel. There are no proposed changes to the routes though the site and no requirement for additional parking due to the recent overflow car park being developed.

The Area Lead Planner concluded that this was a well-designed scheme that will provide the crematorium with much needed facilities and therefore her proposal was to approve the application subject to the conditions as set out in the agenda report.

During a short debate Ward member Councillor Peter Seib welcomed the proposed improvements and members voiced their full support of the application.

There being no further debate it was then proposed and subsequently seconded to approve the application as per the officer's recommendation as set out in the agenda report. On being put to the vote this was carried unanimously.

RESOLVED:

That application **18/02019/FUL** be approved for the following reasons:

01. The proposal will provide much needed additional accommodation for the existing crematorium to ensure that the facility can meet existing and future demand. The design has been very carefully considered and responds well to the site context. It is not considered to result in demonstrable harm to residential or visual amenity, highway safety or biodiversity. Accordingly, the proposal is considered to comply with policies SD1, SS1, TA5, TA6, EQ2, EQ4 and EQ5 of the South Somerset Local Plan 2006-2028.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: as set out in Schedule of Drawings received from the agent via email on 10/8/2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No building operations above damp proof course level of the development shall take place until details of the materials to be used in the construction of the external surfaces (doors/windows/stonework/render/brick/roof finish) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy EQ2 of the South Somerset Local Plan.

04. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy EQ7 of the South Somerset Local Plan (2006 - 2028).

05. No development shall take place until details of the proposed surface water drainage scheme for the site incorporating sustainable urban drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved development shall be implemented in accordance with the approved statement prior to the use of the building commencing. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the principles of sustainable urban drainage are incorporated into this proposal and such approved details must be implemented throughout the lifetime of the development.

06. No building operations above damp proof course level of the development shall take place until a scheme of tree and shrub planting has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall confirm the use of planting stock of UK-provenance only, the planting locations, numbers of individual species, sizes at the time of planting, details of root-types or grafting and the approximate date of planting. The installation details regarding ground preparation, staking, tying, strimmer-guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the first use of the development hereby approved; and if any trees or shrubs which within a period of ten years from the

completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

07. No building operations above damp proof course level of the development shall take place until a scheme showing the proposed hard landscaping for the site (including proposed materials) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy EQ2 of the South Somerset Local Plan.

08. The development shall not commence (including any demolition) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Bat Mitigation Plan detailing timing restrictions and protective measures to avoid, mitigate and compensate for harm to bats and their roosts. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

Informatives:

01. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged. However, the information required for the Natural England licence application will often also be suitable for submission to the Council when applying for discharge of the relevant condition.

(voting: unanimous)

26. Planning Application 17/02896/FUL Former Olds Motor Group Sherborne Road Yeovil (Agenda Item 11)

Application Proposal: Demolition of existing buildings and the erection of a Class A1 (retail) store with associated access, parking, ancillary works and landscaping.

The Lead Specialist - Planning presented the application as detailed in the agenda and reminded members that the application was referred to committee for consideration at the request and in accordance with the scheme of delegation and with the agreement of the Chairman, to allow the application to be debated in public given the nature of the proposal and the significance of the development.

He also updated members that:

- Further letters had been received from members of the public in support of the application.
- An amendment be made to the second paragraph on page 25 of the agenda report that Wyndham Court is no longer managed by a national retirement operator but acknowledged they were now managed by the occupants of the flats.

With the aid of a power point presentation he then proceeded to give a comprehensive presentation showing the site and proposed plans. He confirmed as stated in the agenda report a financial contribution had been proposed from the applicant for £157,000 for sustainable transport and environmental improvements which would be part of a larger scheme for the Yeovil Town refresh.

The Lead Specialist - Planning reported no significant objections had been received from statutory consultees and that the Highways Authority considered the proposals acceptable and that other matters, apart from the principle of development, have been satisfactorily resolved or can be resolved by planning condition.

