South Somerset District Council

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Special meeting of the Area South Committee

Tuesday 25th June 2019

2.00 pm

Council Chamber, Council Offices, Brympton Way, Yeovil, BA20 2HT

(disabled access and a hearing loop are available at this meeting venue)

The following members are requested to attend this meeting:

John Clark
Nicola Clark
Karl Gill
David Gubbins
Peter Gubbins
Kaysar Hussain
Andy Kendall
Mike Lock
Pauline Lock
Tony Lock
Graham Oakes
Wes Read
David Recardo
Gina Seaton
Peter Seib
Alan Smith
Jeny Snell
Andy Soughton
Rob Stickland

Consideration of planning applications will commence no earlier than **2.00pm.**

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462011 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 17 June 2019.

Alex Parmley, *Chief Executive Officer*

This information is also available on our website www.southsomerset.gov.uk and via the mod.gov app

Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as "key decisions". The council's Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman's discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area South Committee are held monthly, usually at 2.00pm, on the first Wednesday of the month at the Council Offices, Brympton Way, Yeovil (unless specified otherwise).

Agendas and minutes of meetings are published on the council's website
www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

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Public participation at committees

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint)

by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides. On this occasion the Chairman has agreed to extend the public speaking time to 30 minutes for objectors and 30 minutes for supporters. This will be explained at the beginning of the meeting, but if you are able to make this arrangement before arriving at the meeting it would be appreciated. If necessary the meeting will allow a short adjournment for members of the public to agree who will speak. All speakers are respectfully asked to avoid repeating comments, concerns, compliments made by other speakers.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

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http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf

Special meeting of the Area South Committee
Tuesday 25 June 2019

Agenda

Preliminary Items

1. Apologies for absence

2. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the District Council's Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Peter Gubbins, Tony Lock, David Recardo and Andy Soughton.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

3. Public question time

4. Chairman's announcements

Items for discussion

5. Schedule of Planning Applications to be Determined by Committee (Pages 6 - 7)

6. 17/02805/HYBRID - Land at Bunford Park, Bunford Lane, Yeovil (Pages 8 - 35)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Schedule of Planning Applications to be determined by Committee

Director: *Martin Woods, Director - Service Delivery*
Service Manager: *Simon Fox, Lead Specialist - Planning*
Contact Details: *simon.fox@southsomerset.gov.uk or 01935 462509*

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area South Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Consideration of planning applications will commence at 2pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive 15 minutes before the application is discussed.

SCHEDULE					
Agenda Number	**Ward**	**Application**	**Brief Summary of Proposal**	**Site Address**	**Applicant**
6	COKER AND BRYMPTON	17/02805/HYBRID**	Hybrid mixed-use planning application on 21.6 hectares of land known as Bunford Park	Land at Bunford Park, Bunford Lane, Yeovil	Abbey Manor Group Ltd / Sainsbury's Supermarkets Ltd

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Officer Report - Planning Application: 17/02805/HYBRID

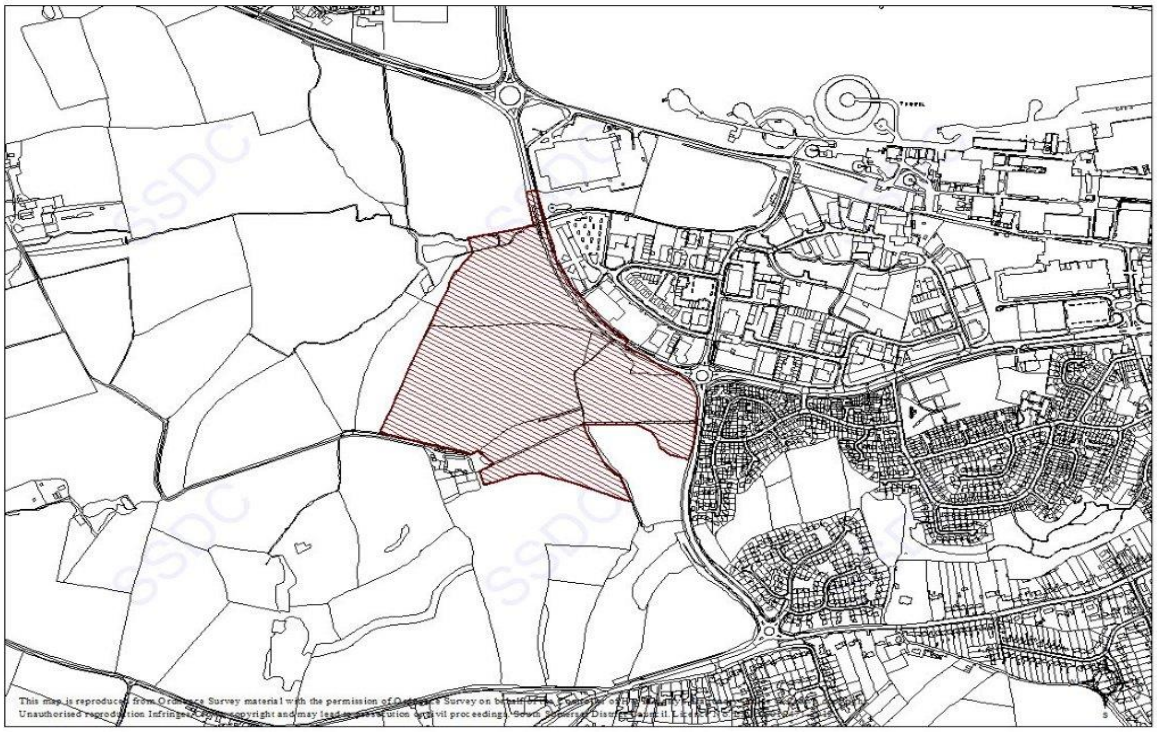
Proposal :	Hybrid mixed-use planning application on 21.6 hectares of land known as Bunford Park, (EIA Proposal) : 1) **FULL APPLICATION** for formation of new road access, erection of 2,040sqm gross Class B1 offices and light industrial/Class B8 storage and distribution unit and erection of 8,443sqm 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.
Address:	Land At Bunford Park Bunford Lane Yeovil Somerset (GR:353355/114812)
Parish:	Brympton
Ward	Coker and Brympton
Officer:	Marc Dorfman Marc.dorfman@southsomerset.gov.uk
Target date :	16th October 2017
Applicant :	Abbey Manor Group Ltd/Sainsbury's Supermarkets Ltd
Agent:	Sarah Hawkins, WYG 90 Victoria Street Bristol BS1 6DP Tel. 01179254393
Application Type :	Major Retail and Employment f/space 1,000 sq.m or 1ha+

