

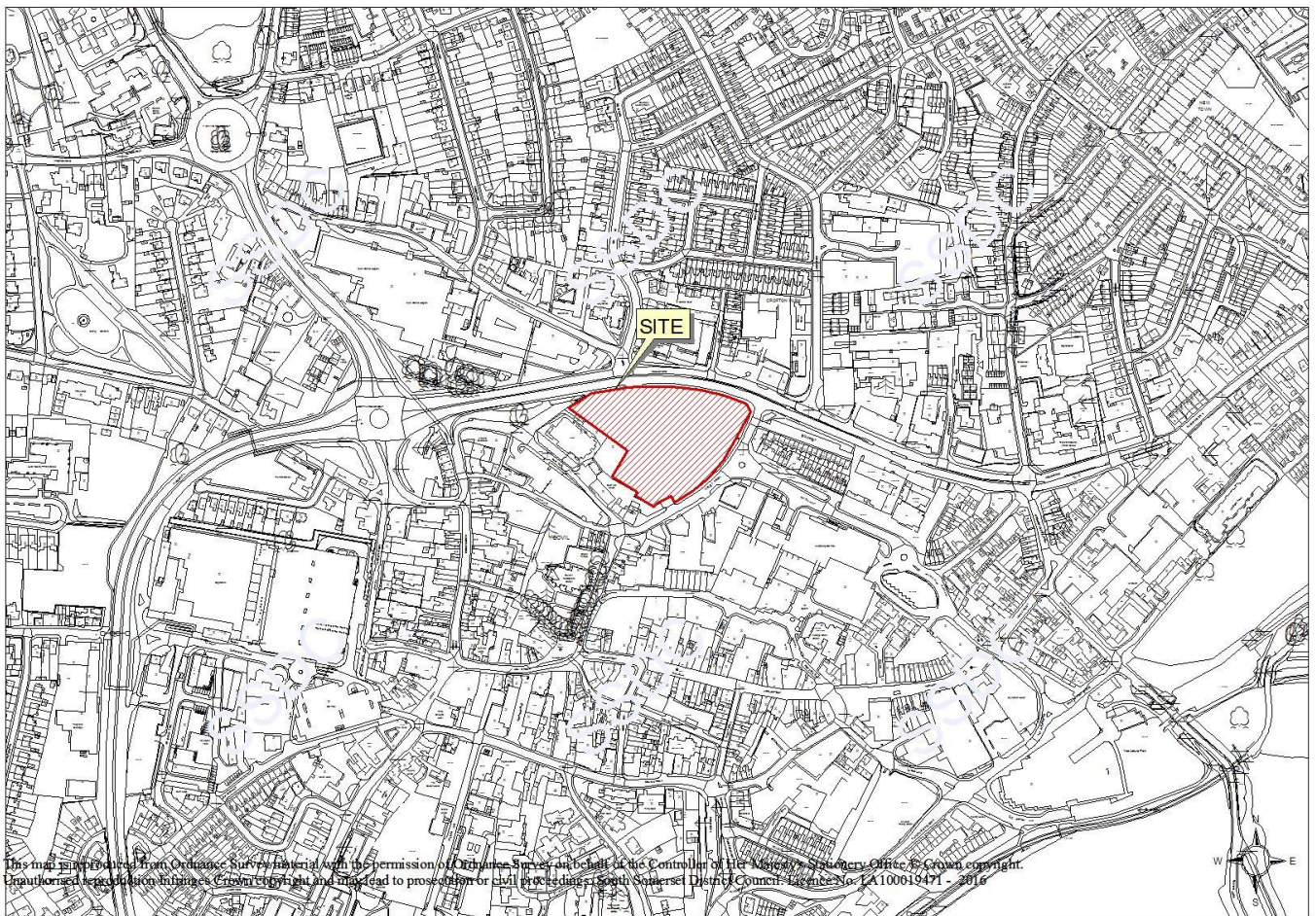
**Officer Report On Planning Application: 16/00287/FUL**