He therefore believed that the main issue for consideration with this application was the principle of development and the issues of the Policy requirements that were required in order for the Council to make a considered recommendation. He acknowledged the complexity of the Retail Planning Policy guidelines and for that reason introduced Matthew Morris from GVA who advises the Council on such matters. With the aid of slides he then proceeded to explain to members the details of the Retail Planning Policy. This included:

- The National & Local retail planning policy context including the sequential test:
 - The sequence of preferred locations
 - The requirement for flexibility
 - Assessing the suitability and availability of alternative sites and premises
- The two policies in the local plan; Policy EP11 – the sequential test – town centre first and Policy EP 12 impact assessments and need for retail assessment.
- Highlighted the boundaries of the primary shopping area of Yeovil Town centre and confirmed that in policy terms this application is outside the primary shopping area and located on edge of the centre.
- He clarified the Cattle Market site is in-centre and therefore in a sequentially preferable location in the development plan.
- He noted the National Planning Policy Framework (NPPF) which indicates that the sequence for main town centre uses should be located in the town centre and then edge of centre locations.
- Explained the approach for members on assessing the alternatives and whether it been demonstrated that there are alternative sites suitable or available, however

a site does not necessarily need to be vacant now in order to be considered available.

In conclusion he advised members of the following main issues to consider with regard to this application:

1. There is a formal requirement for the Council to assess the application against the provisions of the sequential test as set out in its own development plan and in national planning policy.
2. The Council must consider whether there are any suitable and available alternatives (in sequentially preferable locations) which can accommodate the proposal.
3. When considering both 'suitability' and 'availability' the Council and the applicant must demonstrate flexibility.

The Lead Specialist – Planning then continued to explain to members the emergence of the cattle market as a realistic prospect and a glimmer of hope to bring forward this site for development. He referred to the Yeovil Refresh document and benefits the redeveloped of the Cattle Market and Vincents Yard would have on the town centre, the links and accessibility of the town and new mix of development it would provide to help rejuvenate the town.

He acknowledged the difficulties of retail in the east end of the town and the need to retract to a smaller area of the town centre and believed that should members be minded to approve this application it would go against the long term ambitions of the Council and the Yeovil Refresh.

In conclusion he referred to the key consideration being the Retail Policy, Yeovil Refresh, Design and Layout, Highways and contribution to Environmental/Sustainable Transport Improvements and concluded that after considering all of the responses and advice, as outlined in the agenda report, his proposal was to refuse the application for the reasons as set out in the agenda report.

The Lead Specialist - Planning then responded to members' questions on points of detail which included the following:

- There had been no significant changes to the town centre boundaries since 1998.
- Confirmed Hillview car park does not form part of the application site.
- Should the application be approved a proposed condition could be imposed to deal with the surface water run off to seek betterment and possible on site attenuation of drainage water and by definition seek improvement to the current situation.
- Understood that Aldi had vacated the adjacent site by 2009.
- Confirmed that the Yeovil Refresh was specific to sites within the town centre and the Olds Garage site was not included within the Yeovil Refresh.
- No guarantee that should this application be refused Aldi would go to another site within the town centre.
- Advised members that this was not a popularity of brands and should not base their decision on the company wishing to occupy the site.
- Referred to the requirements of the National and Local Retail Planning Policy and there being no definitive timescale on availability of suitable alternative sites – not available now is okay.