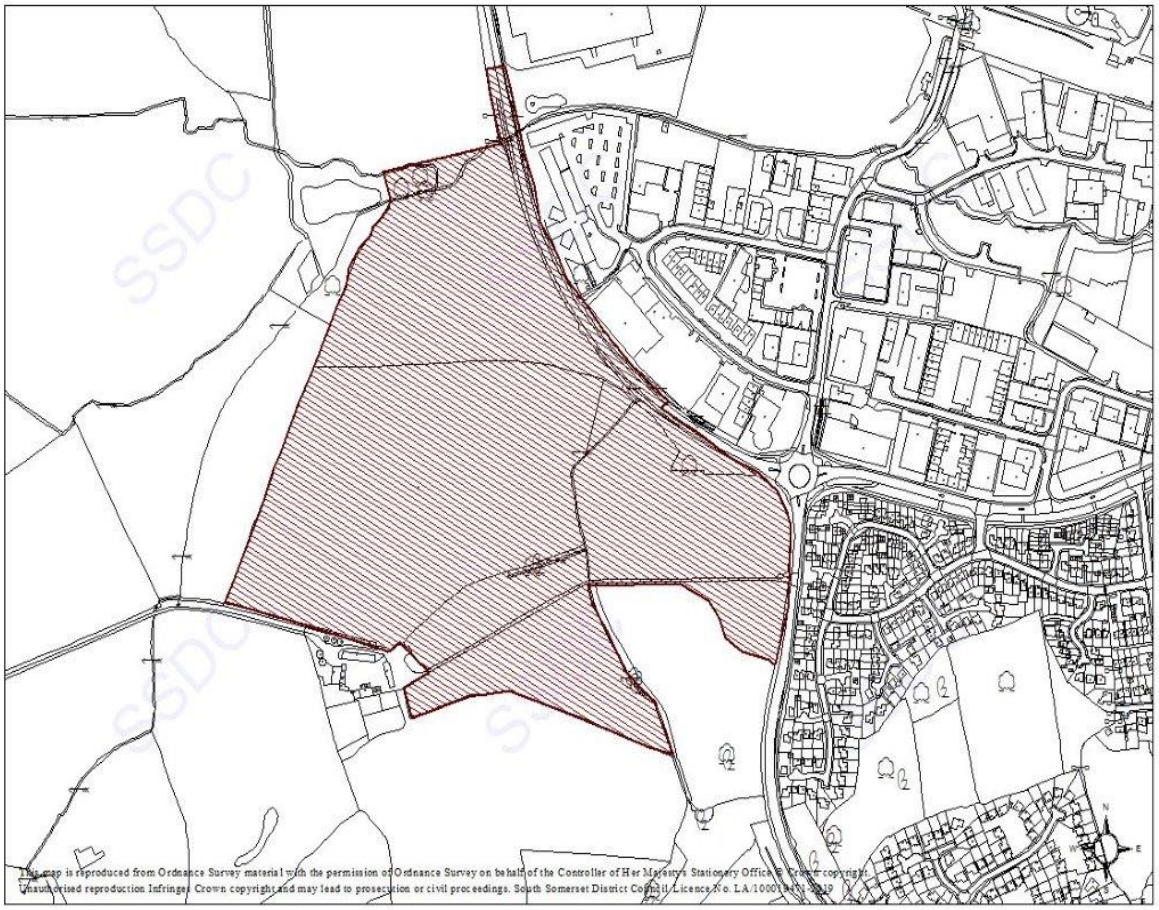
Reason for Referral to Committee

This application is referred for Committee consideration at the request of the Lead Specialist (Planning) 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 within Area South.

This application is 2 starred and if the recommendation is overturned would be considered at the Council's Regulation Committee. The application is 2 starred as the site is a strategic allocation in the adopted South Somerset Local Plan 2015.

Site Location Plans





REPORT CONTENTS

A. SITE DESCRIPTION

The application site is located to the west of the A3088 Western Relief Road, opposite the District Council offices. The site measures 21.6 ha. The site is bordered by Dodham Brook to the north-west and to the north east by A3088. The southern and western boundaries are defined by field boundaries and Broadleaze Farm. To the east, the site fronts onto Watercombe Lane. The site comprises open fields and some impressive tree groups.

To the west, some 0.8km away is the Grade II Listed Brympton d'Evercy house and registered park and garden

The site is 2.2km from the town centre. It is well accessed by road, (including Western Access improvements), and there is an east/west cycle path to the town centre. There is no bus route. The nearest bus route is on West Coker Road 1000m walk.

Immediately to the south east fronting onto Watercombe Lane, lies a field with an undetermined application site for up to 100 homes, (17/03320/OUT), known as Bunford Hollow. And south of this site fronting onto West Coker Road and west of Watercombe Lane, lies a new housing site for 97 new homes, Bunford Heights, which is now on site (18/00176/REM).

B. PLANNING HISTORY

07/05341/OUT

Outline planning permission was granted on 23-3-11 for a new 3 arm, (T junction) access onto the A3088 and the creation of a 60,000m2 Business Park on a 20.3ha site for a range B1 office and light industrial buildings. The scheme was inspired by the aim to provide a quality business location for Yeovil. The site is described in the current Local Plan at para 9.11 as an…"important gateway location…allocated for employment to provide a high quality business park…of strategic significance and …seeks to widen the economic base of the town…" This scheme has not to date come forward.

Outline permission expires in 2021.

16/01185/REM

A reserved matters application linked to 07/05341/OUT was submitted in March 2016. This scheme was submitted by the applicant AMG, to keep the outline permission 07/05341/OUT "alive" and therefore "material" pending the outcome of this current Hybrid application. So notwithstanding the applicant's preference for the current Hybrid, the outline application remains alive and undetermined.

C. PLANNING PROPOSAL

The applicant proposing a **"full" planning application** for a new out of centre food superstore (8,443 m2 gross and 5,108 m2 net) with 445 parking spaces, a Petrol Filling Station fronting onto the A3088, a new 4 arm and roundabout access into the site from the A3088 and a single employment building (2,040 m2 of flexible office, light industry, distribution) and 34 associated parking spaces.

Also proposed, (but not separate) is **"outline" application** for a further 32 flexible business/employment buildings, (B1 – 14,765m2; B8 – 19,086m2 and flexible B1/B8 – 24,240m2), and an additional road access onto Watercombe Lane designed to service 7 business buildings and the undetermined residential scheme "Bunford Hollow" should it receive permission.

Overall the scheme aims to deliver more than 58k m2 of business floorspace – very close to the extant outline scheme, (60k m2). To accommodate the bigger access/roundabout onto the A3008, the petrol station and the 4.25 ha for the food super store and car park, the proposed development site has been extended to the south so there would be development east and south of Broadleaze Farm, approaching the fields and landscape slope up, south, to West Coker Road.

The applicant is proposing the following economic development benefits and community benefits/s106 agreement to support the town centre.

(The applicant has made it clear that the town centre s106 offers are because his assessment of the harm to the town centre's vitality from the proposed out-of-centre food store is "minor and certainly less than substantial")

General Economic Development Benefits stated by the applicant

- The delivery of positive economic growth in western Yeovil in line with policy ambitions.
- Creation of a major new employment hub on a long standing employment allocation.
- Provision of a viable scheme to deliver wider employment uses for the area
- Provision of a fully serviced, high quality business park
- The creation of some 2,456 to 3,047 full time equivalent permanent jobs, (as and when the entire development builds out, probably over 5-15 years)
- The provision of new jobs in line with planned housing growth for Yeovil.
- The addition of between £91 million and £112.9 million every year to the local economy
- The generation of annual business rates for the council of £3.2 million, (equivalent to 18.3% of SSDC revenue budget in 2017/18
- Community Infrastructure Levy calculated at £100 per sq m. Total £844,000
- Opportunities for training and skills improvements.
- New foodstore to meet main food shopping needs of west Yeovil
- Improvement in the choice of foodstores in the Yeovil
- Long-term landscape benefits to trees and hedgerows. Extra planting over extant permission
- Increased public rights of way and recreation as a result of new footpaths and open space

Proposed s106 Community Benefits proposed by the applicant

- Free, off peak shoppers bus running 3-4 days a week for 2 years linked to town centre, (£140k)
- 2 bus stops on Bunford Lane/A3088
- Contribution to junction improvements for the Cattle Market Site in the town centre (£25k)
- Donation of land/building at Middle Street to regeneration aims of Yeovil TC (circa £150k value)
- Yeovil TC digital marketing board to promote events and messages in the town centre
- Bunford Park Development Travel Plan to support sustainable travel
- 5 year agreement to buffer landscape the Bunford Park Development outside the application site to the west
- Agreement to build speculatively one of 34 business buildings should Bunford Park Development be approved
- Commitment to build a 2nd business building once the 1st building is 60% let/sold.

The Applicant's "Economic and Enabling" Evidence in support of the application is set out at Appendix 1.

An Environmental Impact Assessment (EIA)application was submitted with this application because of its size and because of the proposed size of the out-of-centre retail element. This element also means that if there is a recommendation for approval it may need to be referred to the Secretary of State before a final decision is made.

