

South Somerset District Council

Minutes of a meeting of the **Area South Committee** held at the **Council Chamber, Council Offices, Brympton Way, Yeovil. on Tuesday 25 June 2019.**

(2.00 - 4.15 pm)

Present:

Members: Councillor Peter Gubbins (Chairman)

John Clark	Wes Read
Nicola Clark	David Recardo
Karl Gill	Gina Seaton
Kaysar Hussain	Peter Seib
Mike Lock	Jeny Snell
Pauline Lock	Andy Soughton
Tony Lock	



Officers:

Jo Boucher	Case Services Officer (Support Services)
Simon Fox	Lead Specialist - Development Management
Marc Dorfman	Senior Planning Adviser
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.

91. Apologies for absence (Agenda Item 1)

Apologies for absence were received from Councillors David Gubbins, Andy Kendall, Graham Oakes, Alan Smith and Rob Stickland.

92. Declarations of Interest (Agenda Item 2)

Councillor Gina Seaton declared a personal and prejudicial interest in Item 6 Planning Application 17/02805/HYBRID as she is well known to the landowner's family. She would listen to the officer's presentation and then leave the meeting before consideration of that item.

Councillor Peter Gubbins a personal interest in Item 6 Planning Application 17/02805/HYBRID as he is a member of the Yeovil Refresh Board and a member of Yeovil Town Council.

Councillor Pauline Lock and Mike Lock wished to make a statement that there is no truth linking them to one of the applicant's and there are no business deals between themselves and the Abbey Manor Group. They declared a personal interest in Item 6 Planning Application 17/02805/HYBRID that they were members of Yeovil Town Council.

Councillor John Clark declared a personal interest in Item 6 Planning Application 17/02805/HYBRID as he is a member of the Yeovil Refresh Board and Portfolio Holder for Economic Development and Commercial Strategy.

Councillor Nicola Clark wished to state that she had attended Parish Council meetings where Item 6 Planning Application 17/02805/HYBRID had been discussed but would consider this application with an open mind.

Councillor Tony Lock declared a personal interest in Item 6 Planning Application 17/02805/HYBRID as he is a member of the Yeovil Refresh Board, Portfolio Holder for Protecting Core Services and Yeovil Town Council.

It was also declared that:

- Councillors David Recardo, Wes Read, Andy Soughton, Karl Gill and Kaysar Hussain were members of Yeovil Town Council.
- Councillors Peter Seib and Jeny Snell were members of Brympton Parish Council.
- Councillors Pauline Lock, Mike Lock were members of Yeovil Without Parish Council.

93. Public question time (Agenda Item 3)

There were no questions from members of the public.

94. Chairman's announcements (Agenda Item 4)

The Case Services Officer (Support Services) updated members that the Council Plan Workshop was now going to take place following the close of Area South Committee on Wed 3rd July 2019.

95. Schedule of Planning Applications to be Determined by Committee (Agenda Item 5)

Members noted the Schedule of Planning Applications.

96. 17/02805/HYBRID - Land at Bunford Park, Bunford Lane, Yeovil (Agenda Item 6)

Application Proposal: Hybrid mixed-use planning application on 21.6 hectares of land known as Bunford Park, (EIA Proposal):

1) FULL APPLICATION for formation of new road access, erection of 2,040sqm gross Class B1 offices and light industrial/Class B8 storage and distribution unit and erection of 8,443sqm gross Class A1 foodstore, petrol filling station, car parks and related infrastructure and landscaping.

2) *OUTLINE APPLICATION for formation of remainder of a 56,051sqm gross business park including erection of Class B1 office and light industrial and Class B8 storage and distribution uses, secondary road access off Bunford Hollow, other related infrastructure and landscaping and all other matters reserved for future consideration.*

(Councillor Gina Seaton left the room after the Officers presentation of this Item)

The Senior Planning Advisor presented the application and explained to members the Hybrid planning application which includes both a Full and Outline application as detailed in the agenda report and as an Environmental Impact Assessment Development is considered under Environmental regulations.

With the aid of a power point presentation he then proceeded to give a comprehensive presentation as detailed in the agenda report showing the site including detailed site plans and the proposed development plans.