- Understood that Benson Elliot have secured an option on the cattle market to bring forward a scheme for regeneration of the site and corporately should look to support this option.
- Confirmed that should members be minded to approve the application any issue on reaching such decision could be liable to a legal challenge by Judicial Review.
- Explained the history of the 2009 approved planning application for Lidl Stores now located at Lysander and the sequential test applied at that time, although did not believe it created a precedent questioned the impact the store had on the regeneration of the town centre.
- Determination of this application had been delayed due to the development of the Yeovil Refresh document and believed it to be appropriate to make an informed decision once the document had been complete.
- Confirmed the BHS store had been considered and included within the sequential test.
- Acknowledged the public concerns regarding the empty shops within the town centre and reiterated the need to support the redevelopment of brownfield sites first such as the cattle market.
- Could not confirm the actual size of the Lidl stores at Lysander Road or Lyde Road but believed them to be all broadly the same and all have the same parking requirements.
- Confirmed that both the BHS and cattle market sites were within the town centre boundary and that one does not take priority over the other, therefore of equal preference.
- Acknowledged the cattle market had over the years varying difficulties of availability and that consideration should be made on what we know now and that the evidence at this time indicates the site is suitable and available.
- The Box Factory is included within the Yeovil Refresh however the document has ascertained what sites are available for both retail and residential development and gives a clear planning indication to what sites within Yeovil it wishes to pursue for each.
- Although there are no significant issues raised regarding contamination of land on the site, should the application be approved the Environmental Health Unit have advised a condition would need to be imposed for appropriate remediation of any contamination should it arise once development commenced.
- Confirmed that Retail Policy is unique and requires members to look more broadly and more significantly to town centre sites.
- Bats have been found in the remaining buildings, however a mitigation plan has been included within the proposed scheme and would require approval from Natural England.
- Believed the Yeovil Refresh document through significant consultation and debate was an excellent document and although it carried no weight within the Local Plan it was a matter for members to decide the amount of weight to attribute to it.
- Acknowledged the cattle market was expensive and not easy to develop however members should not write off the cattle market as there is someone who wishes to take this forward and make it viable and help bring footfall and other businesses into the area with great public interest.

A representative of the Yeovil Town Council then spoke in support of the application. Her comments included:

- This application had first come to Yeovil Town Council for consideration 14 months ago and that all pros and cons were discussed and that the Parish

Council had resolved to recommend approval subject to satisfactory negotiations in respect of highways, environmental issues, landscaping and construction hours.

- Believed this application would improve the street scene in the east end of town and an opportunity for this derelict site to be redeveloped.
- No changes have been made to this application and consequently the only thing that has changed is that the cattle market has now become available.
- Believed there to be little difference between the distance from the cattle market site and this proposed site to the shops located within the lower end of town.
- Proposal would provide alternative affordable shopping and bring employment to the town now.

The agent then addressed the committee and confirmed that if the application be approved the store could be up and running next year. He appreciated the aspirations of the Yeovil Refresh, nonetheless believed the site was sited just outside the boundary of the town centre and arguably in a better and more accessible location than the cattle market or BHS site. He believed the proposed site had excellent links to the town centre and that many people lived within walking distance of the site and the proposal would have a positive impact on the regeneration of the town. He highlighted the physical and financial constraints of the cattle market and concluded that a great deal of time and money had been invested into this application and that a refusal would be met with an appeal and leave this site derelict.

The applicant also addressed the committee and expressed his disappointment on the length of time it has taken to determine this application. He said the store would be of latest design and would provide an excellent shopping experience for all users. He then referred to the sequential test and referring to the other two sites available said the BHS site does not present a deliverable option in line with their business model and questioned why another supermarket had not already progressed this option. Referring to the cattle market he confirmed they had been approach in the past to deliver a store on this site, however there were significant site constraints and abnormal costs involved, and although they had independently assessed this site rejected it on the numerous operational difficulties it presents. He said Aldi were committed to opening a store in Yeovil and believed this to be the most suitable and appropriate location.

An objector from Carter Jonas, on behalf of Benson Elliot, spoke in objection to the application. He felt the £75m regeneration of the cattle market would be transformational and secure the future and vitality of Yeovil at a time when towns are facing a very challenging time in high street retail and fighting to remain viable due to out of town shopping development. He said the proposal fails the sequential test and contrary to the Council's own policies and the Yeovil Refresh stating preference should be located within the town to increase the vitality of the centre. He confirmed his client was now in full control of the cattle market site and can now deliver this complicated long standing plan for regeneration which would benefit the town overall.

Councillor Tony Lock, Ward member then spoke in support of the application and raised several comments including:

- East side of Yeovil is recognised as one of the most deprived areas of Yeovil.
- Highlighted the large number of members of the public and residents who have voiced their support of this application.
- Believed this proposal would enhance the site in what he considered a gateway to the town.