The EIA application was made in 2017 after the applicant organized local public consultation and there was an EIA addendum in 2018 after the applicant engaged with a wide range of officers and services which produced a variety of design and land management and highway improvements.

The application is supported by the following documents:

- Environment Statement
- Planning and Retail Impact Assessments
- Economic and Enabling Assessment
- Design and Access Statement
- Landscape and View Assessment
- Heritage
- Ecology
- Socio Economic Impact
- Transport and Travel Plan, (foodstore and business park)
- Statement of Community Involvement
- Tree Assessment and Archaeology Assessment
- Flood Risk & Drainage Assessment
- Lighting
- Renewable Energy/Energy Efficiency
- Proposed Heads of Terms – Community benefits

D. POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On 5th March 2015 South Somerset District Council, as Local Planning Authority, adopted its Local Plan to cover the period 2006 to 2028.

Employment

The majority of the application site (16.5ha) is allocated within the adopted Local Plan under policy ME/WECO/1 (para 5.57) for strategic employment use.

Local Plan Para 9.11 explains…" The site is an important gateway location at the edge of Yeovil, is allocated for employment to provide a high quality business park. The strategic significance of the allocation is that it seeks to widen the economic base of the town. It has planning consent"….

Policy SS3 sets out the importance of bringing forward new employment land for the delivery of job and economic development. The Policy refers to designated strategic employment sites in Yeovil of which Bunford Park is one.

Retail and Town Centres

NPPF paras 85 and SSDC Local Plan Policy EP11 and para 9.96 explain that any proposed large retail scheme should first seek to be located in an appropriate town centre and not "out of centre". Both the NPPF and the Local Plan seek to underpin the value and viability of town centres as locations for retail.

NPPF paras 86-90 and the SSDC Local Plan Policies EP11 - 12 set 3 tests to help make planning decisions on major and out of centre retail schemes.

The first test is to check whether or not the proposed scheme can/cannot fit into the town centre, (sequential test of sites). The second, tests whether the scheme would/would not harm existing or planned investment in the town centre (first impact test) and finally the third test is whether the scheme would/would not harm the town centre's vitality and viability, (second impact test).

Sequential Test

NPPF para 86 explains the aims of the sequential test: "main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered".

National Planning Practice Guidance, (010 ID 2b-010-20140306) explains how the sequential test should be carried out:

a) Has the suitability of more central sites to accommodate the proposal been considered?
b) Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre
c) Is there scope for flexibility in the format and/or scale and form of the development being proposed?
d) It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and the form of development being proposed, but rather to

consider what contribution more central sites are able to make individually to accommodate the proposal

Both the NPPF and SSDC Local Plan say if either of the 3 tests are failed the scheme should be refused – because town centre strength is so important in national planning policy.

Relevant Local Plan Policies

SD1 - Sustainable Development
SS1 - Settlement Hierarchy
SS3 - Delivering New Employment Land
SS6 - Infrastructure Delivery
EP3 - Safeguarding Employment Land
EP9 - Retail Hierarchy
EP10 - Convenience and Comparison Shopping in Yeovil
EP11 - Location of Main Town Centre Uses (The Sequential Approach)
EP12 - Floorspace Threshold for Impact Assessments
TA1 - Low Carbon Travel
TA3 - Sustainable Travel - Yeovil
TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ1 - Addressing Climate Change in South Somerset
EQ2 - Design & General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

Relevant Chapters of the National Planning Policy Framework (July 2018)

Chapter 2 - Achieving sustainable development

Para 9…"Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area".

Para 12…" the development plan, (so long as it is up to date), is the starting point for decision making".

Chapter 5 – Building a strong, competitive economy

Para 80…"significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"…

Para 81..there should be a …"clear economic vision and strategy…and a local industrial strategy…key criteria and strategic sites…need to address the barriers to investment…and policies need to be flexible enough to accommodate needs not

anticipated in the plan to enable a response to changes in economic circumstances”

Chapter 7 – Ensuring the vitality of town centres

Para 85. Planning Policy ..”define a town centre hierarchy and support its long term vitality and viability; define town centre boundaries; enhance markets; allocate a range of suitable sites in town centres; where suitable and viable sites are not available in town centres look to sites in other accessible locations and well connected to the town centre…encourage residential in town centres”…

Para 86…”apply the sequential test to main town centre uses which are neither in a centre or contrary to an up-to-date local plan….Main town centre uses should be located in town centres…only if suitable sites are not available, (or expected to become available within a reasonable period), should out of centre sites be considered”.

Para 87 ….”Preference to be given to edge/out of centre sites that are accessible and well connected to the town centre…Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so opportunities to utilize suitable town centre or edge of centre sites are fully explored”.

Para 89 ..Large retail and leisure developments proposed to go outside town centres should have 2 town centre impact tests a) impact on public or private investment and b) impact on town centre vitality and viability.

Para 90…If and application fails either the sequential or one of the impact tests it should be refused

Chapter 9 – Promoting sustainable transport

Para 108…”promote sustainable transport modes; safe and suitable for all users and address impacts on transport/highway network...”

Para 109…” only refuse on Highway grounds if unacceptable impact on highway safety

Para 110…”give priority to pedestrian and cycle movements, then public transport…address movement needs of people with disabilities and mobility problems.. create attractive and safe places, services delivery and facilities for electric vehicles”

Para 111 …Travel Plans required

Chapter 11 – Effective use of land

Para 120…Policies and decisions need to reflect changes in the demand for land. Informed by regular reviews. If no reasonable prospect of an application coming forward for the use allocated in a plan, LPAs should consider “reallocating the land for a more deliverable use to help address identified needs”…. And in the interim, prior to updating the plan...”applications for alternative uses should be supported, where the proposed use would contribute to meeting an unmet need…”

Para 121...”LPAs consider the use of retail and employment land for homes in areas of high housing demand provided that would not undermine key economic sectors or sites or the vitality and viability of town centres - or use such land for community services and access for open space..”

Chapter 12 – Achieving well-designed places

Para 124…"high quality buildings and places are fundamental to what the planning and development process should achieve ".

Para 127 .planning decisions should ensure that developments…"function well…visually attractive and result in good architecture…sympathetic to the local character and history…establish and maintain a strong sense of place…optimize the potential of the site, and create places that are safe, inclusive and accessible, and promote health and well - being.

Other Relevant Policies

Somerset County Council Parking Strategy (March 2012)

E. CONSULTATIONS (ORGANISATIONS)

Yeovil Town Council (17-9-18)
Noted/Support (no reason stated)

West Coker Parish Council (15-11-18)
Support (no reason stated)

East Coker Parish Council (14-9-17)
Object on traffic congestion grounds
Officer Comment: SCC Highways has no objection subject to conditions.

Odcombe Parish Council (22-8-17)
Object contrary to Local Plan location of a food supermarket
Officer Comment: This issue is addressed in the body of the report.

Brympton Parish Council (27/9/18)
Object: not in accordance with Local Plan and harm to the town centre; unacceptable landscape impact on local heritage assets; supermarket traffic; Sainsbury's cannot be guaranteed and promised economic development cannot be guaranteed.
Officer Comment: Town centre issues addressed in the body of the report

Highways Authority Somerset CC (9-3-18)
No objection. Should planning approval be supported SCC would want SSDC to impose the following conditions:
Surface water; Estates road design and approval; Cycleway & footpath network; Design and build access to A3088 and Watercombe before development on site; Construction Traffic Management Plan; Dust and dirt management; Highway damage repair; Petrol Filing Station access; Street lighting; Parking; Visibility splays and Traffic Regulation Order.
Officer Comment: Noted. However SSDC concerned that the site location is not suitable for a town centre use and is not well connected to the town centre to promote linked trips with less car use.

Natural England 22-9-18
No objection. Standing advice.