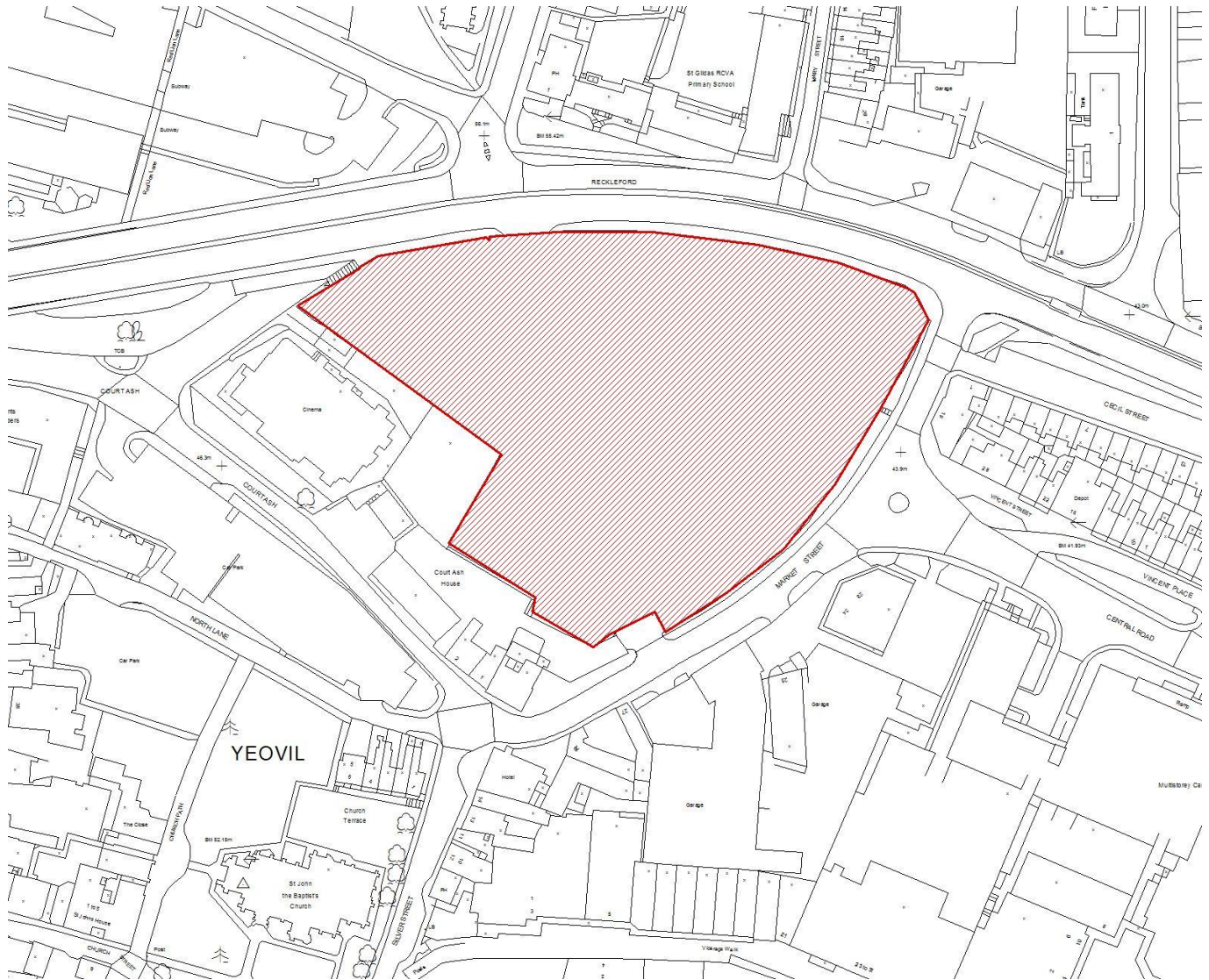
<b>Site Address:</b>	Yeovil Cattle Market Market Street Yeovil
<b>Ward :</b>	Yeovil (Central) Parishward: Central
<b>Proposal :</b>	Demolition of buildings/structures and the change of use of land for a temporary car park (GR 355761/116242)
<b>Recommending Case Officer:</b>	Simon Fox, Area Lead Officer (South)
<b>Target date :</b>	7th June 2016
<b>Applicant :</b>	Premier Livestock Auctions
<b>Type : 05</b>	Major Other f/space 1,000 sq.m or 1 ha+

**Reason for Referral to Committee**

This application is referred for Committee consideration at the request of the Development Manager in accordance with the scheme of delegation and with the agreement of the Chairman, due to the fact the site is prominent in the town centre and is subject to ongoing efforts to seek a comprehensive development.

**Site Description and Proposal**





The application site concerns the Yeovil Cattle Market. The site extends to 1.61ha and has been vacant for many years. Several buildings remain on a multi-tiered site that can be accessed by vehicles from Market Street, Court Ash and Reckleford. Adjacent uses include residential, a council car park, commercial businesses and Yeovil Hospital.

This application, submitted by the owner, initially sought to use two tiers of the site for 300 general public car parking spaces for a temporary period of 2 years. Access to 100 spaces would be via Market Street and access to 200 spaces would be via Court Ash.

During the course of the application the proposal was amended to reduce the number of spaces to 120 on the lower tier only, accessed via Market Street. There would be vehicular or pedestrian access direct from the site to Reckleford or Court Ash.

The application also proposes to gradually demolish the remaining buildings on site.