- Recognise and appreciate the aspirations of the Yeovil Refresh but need to listen to the local residents and what they want.
- Acknowledged the sequential test however noted that national and local policy is capable of being displaced if the committee consider it is outweighed by any material consideration such as creation of jobs, contribution to public realm and transport links.
- The site is immediately adjacent to the town centre boundary and therefore visually part of the town centre and on a direct route into the town.
- Appreciate the difficulties and policy requirements the Council have to consider when making an informed decision, however believed there were many reasons to approve the application.

Councillor Rob Stickland, Ward member reiterated the support voiced by the local residents and believed that the people on this side of town were more likely to use a store on this site than travel into the town centre to visit the cattle market site.

Councillor David Recardo, Ward member felt a great deal of time and effort had been spent to improve the access and appearance of the town. He believed this proposal was an opportunity to improve this side of the town and its appearance as almost all supermarkets had been built on the western side of town with virtually nothing on the eastern side. He appreciated the provisions of the sequential test but believed there was a good argument against these requirements and does not wish to see this site remain derelict.

During a lengthy discussion, members raised several comments with regard to the application. These included:

- The eastern side of town needs regeneration and this site is located only a few hundred metres away from the town centre.
- Proposal would enhance the site in what was considered a gateway to the town.
- Would be a positive benefit for the town and the local residents with added pedestrian links and opportunity to attract investment and footfall in to the town.
- Questioned if minded to refuse this application would it send the wrong message to other potential investors to the area.
- Believe the cattle market to be an attractive site for development but that the Olds garage site was too.
- Recognise this was a difficult decision as considered the application site was situated not far from the town centre. However the Yeovil Refresh is there to get some sensible master planning into Yeovil and likely to consolidate retail and shrink to a core area and become even more disconnected.
- Sympathise with the applicant that the cattle market is not available for development immediately and could be a 'leap in the dark' to go it alone on that site.
- BHS is a key site for the town centre and therefore support retail development of this site.
- Cannot support the out of town development as need to support the regeneration of the town centre first and foremost.
- This proposal would exacerbate the traffic within Sherborne Road.
- Believed if this application had been determined 12 months ago it would have been approved, however the Yeovil Refresh has now outlined the vision of the Council and what is wanted for the town and should we approve this application it would undermine all the work already done.

- We need to work with businesses to achieve the aspirations of the Yeovil Refresh.
- Believe the Olds Garage site lends itself to other equally attractive developments that would come forward.
- Reminded that members fully supported the Yeovil Refresh and its aspirations for the town.
- Believed the only issue to be considered was whether the application fails the sequential test or not and whether the other two sites are suitable.
- Appreciate a very difficult decision and acknowledge the benefits this would have on the eastern side of the town, however believe the application has failed the sequential test.
- Believes purely on planning grounds this application would be acceptable but have to look at other strategic planning policies and guidelines.
- Questioned the vulnerability of the cattle market site should this application be approved thus making the cattle market site unviable.
- Need to listen to the businesses and what works and what is a viable development.
- Huge benefit to the eastern side of town and should look to support the regeneration to this side of town.
- Believe that if we improve this eastern gateway other investment will follow.
- This application will improve and tidy up this end of town and need this investment in the town.
- Believe it fails the weight of the sequential test and would have an impact on any planning investment within the Yeovil Refresh.
- Concern regarding the proposed exit and the effect it will have on the Eastern Corridor Road improvements recently completed.

During a short debate, members discussed and agreed the reasons for approval. These included:

- Creation of jobs.
- Significant contribution of public realm with sustainable transport linkage.
- Certainty and positive investment to the town.
- Site immediately adjacent to the town centre boundary visually part of the town.
- Site within walking distance and direct route of town centre.
- Substantially benefit the eastern end of Yeovil and visually improve the gateway to the town.
- Investment and regeneration to the bottom end of town.