SSDC Tree Officer (14-9-18)
No objection after site layout and landscaping was changed by the applicant. Should the scheme be approved, there should be conditions relating to the selection of tree species; more trees in the car park and tree protection.
Officer Comment: concerns can be dealt with by standard conditions

SSDC Landscape Officer (11-8-17)
No objection, subject to all the building and landscape design changes set out in drawing Nos PL027 Rev 0. Through negotiation the following changes have been made through the long submission of the application: building heights to the south reduced; buildings more spread out; more space provided around the preserved oak corridor; increased landscape buffering to the south and next to Broadleaze Farm; stronger access road planting and frontage tree planting.
Officer Comment: SSDC still concerned about the quality of the design of superstore and PFS as a frontage to A3088 in comparison with the consented scheme, but this cannot be a substantial reason for refusal.

Historic England (16-2-18)
Concerned. Proposal represents harm – but less than substantial. Maintains that the further erosion by this application of Brympton dEvercy's historic parkland setting, (i.e. land close to but outside of the listed house and garden - effectively the slope from Bunford Park up to West Coker Road),

would damage the setting beyond the Listed House and Gardens at Brympton d'Evercy. It is agreed this setting is only sometimes glimpsed from the house. HE therefore confirms the harm would be "less than substantial" because only private views from the upper floors of Brympton d'Evercy house would be effected. HE nevertheless supports the increased buffer landscaping and the general reductions in building heights and the critical "brown roof colouring" of buildings to ensure the scheme fades into the landscape, particularly as the landscaping matures.
Officer Comment: Revisions have reduced landscape impacts which is agreed are "less than significant". Should the scheme be supported, a materials condition would be imposed.

Gardens Trust (10-8-17)
Supports Historic England view. Not a supporter of the extant outline permission or this application. Would like to see further landscape buffer to the west and north - west to protect historic parkland.
Officer Comment: See comment on Historic England.

Yeovil Rivers Community Trust (26-6-18)
Object. There should be better "sustainable urban drainage". There should be more wildlife habitats created. Dodham Brook should be improved. There should be more permanent ponds and wetlands – not dry basins.
Officer Comment: Should scheme be supported, this can be dealt with via a conditions suggested by SSDC Ecologist.

SSDC Ecologist (22-8-17)
No objection subject to conditions. Ecological Supervision; Landscape Habitat Management Plan; Construction Environmental Management Plan; further Bats Survey; Review width of buffers for trees/hedges on the east/west route around the superstore.
Officer Comment: Should scheme be supported - standard conditions.

Crime Prevention Officer (4-10-18)
No objection subject to comments. Request that as conditions assessed, look at security of "plant enclosures" and generally more secure fencing.

Local Lead Flood Authority and Wessex Water (10-10-18)
No objection. Information indicates an intention to attenuate on site and discharge at controlled rates, calculations to be based on events up to and including 1 : 100yr event + 40% climate change. Should the scheme be supported, liaison and agreement with Wessex Water requires and conditions relating to surface water management and sustainable drainage design should be imposed.

Environment Agency (9-5-18)
Objection to proposal to locate underground fuel tanks above the water table. EA concerned about risk of contamination.
Officer Comment: Should the scheme be supported a condition would be imposed to ensure this is resolved at the "pre commencement" stage.

SSDC/South West Heritage Trust - Archaeology (24-8-17)
No objection. Should scheme be supported, need to impose condition relating to an "Archaeological Written Scheme of Investigation" and "No building occupied until Investigation agreed and published".

SSDC Climate Change Officer (8-8-17)
No objection. SSDC concern about lack of use of photovoltaic arrays on top of food super store to produce renewable energy. Applicant explained they preferred to use "Green Gas CHP and Air Source Heat Pumps" to produce an allowable LZC Energy form. This would produce a 59% annual Co2 emissions reduction. PV arrays were too expensive and did not produce a good enough rate of return. Accepted by SSDC officer.

SSDC Environmental Health (1-8-17)
No objection. Should scheme be supported – conditions on "incidents of pollution during construction" and "reduction of external and internal lighting glare".

SSDC Economic Development (21-3-19)
Object. *.." Although enabling development may well be required to unlock Bunford Park for business employment use, the potential negative impact of this retail development would undermine the vitality and viability of Yeovil town centre at a time when SSDC is committed to the 'Yeovil Refresh'. The town centre is already under pressure as a commercial and economic centre due to national changes in retail, and has higher than national average vacant shop units. Additional out of town retail would take spend away from the town centre and further undermine the economic vitality of the town as well as undermining the regeneration plans as set out in the Yeovil Refresh. Significant sites exist within the town centre for expansion of commercial activities, including retail, if demand exists within the local economy. Once this application is determined, Economic Development will seek to engage with the site owner to help bring Bunford Park forward for appropriate economic development uses in line with the South Somerset District Council Economic Development Strategy, the National Industrial Strategy and the emerging Heart of the South West Local Industrial Strategy".*

To summarise the Council's comment Yeovil Town Centre's regeneration, a further comment was received from SSDC Yeovil Refresh Project Manager:

"…SSDC has committed to work with partners to regenerate Yeovil Town Centre through delivering the Yeovil Refresh Strategy. As well as funding the development of the Yeovil Refresh Strategy, the Council has funded the early stages of implementing the strategy including:.
- *£375,000 to public realm theme. This will enable employment of a multidisciplinary team to deliver a public realm design guide, provide an outline design for projects P2 – P6 identified in the Yeovil Refresh and complete the design process to the end of RIBA 4.*
- *£130,000 to create a holistic access strategy designated T1 which will provide a clear transport infrastructure plan.*
- *£7500 match funding for Local Cycling and Walking Infrastructure Plan designated project T10. The council is working with SCC to deliver a plan for cycling and walking infrastructure will be a component of T1. Central Government has allocated funding to Yeovil, Taunton and Bridgwater as the three key settlements in Somerset to enable deliver of these plans. This has meant that SSDC was only required to provide a small element of match funding.*

These sums will enable the appropriate plans and designs to be produced to support delivery of a range of projects. We would expect this to require significant capital sums to deliver.

of the Council has submitted an Expression of Interest to MHCLG for the High Streets Fund, to support delivery of the Yeovil Refresh.

SSDC Strategy and Commissioning (21-5-18)
Object.
Assessment by Spatial Policy on the NPPF's Sequential Test, Investment Test and Impact Test is set out in full at **Appendix 3**

Assessment by GVA Consultants commissioned by SSDC in March 2018 to carry out a Town Centre Impact Test Analysis is set out at **Appendix 3.**

Spatial Planning Retail Conclusion:

"The application is contrary to SSDC Local Plan Policy EP11 and EP12 and Paragraphs 24 (now Paras 86) of the NPPF, as it fails the sequential test, (Cattle Market) and is likely to have a significant adverse impact on the vitality and viability of Yeovil town centre and the existing and planned investment in Yeovil town centre.

The application is contrary to the South Somerset Local Plan's strategy for Yeovil town centre and the Council's Yeovil Refresh work. Allowing this application for additional "out of centre" floorspace will erode the confidence of landowners wishing to progress development proposals within the town centre, where sites are more expensive. The market is increasingly competitive and fragile, as such, this proposal could compromise the approved strategy for regenerating, enhancing and improving the vitality of Yeovil town centre.

The fact that the application is not in accordance with the South Somerset Local Plan, must be weighed against the fact that the proposal will generate jobs, realise trade and investment and provide the infrastructure for Bunford Business Park a strategic employment location in Yeovil".

SSDC Spatial Policy commissioned GVA Consultants in March 2018 to carry out a Retail Impact Assessment on Yeovil Town Centre from the proposed "out of centre" Bunford Park Scheme and the now approved "edge of centre" Aldi Olds Garage Scheme at Sherborne Road. This concluded that Yeovil Town Centre (YTC) would lose a lot of convenience and comparison trade out of the centre. The main town centre convenience store to suffer would be Tesco Extra, (loss of some 26/29% trade). And the town centre would also lose some "linked town centre shopping and visitor trips" associated with existing convenience shopping.