He advised members of the following main issues to consider with regard to this application:

- Location, Traffic, Design and Land Management
- Employment and Economic Development
- Impact on Yeovil Town Centre
- Sequential Preferred Town Centre Site

The Senior Planning Advisor said members have been asked to make an important choice between supporting

- a) employment land development or
- b) town centre vitality and viability

He concluded that after considering all of the responses and advice, as outlined in the agenda report, on balance his recommendation was to refuse the application on the grounds of:

1. failing to meet the sequential test and support the national and local policy of town centre first, and
2. causing a significant adverse impact on the vibrancy of the town centre because of trade draw away for the town centre and likely erosion of investor confidence in the town centre.

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

- Accepted that the Cattle Market Site 'A' (*which contains the Car parks at Court Ash and North Lane, Old cinema and Auction centre*) as detailed in the presentation plans was not available, but argues a significant amount of Cattle Market Site 'B' (*traditionally know as the Cattle Market area*) is considered available and with an appropriately flexible approach to design a food superstore proposal could be built on this site.
- Clarified the recommended reasons for refusal on the basis of a) the impact on the vitality and viability of the town centre and b) failure to meet the sequential test. The LPA believes that the applicant makes clear that even a smaller sized food store which might be able to fit onto the Cattle Market, (all be it with constraints and viability problems) would not be suitable or progressed because it

would not fulfil the primary aim of the application, which was to fund infrastructure costs at Bunford Park. Officers made it clear that either of test failures, (impact or sequential test), would be sufficient for a refusal.

- Clarified that the Council and the Applicant have differing views on the level of impact on the vitality of the town centre, supported by different retail consultants.
- Clarified that through case law and planning appeals there is an evolving view about how flexible applicants should be when addressing the sequential test and what level of 'disaggregation' might be appropriate. The Council and the applicant had differing views. The Council argued that a Sainsbury's food supermarket could be smaller and compete successfully on the Cattle market and the applicant did not agree. The applicant argued that disaggregation had been ruled out by the SoS at various appeals, whilst the Council argued that along with a range of other contextual arguments, flexible disaggregation, (eg. separating retail from a petrol filling station; reducing or eliminating comparison goods proposed to be sold; developing without a café because there were many in the town centre; reducing lines of convenience goods; operating without in store franchises; reducing car parking because of significant provision in the town centre; operating on multi floors), should be considered before moving to an out/edge of centre site. And that the applicant had not demonstrated sufficiently that such options were not viable. Indeed the applicant explained that such options would not support Bunford Park infrastructure costs, so in principle would not be acceptable. The Council also made the point that the National Planning Policy Framework (NPPF) does not say that disaggregation should not be considered.
- Clarified the point that notwithstanding the differences of opinion about the 'level of impact' between the Council and the applicant, the Council argued that in taking a proper overall view of the fragility of Yeovil TC (eg. settlement design, vacancy rates; the current extent of out of centre retailing; market trends in store design; the level of surplus retail spend in and around Yeovil and the importance of 'town centre first'), it was not unreasonable to conclude that the proposed out of centre store would have a significant adverse impact.

The representative from the Highways Authority confirmed to members that following discussion with the developer on the form of access and having been through a feasibility audit they consider that there is no fundamental reason to recommend refusal on the proposed access at this stage, however it would require further technical approval before construction.

A representative of the West Coker Parish Council then spoke in support of the application. He said the site first had planning permission granted in 2006 and so far no developer had come forward and that Sainsbury were a large company and would be a viable proposition for the town. He believed the infrastructure and improved road network was in place and this development would attract more commercial companies to the site and realise economic development. He confirmed the Parish Council supported the application.

Four members of the public, (the Quedam General Manager and President of Yeovil Chamber of Trade and Commerce and representatives of Tesco and Benson Elliot, owners of Quedam Centre addressed the committee and spoke in objection to the application. Their comments included:

- Proposal would have a significant adverse impact on the potential redevelopment plans for the cattle market and town centre investment and therefore would be detrimental to the town centre.
- Concerns on the impact on the high street, in terms of taking away further trade from town centre businesses.
- The high street was just holding its own in the current climate but this proposal would further damage the town centre.
- The proposal is contrary to Local Plan Policy and NPPF which both support 'town centre first' position'.
- Believe the Cattle market site is suitable for this type of development as the NPPF guidance requires the demonstration of flexibility in relation to size and format in order to support development on town centre sites.
- Retail is difficult in the current economic climate with the Quedam Centre losing some shops and footfall decreasing.
- Need to reinvest in the town centre and support the Yeovil Refresh and help safeguard jobs and town centre retailers who could look to relocate out of Yeovil.
- Yeovil already has a significant amount of both food/convenience and comparison retail out of centre. This scheme would continue that trend and further damage the town centre. Yeovil and its catchment does not have surplus retail spend to be captured by a new food super store – so granting permission will simply result to trade draw from the town centre and other retail outlets and further threaten the viability of the town centre. The proposal would particularly damage Tesco that has located in a policy compliant location right in the middle of the town centre. Tesco also supports many linked trips to the town centre. Taking trade from Tesco will also take trade away from Town Centre independents.

Two members of the public then addressed the committee and spoke in support of the application. Their comments included:

- Other local superstores should not fear competition.
- Sainsbury is one of the premier names in retailing and can only be good for the town.
- Town centre not suitable for other recent supermarket developments so how can it be suitable for this scheme?
- Questioned the length of time the application had taken to be determined.
- It's well known the cattle market is a challenging site and speculated why it hadn't been developed before now.
- Sainsbury's provide an excellent dietary and diversification of supermarket products which are not available in other local superstores.

Director of Abbey Manor Group then addressed the committee and spoke in support of the application. She referred to a handout tabled to members at committee showing the competing sites for business parks in the south west area. She felt that in order to compete with these sites Bunford Park would require flexible planning consent and infrastructure installed on site to help Bunford Park become a strategic business park and put Yeovil back on the map. Her further comments included:

- Employment land on its own cannot afford this level of infrastructure and needs some form of cost subsidy – this could be provided by the Sainsbury's proposal. The Local Plan says it is crucial for the Bunford Strategic Site to get off the ground and the current proposal would deliver the scheme.

- AMG and the Council had previously applied for local infrastructure funding but had been unsuccessful. AMG was now proposing a different way to deliver the site and NPPF employment policies entreat LPAs to be flexible where economic development is concerned.
- Proposal would provide many jobs for the town and offer a large financial contribution of CIL payment and annual business rate payments.
- As part of the first phase the scheme would commit to provide a further second business building once 60% of the first building was occupied.

The Managing Director of Abbey Manor Group Ltd also addressed the committee and referred to the history of the site and AMG's commitment to bring forward employment floorspace. He voiced his frustration at the length of time it had taken to deal with the application, only to get a recommendation for refusal. He was concerned that the proposed refusal was linked, in an unjustified way, to favour redevelopment of sites in the town centre through 'Yeovil Refresh' – ignoring the equal importance of the Bunford Park Strategic Employment Site. Indeed, all the evidence seemed to be that town centre investment was progressing in any case (announcements by Benson Elliot, investment by Martin Property Group, Yeovil Refresh promotions). It was now time to support the delivery this strategic employment site. There was evidence of linked TC trips from out of centre stores, the proposed scheme would support a new bus service to the town centre and in addition to new employment land the scheme would bring immediate social and economic benefit to the town along with the potential of new inward investment.

The Applicant's Agent (WYG) then addressed the committee. Her comments included:

- Bunford Park has had planning permission for a business park since 2011 but was not viable.
- Sainsbury has wanted a presence in Yeovil for long time and believe this to be a suitable site on both size and financial viability for infrastructure to deliver the scheme.
- This revised scheme is acceptable in design and access terms. It provides good landscaping and brings forward a valued strategic site in the Local Plan.
- Both the SSDC Landscape and Tree Officer and the Highway Authority consider the scheme acceptable.
- Historic England consider the proposal would only have a minor adverse impact on Brympton dEvercy historic building.
- Scheme would have the potential to create some 2500 jobs.
- Evidence indicates under the sequential test approach, that the Cattle Market site is not suitable for Sainsbury's commercial requirements even if flexibility is applied to the format and scale of the scheme. This would not change even if members chose to refuse this application.
- Acknowledged recent announcements by Benson Elliot to develop the Cattle Market, (for a leisure' lead scheme – not retail), but in any case the site was not easily available and no planning application had been submitted.
- Evidence shows re investment is happening in the town centre and with the recent purchase of Glover's Walk by Martin Property Group the potential for investment in the town centre is in any case positive.
- Other obligations identified to mitigate impacts include; bus contributions, contributions towards junction design and giving of land at lower middle street.
- This scheme meets and complies with both the Town Centre Sequential and Impact Tests and would deliver strategically important and viable economic development to the town.