Following a short adjournment to finalise and agree the full wording of the reasons for approval, the Senior Planning Advisor read out proposed reasons for approval as follows:

1. The Committee has:
 - a) Considered the SSDC Town Centre policies and the aims and strategy of Yeovil Refresh, and has
 - b) Considered the sequential test (NPPF 2018) and the issues of “suitability and availability” of “sequentially preferred sites”.
2. Notwithstanding the considerations set out in 1 above, including the Committee finding that the application failed the sequential test, SSDC Planning Committee has

decided to approve the scheme (subject to suitable conditions and a s106 agreement) for the following reasons:

- a) The scheme has good connections to Yeovil Town Centre as advised in para 87 of NPPF 2018 when considering “edge of centre sites.
 - b) The scheme has particular benefits which the Committee feel are significant material considerations. These are:
 - i) new employment
 - ii) use of a prominent brownfield site
 - iii) physical regeneration of the area, including its gateway location to the town centre
 - iv) new inward investment very close to and in the town centre
 - v) the scheme would allay concerns regarding to site pollution and contamination, ecology, flooding and surface water drainage, neighbouring residential amenity and impact on the local highway network
 - vi) and the scheme’s design and layout would be appropriate in the location.
3. The proposal is therefore considered to be in overall compliance with the aims and objectives of the National Planning Policy Framework, the Somerset County Council parking Strategy, (September 2012), and the policies of the South Somerset Local Plan (Adopted 2015).

The Lead Specialist-Planning then explained to members that a Section 106 Legal agreement was required to secure the offsite highway financial contribution of £157,000 towards the environmental and sustainable improvements around Sherborne Road with half payable prior to commencement and half prior to occupation. He also considered that no restrictions were necessary with regard to products and services due to the location of the site.

He then proposed the necessary conditions that would be imposed to include:

- Time limit
- Approved plans
- Restricted on the use of A1 use and deep discount retailing
- Limit to 2000 individual product lines
- Gross floor space to be restricted
- Construction hours
- Delivery hours
- Floor levels
- Materials
- Landscaping
- Biodiversity
- Lighting
- Noise mitigation
- Extraction system
- Bat mitigation plan
- Surface water drainage
- Contamination land
- Environmental management land
- Revision to tweak the access
- Laying out of car park space

And notes referring to the Section 106 to include: Bat mitigation Plan, need to secure highway access and that any advertisements would require separate planning permission.

During a short debate members agreed with the reasons for approval and the conditions proposed and requested that a condition be included for the possible gating of the site out of hours for security reasons.

This was then proposed and subsequently seconded that planning permission be approved, contrary to the officer's recommendation, for the reasons as read out by the Senior Planning Advisor and to delegate the conditions as proposed by the Lead Specialist – Planning to be negotiated with the planning officer's and the applicant and signed off by the Chairman.

On being put to the vote this was carried by 11 votes in favour, 5 against and 0 abstentions. .

RESOLVED:

That planning application **17/02896/FUL** be approved for the following reasons:

Grant planning permission, subject to:

The prior completion of a section 106 planning obligation or receipt of a Unilateral Undertaking (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following:

- (i) An off-site financial contribution of £157,000 towards the environmental/sustainable transport improvements at Sherborne Road, Wyndham Street and Newton Road, half payable upon commencement of the construction of the building (the laying of foundations), with remaining monies payable prior to first occupation

For the following reason:

1. The Local Planning Authority has:
 - a) Considered the South Somerset Local Plan (2015) town centre policies and the aims and strategy of Yeovil Refresh (2018), and has
 - b) Considered the sequential test set out in National Planning Policy Framework (2018) and the issues of "suitability and availability" of "sequentially preferred sites".
2. Notwithstanding the considerations set out in 1 above, including finding that the application failed the sequential test, the Local Planning Authority has resolved to approve the scheme (subject to suitable conditions and a s106 agreement) for the following reasons:
 - a) The scheme has good connections to Yeovil Town Centre as advised in paragraph 87 of National Planning Policy Framework (2018) when considering "edge of centre sites".
 - b) The scheme has particular benefits which the Local Planning Authority feel are significant material considerations. These are:
 - i. new employment,
 - ii. use of a prominent brownfield site,