GVA Conclusion:

The proposed Bunford Park scheme along with the recently approved edge of centre Aldi scheme are *"…likely to significantly or seriously affect health of Yeovil Town Centre and lead to a conflict with Local Plan and NPPF…"*

F. **REPRESENTATIONS (RESIDENTS & BUSINESSES)**

Neighbouring properties to the site were notified in writing. A site notice was displayed and a press advert placed (EIA development).

Support for the Application

7 Responses: The scheme and Sainsbury's would raise the status of Yeovil. High end retailer would provide good competition for the other superstores. Better shopping choice

1 Response: Provide employment and economic development

1 Response: Support, but need better parking for "motor homes"

3 Responses: would provide jobs and I would like to work at Sainsbury's

1 Response: Sainsbury's is a good idea – there should be more residential development in the TC

1 Response: I live in Ilminster and would like to visit a Sainsbury's without going to Taunton

1 Response: I would like to see a Sainsbury's – better choice and quality. I currently use "Sainsbury's online delivery" but would like to be able to visit a store

Objections to the Application

5 Responses: The scheme will be bad for Yeovil town centre (YTC), there should be no more out of centre retail schemes

3 Responses: Loss of green space will not be good

1 Response: The scheme should go into the town centre

3 Responses: Traffic congestion

1 Response: Scheme would not broaden the local skill and job base

4 Responses: Yeovil has no need for more superstores and petrol filling stations

2 Responses: Scheme is contrary to the Local Plan. Site is for employment not out of centre retail

2 Response: The proposal would extend the loss of open field slope from Bunford Park, up to West Coker Road – this is part of the setting of the heritage house and park and gardens at Brympton d'Evercy. Local Plan Inquiry Inspector suggested this slope was maintained clear of development

1 Response: Proposal will not bring forward a "high quality business park"

1 Response: BHS store and Bus Station is best place for a food superstore

1 Response: proposed roundabout access not good for pedestrian access

Representations have also been received from agents representing some existing food retailers and town centre landowners in Yeovil. The table below has been re produced from Appendix 2. It sets out the projections of possible trade draw away from existing food stores to the proposed new one at Bunford Park as estimated by SSDC Consultants GVA (March 2018):

GVA Table 3.1: Solus and Cumulative Impacts on Convenience Goods Stores in Yeovil

Store / Location	Solus Impact of Bunford Park (%)	Cumulative Impact of Bunford Park & Olds Garage (%)
Farmfoods	-3.5%	-4.0%
Iceland	-3.9%	-4.5%
Lidl, Lyde Road	-16.8%	-25.4%
M&S, Yeovil town centre	-1.7%	-2.1%
Tesco Extra, Yeovil town centre	-24.6%	-29.7%
Other stores Yeovil town centre	-1.8%	-2.2%
ASDA	-26.7%	-31.8%
Morrisons	-24.8%	-30.2%
Lidl, West Henford	-17.4%	-25.8%

MRPP on behalf of Tesco Stores Ltd (23-11-19)
Object

Martin Property Group – owners of Glovers Walk and Bus Station (14-11-18)
Object

Jigsaw Planning on behalf of ASDA Stores Ltd (22-9-17 & 5-6-19)
Object

Carter Jonas on behalf of Benson Elliot (BE) owners of Quedam Shopping Centre, (including Vincent's Yard) and an "option owner" of the Cattle Market Site (23-8-17, 12-6-18, 30-10-18)
Object

Summary of Comments by Yeovil Retailers and Major Town Centre Landowners

- Martin Property Group is supportive of SSDC Yeovil Town Centre Strategy and keen to get on with investing in the lower part of the town centre. However, "the out-of-centre retail scheme is casting a shadow over the town centre, and which if allowed will significantly strengthen existing out-of-centre provision" to the detriment of the town. SSDC must promote "town centre first". Martin Property Group is arguing that the Bunford Park scheme is threatening its investment in Yeovil town centre.

- MRPP on behalf of Tesco object to the Sainsbury's scheme because it will take away at least 20% of its turnover – money spent in the town centre. MRPP argues that that applicant's assessment figures do not fairly show the adverse impact on Tesco and the town centre.
- Jigsaw on behalf of ASDA believes that Yeovil will only get an out-of-town store and not a

business park. Bunford Park is not an accessible location like the ASDA store – no buses; poor pedestrian accessibility and far away from housing estates/residential population.

Carter Jonas on behalf of Benson Elliot (BE)

- BE has secured a 5-year option on the Cattle Market site with an intention to redevelop the site for a mix of uses, including a foodstore. Benson Elliot at the time of writing this report was exchanging a draft "planning performance agreement (PPA)" with SSDC. PPAs are process contracts that set out the timescale of the design and submission of a planning application in 2019 and bringing forward a development in the next 3-5 years.

- "BE is clear that although the town centre economy is "holding up", it is highly fragile and vulnerable to impact. Permission for a major out-of-centre scheme at this stage in its recovery will seriously harm existing and planned investment in Yeovil TC, including operator demand and the town's vitality and viability". BE argues that the Bunford Park scheme is threatening its investment in the town centre.

- The proposed Sainsbury's is proposed to be 5108m2 net, but this level of new convenience floorspace is not needed over the period to 2034 as assessed by the SSDC 2017 Retail Study. A smaller floorspace quantum could fit onto Cattle Market, with other uses on multi floors, using deck parking – all flexible formats supported by Inspectors when considering planning appeals. Notwithstanding this the SSDC 2017 Retail Study indicates that the Cattle Market could accommodate some 5,000m2 of floorspace.

- Sainsbury's have under estimated the trade draw from the town centre and overestimated trade from outside Yeovil in their submitted Retail Assessments – this will result in more harm to the town centre

- The proposed "enabling" food superstore at Bunford Park will not deliver the whole business park – only one building. This will be at the cost of a reduction in town centre vitality

- The SSDC 2017 Retail Study shows that SSDC is a highly contained market – therefore a significant new food superstore with more floorspace than shoppers have cash to spend will result in significant trade draws which would be bad for the town centre.

- Market trends are towards smaller food super markets not bigger ones. Sainsbury's will be a white elephant.

- AMG and Sainsbury's are being incorrectly inflexible about Yeovil retail development opportunity sites. Planning Appeals and National Planning Guidance ask retailers to be more flexible than the applicant's are prepared to be. Allowable flexibilities include:

    - sites not yet available, but that will become available in a number of months/years
    - one or more buildings – not just single buildings
    - multi levels and parking/servicing
    - sub division and disaggregation depending on the circumstances of the proposal and town centre

G. CONSIDERATIONS – KEY ISSUES

Principle of Development

The principle of development for the proposed re configured business park is not a significant issue. There is an extant permission for a scheme without a food superstore, but the principle is accepted and the site is allocated in the Local Plan for strategic employment. There are some issues of design and landscaping which are highlighted in the Consultations section above but these are broadly resolved to the Officer's satisfaction.

The planning decision must find the balance between the importance of bringing forward a valued strategic employment site and the acceptability of allowing a "contrary to policy" out-of-centre food superstore aimed at funding the proposed business park infrastructure.

Main Issues

If the level of harm to the town centre from the out of centre foodstore is significant, there is an argument for refusing planning permission.

Depending on the level of harm – this harm maybe worth baring in order to deliver a kick start to the important business park, if retail is really needed to achieve this as the applicant claims.

It is also important to establish the importance between beginning the business park development and maintaining the improvement and regeneration of the town centre.

The applicant suggests the consented scheme is unviable and that the proposed foodstore is now required to provide infrastructure that would open up the business park.