- It was clear from the applicant's scheme that the impact on the town centre for the out of centre proposal would be minor and in any case town centre health indicators were improving, (e.g less vacancies and new investments). The Applicant had been flexible on the Sequential Test and no site was suitable, available or viable and so the test is passed. Regulation committee was asked to support the scheme and deliver an important strategic employment site.

In response to further questions, the Senior Planning Advisor clarified to members:

- The list of proposed mitigation measures were set out in the report. If members were minded to approve the application this was a two starred application and members would be making recommendations to the Regulation Committee for determination.
- Yeovil town centre is still in a very fragile state although experiencing some investment improvements. Overall the officer's report argues that there is a need to prevent any further trade draw out of the centre to stop further decline and further fragmentation of the town centre.
- Any approval of this scheme would be for 'A1' food retail use and although acknowledge a strong contact with Sainsbury's could not specify a particular retailer if planning permission is granted.

Councillor Nicola Clark, Ward member felt that the application was contrary to the town centre first policy and a risk to the town centre growth and believe there is no recent demand on B1 space in Yeovil.

Councillor Jeny Snell, Ward member believed a food store within the town centre would improve the links to the town and does not support the out of town site.

Councillor Peter Seib, Ward member believes competition would be good and was not entirely convinced about the sequential test failure. However he does believe there is significant impact harm to the town centre which would result in a loss of investment confidence and that the application fails to mitigate the harm of the town centre. He appreciated the quality built form of the proposal, including landscaping, but on balance the application would be detrimental to important town centre vitality at a critical time in Yeovil's regeneration, so should be refused.

During members discussion several comments were made including the following:

- Appreciate the vast amount of work to produce an excellent well design scheme and could benefit the town.
- Need to promote the town centre regeneration.
- Cattle market is future dream and earmarked for other investment.
- Local Plan states this site already has planning permission for high quality business park and crucial that this remains as such.
- Appreciate the sequential test is a balanced argument.
- Believe the scheme would have a significant adverse impact on the town centre.
- If the outline application was approved it could sacrifice the entire B1 business park, because we would be sure to see retail, but not sure we would see any more business and employment development.
- Welcome employment development into the town, however there are already empty industrial units within the town centre. No real confidence and commitment from the applicant to deliver the whole Business Park – whilst at the same time drawing much needed trade out of a fragile town centre.

- The proposal would have a significant impact on the town centre and the local businesses already located within the town.
- Since the Yeovil Refresh more business interest has come forward and need to protect the town centre.

Following a short discussion it was then proposed and subsequently seconded that planning permission be refused, as set out in the officer’s report recommendation.

On being put to the vote this was carried by 9 votes in favour, 4 against and 0 abstentions.

RESOLVED:

That planning application **17/02805/HYBRID** is refused planning permission for the following reasons:

01. Town Centre Sequential Test

The retail A1 element of the Hybrid Application represents a main town centre use on an out-of-centre site. Paragraph 86 of the National Planning Policy Framework (2018) and Policy EP11 of the South Somerset Local Plan indicate main town centre uses should be located in town centres if suitable sites are available or are expected to become available within a reasonable period. Evidence submitted indicates there is one town centre site that is suitable and available in a reasonable period and therefore is deemed sequentially preferable if flexibility is applied to the format and scale of the retail element of the application

Paragraph 90 of the National Planning Policy Framework (2018) states an application that fails the sequential test should be refused.

Whilst the proposal has tangible benefits, the benefits of developing one of the sequentially preferable sites, namely Yeovil Cattle Market, where investment is planned, would have significant other overriding, long-term and knock-on benefits that represent a significant material consideration to this case.

02. Town Centre Impact Test – Vitality and Viability

The retail A1 element of the Hybrid Application would have a significantly adverse impact on the vitality and viability of the town centre, because of its projected convenience and comparison trade draw away from the town centre contrary to Policy EP11 and 12 of the South Somerset Local Plan as described in paragraph 9.96 of the Plan.

Paragraph 90 of the National Planning Policy Framework (2018) states an application that fails a vitality and viability impact test should be refused.

(voting: 9 in favour, 4 against, 0 abstentions)

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Chairman

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Date