- iii. physical regeneration of the area, including its gateway location to the town centre; and
 - iv. new inward investment very close to and in the town centre
 - c) the scheme would allay concerns regarding site pollution and contamination, ecology, flooding and surface water drainage, neighbouring residential amenity and impact on the local highway network; and
 - d) the scheme's design and layout would be appropriate in the location.
3. The proposal is therefore considered to be in overall compliance with the aims and objectives of the National Planning Policy Framework (2018), the Somerset County Council Parking Strategy, (2012), and the policies of the South Somerset Local Plan (2015).

In accordance with the imposition of the following planning conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a) Location Plan, Drawing No. 1606-001 Rev D
 - b) Proposed Site Layout, Drawing No. 1606 006 Rev L
 - c) Proposed Roof Plan, Drawing No. 1606 012
 - d) Proposed Elevations, Drawing No. 1606 008 Rev A
 - e) Proposed Ground Floor, Drawing No. 1606 007
 - f) Proposed Landscaping Plan, Drawing No. 6191.ASP.PP1.0. Rev E
 - g) Building Sections, Drawing No. 1606 010 Rev A
 - h) Proposed Site Sections, Drawing No. 011 Rev AReason: For the avoidance of doubt and in the interests of proper planning.
3. The development hereby approved shall only be used as a Class A1 retail foodstore. This shall be restricted to 'limited product line deep discount retailing', and shall be used for no other purpose falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987. 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines. No increase in the number of product lines shall be permitted without the prior written approval of the Local Planning Authority. The gross external floorspace of the approved building shall not exceed 1,743 square metres and the net sales floorspace shall not exceed 1,254 square metres. No more than 20% of net sales floorspace shall be used for the sale of non-food comparison goods. There shall be no sub-division or fragmentation of the unit hereby approved without the prior express grant of planning permission. Reason: In the interests of clarity, and given the edge of centre location to accord with policies EP9 and EP11 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.
4. During the construction phase no site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 08:00 and 18:30 Monday to Friday and between the hours of 08:00hrs and 13:00hrs on Saturdays but not at any time on Sundays, Bank or Public Holidays. Reason: To protect the amenity of the locality to accord with policies EQ2 and EQ7 of the Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.

5. After the construction phase when the site is fully operational no deliveries shall be taken at or despatched from the site in connection with the use hereby approved outside the hours of 07:00 to 00:00 Monday to Saturday inclusive of Bank Holidays or 08:00 to 20:00 on Sundays. Reason: To protect the amenity of the locality to accord with policies EQ2 and EQ7 of the Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.
6. The finished floor level for the proposed building within the development hereby approved shall be as stated on the Proposed Site Layout, Drawing No. 1606 006 Rev L unless any variation is first agreed in writing by the Local Planning Authority. The specific details of the materials to be used in building hereby approved shall match those stated on Proposed Elevations, Drawing No. 1606 008 Rev A unless otherwise agreed in writing by the Local Planning Authority. Prior to their use the red brick and coping to be used for the proposed retaining, freestanding walls and all railings shall have been agreed in writing by the Local Planning Authority. Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan (Adopted 2015).
7. Notwithstanding the approved plan 6191.ASP.PP1.0. Rev E there shall be a revised landscaping scheme submitted to and approved by the Local Planning Authority. The revised scheme shall review species choice as detailed in the comments of the Council's Arboricultural Officer dated 15th May 2018. All planting, comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following first occupation of the development; and any trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: To enhance the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan.
8. Prior to the first occupation of the building a scheme promoting biodiversity within the site utilising the recommendations made in the Ecological Appraisal (April 17), shall be submitted to and approved in writing by the Local Planning Authority. Reason: For the promotion of biodiversity in accordance with policy EQ4 of the South Somerset Local Plan (Adopted 2015).
9. Prior to its installation a scheme of external lighting shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details. Such a scheme shall take into account the biodiversity recommendations in the Ecological Appraisal (April 17) and impact on local amenity. Reason: In the interests of biodiversity, visual and residential amenity in accordance with policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.
10. Prior to the first occupation of the building a noise mitigation scheme shall be submitted to and agreed in writing by the Local Planning Authority that specifies the provisions to be made for the control of noise emanating from the site. The scheme should make specific reference to the choice of air handling plant, the enclosures used and any other proposed noise mitigation measures. The noise mitigation scheme shall be maintained and shall not be altered without the prior written approval of the Local Planning Authority. The effectiveness of the noise mitigation measures shall be validated by monitoring within 28 days of the installation of the first use of the equipment and the results reported to the Local Planning Authority for approval. Reason: In the interests of residential amenity and pollution control to accord with policy EQ7 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.