For the purposes of decision-making it is important to make clear a number of points. Firstly, the proposed A1 use is classified as a "town centre use" under the terms of the development plan and the NPPF [1]. Secondly, the proposed location should be considered as an "out of centre location"[2]. Thirdly, the evidence base that supports the employment land figures identified in adopted Local Plan Policy SS3 have been updated as part of the Early Review Local Plan, this emerging evidence has not been tested at examination but is still a material consideration and relevant given the enabling argument being used by the applicant to support the proposed A1 use.

Against this context, Area South Committee's decision will need to understand the proposed development's compliance with the sequential test as defined in the South Somerset Local Plan Policy EP11, and given the size of the proposed scheme, the impact of the additional floorspace on Yeovil town centre through consideration of Policy EP12.

The Committee's decision should also reflect on whether the proposal affects the overall level of planned investment in convenience goods retail floorspace in Yeovil as defined in Policy EP10. This means that Yeovil's estimated need for new convenience retail floorspace up to 2028 is some 9,000m2 and the current scheme is proposing to put 8,000m2 in an out of centre location.

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[1] As defined in the NPPF, main town centre uses constitute retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

[2] As defined in the NPPF, an out of centre location which is a location which is not in or on the edge of a centre but not necessarily outside the urban area.

In addition Planning Committee should assess the benefits of delivering new employment land as required by Policy SS3 through an enabling development, which would otherwise conflict with planning policies, to establish whether these benefits outweigh the disbenefits of departing from normal policy.

H. CONSIDERATIONS – HYBRID KEY ARGUMENTS

Reviewing the application documentation, the applicant makes a number of key arguments to support the hybrid planning application.

1. Enabling Development: Without external funding support from an additional new out of centre food superstore, access to and site layout infrastructure for a business park in this location would not be viable. The site already has outline planning permission for a business park, so the principle of development is agreed.

2. Economic Benefits: The economic benefits of bringing the site forward would be:
   - beginning the delivery of a long overdue Local Plan allocated strategic employment site that already has outline planning permission
   - New construction jobs created, and in the 1st phase of development some 160-200 permanent jobs
   - Should the whole scheme be built out over a decade, some 2-3000 jobs could be created, there would be an increase in business rates and a community infrastructure levy payment
   - Opportunities for job training and business development
   - A more substantial 4 arm and roundabout access to the site from A3088

3. Retail Variety: The proposed Sainsbury's, food super store (preliminary contract signed) would bring retail variety to Yeovil, particularly to its west side.

4. No Significant Adverse Impact on the Town Centre: Whilst the retail scheme would draw some convenience and comparison trade out of the town centre, (and from other out of centre retailers) – it would not be to a degree that would "significantly adversely affect" the vitality of Yeovil centre. And no major centre retail store would close. This is because Yeovil is a relatively strong town centre with declining vacancy rates. It has new town centre investors, (Martin Property Group at Glovers Walk and Benson Elliot have acquired an option on the Cattle Market) and healthy comparison visitor numbers not dependent on convenience shopping.

5. No Sequentially Preferred Sites in the Town Centre suitable and available for the proposed Sainsbury's store: The proposed Sainsbury's food superstore is too big to fit on any of the key development opportunity sites set out in the Yeovil Town Centre Strategy – "Refresh", in particular the Cattle Market site proposed the SSDC Planning Policy assessment. And in any case a smaller Sainsbury's format possibly on split floors and utilizing deck parking, would not allow for "market penetration" in Yeovil, (i.e. competing well with and taking trade away from other food super stores). In addition the cost of putting a Sainsbury's retail development on this site and the complicated access off Reckleford would make the scheme unviable.

6. No Prevention of Planned Town Centre Investment by the Proposed Sainsbury's store: By developing a new food superstore at Bunford Park there is no clear evidence that the scheme would prevent other planned investments in the town centre going forward. There is no evidence that planning applications, permissions or retail investment contracts are being prevented from being progressed.

I. ASSESSMENT OF HYBRID KEY ARGUMENTS

1. The Importance of the Bunford Park Employment Site and Enabling Development

"The site is an allocated employment site in the up to date South Somerset Local Plan. Annual monitoring of the Local Plan shows the authority is behind on delivering employment land and this is usually crucial for delivering growth and homes. The applicant and the LPA have worked together to seek infrastructure funding to bring this forward – but so far to no avail."

Officer assessment: The applicant has put forwards an Economic Enabling Statement in support of his application which indicates that the consented business park is no longer viable in the current market conditions and that the Sainsbury's development would secure sufficient capital to open up the site for future economic uses for the town

The allocation in the current local Plan is a strategic one and the development would undoubtedly open up a key development site. However Employment estates like Seafire Park (also under the control of the applicant), and Lufton 2000, are both only developing out slowly, with few speculative buildings being offered to the market. This indicates that even if "enabling development" (in this case an out of centre superstore) were to be supported at Bunford Park, there would be a risk that further employment development beyond the committed single business building out of 32 proposed in the outline application – may not come forward.

The "Local Plan Annual Monitoring Report 2018" and the "2017 Economic Development Monitoring Report – Land and Floorspace" demonstrate that:

- SSDC Annual Monitoring is demonstrating that employment land is not coming forward as envisaged, but nevertheless some economic indicators – economic activity rates; low unemployment; strong gross value added, (by sector and per capita); small business growth – remain strong. This may indicate that not so much employment land will be needed over the plan period.
- General growth and employment forecasts are being revised down.
- Businesses and landowners have tended to redevelop existing premises to achieve higher productivity gains in a land market that is generally flat – rather than buy new land or buildings.

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The applicant is also asking for the original Local Plan aspiration…"a high quality business park" for B1 uses, to be amended to include much more B8 (distribution), B2 (manufacture) and Sui Generis uses (one off uses). It could be argued that this profile of uses and property already exist across Yeovil and for the time being SSDC should look to hold onto the extant B1 office permission to aim to fulfill the "gateway office ambition" as set out in the Local Plan and the aim of broadening the town's skill and business base.

The Area South Committee should also note that the NPPF 2018 recognises situations where allocated land is not coming forward. The question is whether other enabling development that would not be contrary to the Local Plan could be found ?,

NPPF Chapter 11 – Effective use of land

"Para 120…Policies and decisions need to reflect changes in the demand for land. Informed by regular reviews. If no reasonable prospect of an application coming forward for the use allocated in a plan, LPAs should consider "reallocating the land for a more deliverable use to help address identified needs"…. And in the interim, prior to updating the plan..."applications for alternative uses should be supported, where the proposed use would contribute to meeting an unmet need…

Para 121..."LPAs could consider the use of retail and employment land for homes in areas of high housing demand provided that would not undermine key economic sectors or sites or the vitality and viability of town centres - or use such land for community services and access for open space.."

So whilst the allocation of allocated employment land at Bunford Park to an out-of-centre retail scheme would in principle be contrary to policy - the consideration of "housing as an alternative use" – an equally "enabling" development type, could also be considered.

The Local Plan and the NPPF have strong policies on promoting and supporting employment land. But they also have strong "town centre first" imperatives which in the case of South Somerset also features as a high priority in the District's Economic Development Plan and its Corporate Plan. As long as Planning Committee take into account both the issues of employment land development and limiting harm to the viability of the town centre, it will have made a proper decision.

The Applicant's Economic and Enabling Document is set out at Appendix 1. Section 7 supplies the "enabling evidence". This simply shows that an out of centre Sainsbury's store would provide sufficient enabling funds and this has been corroborated by Sainsbury's. However the applicant's evidence does not set out alternative land use enabling developments that might also be considered. So an assessment against "housing enabling development" is not shown.

On balance the arguments about the fragility of Yeovil Town centre and the difficulty of winning investment to deliver regeneration outweigh the arguments of combatting a "flat employment land market". The Applicant's commitment to only build a second business building, (out of 33) once the first is 60% let/sold seems to indicate that despite the prospective development of a new superstore, business development will continue to be relatively flat. But by that time a new out of centre food store would have eaten up all of the estimated convenience floorspace needed by SSDC until 2028, making the prospect of attracting new floor space into the centre much harder.

2. Retail Variety

"The proposed Sainsbury's, food super store (preliminary contract signed) would bring retail variety to Yeovil, particularly to its west side".

Officer Assessment: Should Sainsbury's not follow through on its contract the planning permission for an A1 food super store will still be in place. Currently the west side of Yeovil has the Asda food store which is being made more accessible by the Western Corridor Improvements. It is also served by 4 bus routes. Residents of the immediate south side of the town can walk to food supermarkets on Lysander Road which are in any case closer to the town centre. Asmall drive thru M&S supermarket has recently opened at a petrol station closer to East Coker. The Bunford Park site is not close to public transport, (unlike Asda) and is some distance from residential estates and communities, (unlike Asda, Morrisons and Lidle).

On balance it seems the west and south of Yeovil is well served by existing convenience food stores which are closer to existing residential communities. The estimates of trade draw to the proposed new Sainsbury's, (Appendix 1 and above under "REPRESENTATIONS") indicate shoppers will be making more trips to a less connected food superstore. As one of the consultees commented, more variety and choice can be achieved by using Sainsbury's on line.

3. Town Centre Impact - No Significant Adverse Impact on the Town Centre & No Prevention of Planned Town Centre Investment by the Proposed Sainsbury's store

"Whilst the new retail scheme would draw some convenience and comparison trade out of the town centre, (and from other out of centre retailers) – it would not be to a degree that would "significantly adversely affect" the vitality of Yeovil centre. And no major centre retail store would close. This is because Yeovil is a relatively strong town centre with declining vacancy rates. It has new town centre investors and healthy visitor numbers not dependent on convenience shopping".

"By developing a new food superstore at Bunford Park there is no clear evidence that the scheme would prevent other planned investments in the town centre going forward. There is no evidence that planning applications, permissions or retail investment contracts are being prevented from being progressed"

Officer Assessment: Yeovil's particular design and retail history means that in 2019 it has ended up with a ring of out of centre convenience and comparison stores largely accessed by car - and strongly disconnected from the town centre. The proposed food superstore at Bunford Park would further entrench this poorly designed settlement pattern and limit town centre investment incentives as exhibited by the slow take up of town centre development sites and the continual pressure on its outskirts. (Iceland, which is a Yeovil town centre food store has now applied to go out of centre to Houndstone. It is not clear if it would maintain both stores).

Yeovil continues to have above national average vacancy rates. Whilst there are some signs of improvement in vacancy rates between 2014 and 2015, in eight of the last ten years the vacancy rates has been growing. This indicator points to a fragile town centre. The trade draw that might result from a further out of centre convenience store, (a town centre loss of over 20% of convenience spend and 5% of comparison spend - see Appendix 1), is described by **the Council's consultants GVA as *"…likely to significantly or seriously affect health of Yeovil Town Centre and lead to a conflict with Local Plan and NPPF…"***

It can be agreed with the Applicant that Yeovil is a "relatively strong" town centre, however the local authority and local land owners also believe that Yeovil is "fragile" and can little afford further threats to town centre activity and spend, (please note the comments of major retailers and town centre landowners set out in "REPRESENTATIONS" above).It is for this reason that the Council has produced a town centre improvement strategy, (Refresh Feb 2018), allocated council tax funds for public realm, transport and development projects and embarked on applying for external improvement grants and partnership resources. Please see these described in the "CONSULTATION" comments above by SSDC Economic Development Officers. Why would the LPA undertake such an investment if it were not needed?

The planned investment in and around Glover's Walk and Bus Station (Martin Property Group); Quedam, Vincent Yard and Cattle Market (Benson Elliot) are likely to be affected – and certainly the owners of these sites are on public record saying as much. Businesses and landowners/developers require confidence to invest and this confidence can be damaged by a weak approach to out of centre retail development which can affect town centre sites coming forward - see comments in the "REPRESENTATIONS" section above. Such statements from key stakeholders cannot be taken

lightly.

The SSDC District Executive Committee on 7-12-17 in launching the Town Centre Strategy and Investment Plan explained…"Yeovil retail core is increasingly under threat from other centre and out of town developments. Overall Yeovil is not performing as well as it could, as a sub-regional centre. The Council has made the regeneration of the of the town centre a (Corporate) priority".

On balance SSDC cannot afford to further allow the leakage of expenditure from the town centre and erosion of investment confidence.

4. Applicant Key Issue - No Sequentially Preferred Sites in the Town Centre suitable and available for the proposed Sainsbury's store

"The proposed Sainsbury's food superstore is too big to fit on any of the key development opportunity sites set out in the Yeovil Town Centre Strategy – "Refresh", in particular the Cattle Market site proposed the SSDC Planning Policy assessment. And in any case a smaller Sainsbury's format possibly on split floors and utilizing deck parking, would not allow for "market penetration" in Yeovil, (i.e. competing well with and taking trade away from other food super stores). In addition the cost of putting a Sainsbury's retail development on this site and the complicated access off Reckleford would make the scheme unviable"

Officer Assessment: The Applicant has carried out a sequential test to see if there are any sites in the town centre where the food superstore element of the Bunford Park could be located. SSDC Spatial Policy has carried out its own "check test" which is set out at Appendix 1. The Applicant has stated it has found no suitable and available sites where the food superstore could go. The SSDC assessment has found that the Cattle Market site is suitable and available if Sainsbury's were to be more appropriately flexible as encouraged by the NPPF and Guidance.

The Applicant (WYG) argues that Government Guidance and appeal and court judgments support their case that Sainsbury's have been flexible enough in reducing its proposed land size from 4.25ha to 2.38ha, (a 44% reduction) subject to the site being flat, not decked, regular in shape and easily accessed, (WYG Email 24-10-17 & 8-3-19). The Applicant explains that such a site area might produce 5,640m2 gross and 3,350m2 net floorspace, 290 parking spaces, (as opposed to what it is seeking at Bunford Park 8,443m2 gross/5,108 m2 net).

At para 4.6 of the applicant's Retail Planning Statement, under the heading "Sainsbury's Business Model", WYG argues that Sainsbury's needs…"a similar size store to the existing stores to be able to offer customers a comparable service". But at 5,108m2, the proposed scheme, would be much bigger than Asda or Morrisons. Existing net store sizes are:

Tesco	5910m2
Asda	3,325m2
Morrisons	3,134m2

WYG goes on to argue that "even at 3,350m2", (still bigger than Asda and Morrisons) a Sainsbury's store would not be able to compete with existing stores. Moreover, WYG explains a **"store of this size, (3,350m2), would not be capable of cross funding the phase 1 infrastructure requirements of Bunford Park estimated at £6m.The delivery of this strategic employment site is an important facet of the proposed development and a smaller store theoretically capable of being accommodated on a 2.38ha site could not fill that role".**

It is therefore concluded that were it not for the Bunford Park "infrastructure debt", the applicant may have been much more willing to look at Yeovil TC sites for a flexible Sainsbury's store. But the

applicant has put in writing to the LPA that it is the Bunford Park infrastructure debt that has driven the size and the level of flexibility offered by Sainsbury's and not the vitality and viability of the TC. How is the LPA to treat this approach by the applicant to the Sequential Test and TC Vitality?

In the **Dundee Court Judgement, March 2012 APPENDIX 2** - Justice Hope explains that ..."developers and retailers should have regard to the circumstances of the particular town centre when preparing proposals".

In Scotch Corner, December 2016 (PINS reference APP/V2723/V/15/3132873 and APP/V2723/V/16/3143678) APPENDIX 2 - when approving a very big out of centre scheme the Inspector explained…."*There is nothing in the evidence before me to suggest that the applicant has pitched the scale of the scheme so that would be impossible to identify a town centre site*".

NPPF para 85 explains that the purpose of retail and town centre planning polices and decisions, and therefore the purpose of the sequential and impact tests, are to… "support the role that town centres play at the heart of the community"…. and not perhaps to inappropriately pass retail tests to cross fund out of centre business parks and out of centre retail schemes.