11. Prior to the commencement of any hot food preparation or baking within the building hereby approved a scheme for an extraction system to control any fumes and odour from that building shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the commencement of such practices and shall thereafter be retained as such for so long as the practices take place. Reason: In the interests of residential amenity and pollution control to accord with policy EQ7 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.
12. The development shall not commence (including any demolition of buildings used as bat roosts) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Bat Mitigation Plan detailing timing restrictions and protective measures to avoid, mitigate and compensate for harm to bats and their roosts. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority. Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan (Adopted 2015), and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.
13. Save for demolition and site preparation no development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details. Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).
14. Save for demolition and site preparation no development shall be commenced until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
 - a) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
 - b) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on-going monitoring should also be outlined.
 - c) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in

full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

- d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EQ7 of the South Somerset Local Plan (Adopted 2015).

15. No works shall be carried out until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning. Such a plan shall cover the demolition and construction period. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. Sampling should be undertaken for all material that may be considered to include Asbestos Containing Materials (ACM) and appropriate measures for dismantling and disposal should be prepared. The CEMP shall also detail that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the end of the construction period. The development shall be carried out strictly in accordance with the approved Construction Management Plan. Reason: In the interests of Highway Safety, public amenity and to prevent pollution of the water environment to accord with the National Planning Policy Framework.
16. No part of the development hereby permitted shall be occupied or brought into use until the construction of suitable vehicular and pedestrian access to the development has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority; such a design shall detail the gradient of the access and provision for the disposal of surface water so as to prevent its discharge onto the highway. Reason: In the interests of highway safety to accord with the aims and objectives of the National Planning Policy Framework and policy TA5 of the South Somerset Local Plan.
17. The area allocated for parking, turning and servicing on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted. The car park shall not provide less than 104 parking spaces as shown on Drawing No. 1606 006 Rev L, at all times. All parts of the car park shall be properly consolidated and delineated in accordance with the approved plan before its first use. Reason: To ensure the site is served by adequate on-site parking to accord with policies TA5 and TA6 of the South Somerset Local Plan (Adopted 2015) and the Somerset County Council Parking Strategy.

Informatives:

1. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site.
2. The development hereby approved is liable for Community Infrastructure Levy (CIL). Form 0 has already been completed but Form 1: Assumption of Liability will now need to be completed.
3. With regard to Condition 03 net sales floorspace is defined as the area within the shop or store which is visible to the public and to which it has access, including fitting rooms, checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer services areas, and internal lobbies in which goods are displayed; but not including cafes and customer toilets.
4. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. The applicant will need to liaise with an ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged. However, the information required for the Natural England licence application will often also be suitable for submission to the Council when applying for discharge of the relevant condition.
5. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is advised to contact the Highway Authority to progress this agreement well in advance of commencement of development.
6. With regards to condition 16 the gradient of the access is advised not to be steeper than 1 in 10 for a distance of 10 metres from its junction with the public highway.
7. This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations 1992, including any such advertisements shown on the submitted plans.

(voting:11 in favour, 5 against, 0 abstentions)

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Chairman

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Date