If the size of the proposed retail store is to support an infrastructure fund, what else will be "in store" at Bunford? It is well known that over the last 3-5 years the trend has been not to build big stores and to build more flexible small stores. There is also a trend in big format building "store franchises" and "in store high streets". Sainsbury's has a tie up with Argos. If this were to happen at Bunford Park, the authority would be granting permission for an out of centre "high street" in direct competition with YTC and a central tenant of both local and national planning policy.

In conclusion it is felt that insufficient justification has been provided by the applicant to justify why some available sites in Yeovil town are not, with some further flexibility, suitable. And insufficient justification has been provided for the proposed Sainsbury's out of centre business model, given that Sainsbury's has a range of smaller formats on the market, including schemes that operate without parking or a petrol filling station – and given also that the national trend is for a slow - down in building large stores and an increase in building small stores.

J. ASSESSMENT OF KEY DESIGN & LAND MANAGEMENT ISSUES

Design and Layout

The proposed Business Park scheme, comprising 32 outline buildings and the detailed D1 business building, a petrol filling station and the A1 food super store, has been amended to sit in a more landscaped setting compared to the extant planning permission. There are more tree lined streets, more buffer landscaping, more space under and around retained the oak lined stream corridor and hedgerows.

The layout of buildings has been made simpler and easier to read and navigate. Building heights are generally lower than the extant permission. There is proposed to be more incidental open and public space. There is more tree planting onto the A3088 to give greater form to this boundary that has lost buildings compared to the extant permission. More tree planting in the store car park.

Because of the need to accommodate the supermarket, the roundabout access is now centre stage fronting onto the A3088. This gives onto a tree lined boulevard leading to the space between Building D1 and the superstore, described as a “central square” and an arrival zone. To the south and immediately to the east and west of the superstore sit the bulk of the business units. Two “road side office campuses” are designed to site on the A3088, one at the northern end and one at north eastern end at the A3088 and Watercombe Lane junction.

Higher, more “glossy finished“ office buildings would give onto the A3088, (11-12 mts). The superstore would be 7.5mts high in the middle of the site and the rest of the buildings would be between 7-8.8 mts high – and these would have more muted and matt colours. Building designs would be modern and simple.

Building D1 is proposed to have a shallow pitched roof, horizontal glazing panels and grey colour cladding. Should it be approved the food superstore will front onto the car park and central square, with frontages containing substantial glazing to present a welcoming outlook.

Planning permission is proposed for more flexible B1/B8 uses compared to the extant permission. The authority agrees would stand more chance of being let and bringing forward development.

- B1: 13,707 m2
- B8: 19,086 m2
- B1/B8: 22,134 m2

Transport and Traffic

Two bus stops on the A3088 and suitable footway connections. Travel Plans for the retail and business communities.

Four arm roundabout access junction, with a 2 lane approach on all arms and an additional dedicated unopposed lane for southbound movements. From Watercombe Lane there will be a new access to 12km2 of business floorspace. Two new signalized ped/cycle crossing facilities. New per/cycle link between Bunford Park and Hollow.

Heritage Assets and Views

The heritage assets at Brympton dEvercy, (park and garden, entrance gateway, Main House and Chantry/Dower House) along with views from the Airfield and the West Coker Road ridge were agreed as view impact points in need of mitigation.

Historic England maintains that the further erosion by this application of Brympton dEvercy's historic parkland setting, (i.e. land close to but outside of the listed house and garden - effectively the slope from Bunford Park up to West Coker Road), would damage the setting beyond the Listed House and Gardens at Brympton d'Evercy. Indeed Historic England have been arguing this point since the the last Local Plan Inquiry. As a result building positions, heights and landscape buffers have been adjusted to better integrate the scheme into the landscape – and checked with view photo montages. Now the applicant officers and Historic Engalnd, (somewhat reluctantly) agree the proposed layout results in "minor adverse harm" to the setting of the listed buildings and park and gardens at Brympton d'Evercy.

Energy and Sustainability

CHP energy source; air source heat pumps; insulation LED lighting; water saving appliances and roof lights to reduce need for artificial lighting

Flood management

Attenuation pond. Most of site in Flood zone 1. Surface water strategy and drainage management to be agreed.

Archaeology

Archaeological trenching and recording will take place because of possibility of Romano-British and later medieval rural settlement finds.

Ecology

No statutory designated sites within 2km of the site. On site there are some badger setts and a range of bat species using the site for foraging and commuting. Low number of reptiles recorded. Mitigation and enhancement will include additional hedgerow and structure planting on eastern and southern boundaries; provision of an "ecology corridor" through the site and on site "ecological clerk of works".

K. PLANNING OBLIGATION UNDER SECTION 106

If Planning Committee should decide to support this application community benefit heads of terms have, to date been agreed as follows:

- Free, off peak shoppers bus running 3-4 days a week for 2 years linked to town centre, (£140k)
- 2 bus stops on Bunford Lane/A3088, (including shelters and associated furniture).
- Contribution to junction improvements for the Cattle Market Site in the town centre (£25k)
- Donation of land/building at Middle Street to regeneration aims of Yeovil TC (circa £150k value)
- Yeovil TC digital marketing board to promote events and messages in the town centre
- Bunford Park Development Travel Plan to support sustainable travel
- 5 year agreement to buffer landscape the Bunford Park Development outside the application site to the west
- Agreement to build speculatively one of 34 business buildings should Bunford Park

Development be approved
- Commitment to build a 2nd business building once the 1st building is 60% let/sold.

L. SECRETARY OF STATE CONSULTATION

Should Planning Committee decide to support the scheme it once a resolution was passed, the application would need to be passed to the SoS MHCLG for consideration before any full and final approval, (5,000m2 threshold for development outside town centres).

M. CONCLUSION

The applicant is seeking to obtain outline planning permission for a 56,051sq.m business park (B1/B8 uses) and full planning permission for 2,040sq.m of that 56,051sq.m and an 8,443sq.m A1 use foodstore with associated infrastructure, including a petrol filling station.

The proposed foodstore is a use class that is categorised as a main "town centre use" and the proposed location is classified as an "out of centre" location. As required by the Local Plan and NPPF, the applicant has undertaken a sequential test and impact assessment in support of this proposal. These conclude that there are no sequentially preferable sites, and that the proposed development will not have a significant adverse impact on the vitality and viability of Yeovil town centre or any planned investment in the centre.

The applicant illustrates how the proposed foodstore could bring multiple economic benefits to South Somerset and Yeovil; including

- providing the infrastructure that would open up the Bunford Park business park which has been stalled due to viability issues;
- The business units, foodstore and petrol filling station which comprise the full application will deliver approximately 278 jobs. It is suggested that the remainder of the business park will deliver 2-3k jobs, and
- An improved retail offer for the local area - a lack of a Sainsbury's represents a weakness in their opinion.

However, this application is contrary to Local Plan Policy EP11 and EP12 and Paragraph 86-90 of the NPPF, as it fails the sequential test and is likely to have a significant adverse impact on the vitality and viability of Yeovil town centre and the existing and planned investment in Yeovil town centre.

The application is contrary to the South Somerset Local Plan's strategy for Yeovil town centre and the Council's Yeovil Refresh work. Allowing this application for additional "out of centre" floorspace will erode the confidence of landowners wishing to progress development proposals within the town centre, where sites are more expensive. The market is increasingly competitive and fragile, as such, this proposal could compromise the approved strategy for regenerating, enhancing and improving the vitality of Yeovil town centre.

The fact that the application is not in accordance with the South Somerset Local Plan, must be weighed against the fact that the proposal may generate jobs if the remainder of the business park progresses, realise trade and investment and provide the infrastructure for Bunford Park.

On balance and for the arguments set out in this report Planning Committee is recommended to refuse this application.

N. **RECOMMENDATION**

Refuse 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.