## HISTORY

08/02378/OUT: Re-development for a mixed use scheme comprising residential (use class C3), a nursing home (use class C2), sheltered accommodation (use class C3), retail (use class A1), together with public realm and ancillary development with associated access and infrastructure works: Application Withdrawn: 30/11/2010

04/02886/FUL: Redevelopment of land and buildings for mixed use development including Retail (Use Class A1), Hotel (Use Class C3) and Food and Drink (Use Class A3) with associated landscaping, parking services, access arrangements and highway works. Appeal lodged for non-determination: Appeal Dismissed.

The principle issues were design and access to the site.

04/01381/FUL: The redevelopment of site to include the erection of 28 flats, retail units, hotel and restaurant together with associated parking, landscaping, servicing, access arrangements and highway works. Appeal lodged for non-determination, Application Withdrawn.

Pre-2004 planning history exists for developments associated with the Cattle Market use.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in exercise of planning functions., that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

On this basis the following policies are considered relevant:-

### South Somerset Local Plan (2006-2028):

SD1 - Sustainable Development

SS1 - Settlement Hierarchy

EQ2 - Design & General Development

EQ3 - Historic Environment

EQ7 - Pollution Control

TA5 - Transport Impacts of New Development

TA6 - Parking Standards

### National Guidance - National Planning Policy Framework:

Chapter 2 - Ensuring the Vitality of Town Centres

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

## **CONSULTATIONS**

### Yeovil Town Council:

Approve.

### Highways Authority (Somerset CC):

Refer to standing advice: in this regard it is considered the main issue is visibility from the proposed exit.

SSDC Highways Consultant:

For a development of this scale (300 spaces) and nature (even for a temporary use) a Transport Assessment should be submitted. The traffic impact of the development should be assessed at the site accesses, the Hospital r/bt, the Market St/Central Rd junction and the Market St/Reckleford junction. The road narrowing on Court Ash should be assessed and mitigation measures proposed if necessary/appropriate. The detail of the access points need to be submitted - geometric layout, extent of visibility splays (vehicular and pedestrian), width, etc.,). It would be useful to understand how the car park would be managed. Is there a need for such level of parking given the other public car parks in the area?

CPRE:

Questions why the site is not being used for commercial/residential development to take the pressure off greenfield sites for development.

SSDC Environmental Protection:

"I understand that the applicant anticipates that the works required will not include any intrusive excavation of the site. However in the event that such works are in fact required I am concerned about the potential for land contamination at this site" (condition proposed).

**REPRESENTATIONS**

Neighbouring properties/premises to the site have been notified and two site notices have been displayed.

One general observation was received on behalf of Energy Drop Zone Ltd, the developers of Court Ash House Apartments adjacent to the site, as well as in the interest of Court Ash House Management Company.

"With regard to the proposed temporary car park on the site of the old Cattle Market in Yeovil, we believe that the proposed and continued use as a car park would be wrongful development for the site in the long run.

The existing derelict buildings and structures on the site represent visual pollution to the urban fabric for the inhabitants of Court Ash House as well as other residential and commercial units. While we would welcome the demolition of these buildings, it is clear that this should be to open the site up to positive development.

As a brownfield site sitting adjacent to the conservation area in Yeovil Town Centre, it is a key location for residential and commercial units. The CPRE response comments to this effect and that SSDC should utilise it's statutory powers to ensure the 'proper and socially beneficial regeneration of the site'. Due to it's location it plays a key part in the street scene of the Town Centre and therefore should be prioritised as a development site, not retained as a car park.

Obviously the development of a viable scheme for a site of this magnitude is no small task and takes time. The proposed scheme for a temporary car park seems justified if it is for a specific time period e.g. 2 years, in which time an appropriate planning proposal can be designed, developed and submitted. This would facilitate the demolition and clearing of the site ready for said development and expand it's current use as a car park in the meantime, maximising the potential in the short-term.

Therefore we have no objections to the proposal given that it is specifically a temporary permission, after which time the site must be pro-actively developed. It is key for the site and Yeovil as a whole that the Cattle Market not remain 'vacant' for another 10 year stretch".

**CONSIDERATIONS**

The principle issues in this case relate to the provision of additional parking spaces in the town centre, the highway implications and the impact on the future redevelopment of the site

Firstly it should be stated that the use of the site for car parking is not seen as a suitable long term use for this prominent town centre site. It is seen as a temporary measure whilst the landowner and the regeneration arm of the Council continue to progress plans for a future redevelopment of the former Cattle Market.

Concern was raised that the facilitation of a use that generated an income may act as a counter incentive to bring forward the site for a comprehensive development if land values were not met. The landowner rebuked this suggestion stating redevelopment remains a priority.

As such a period of two years has been promoted as suiting both parties. It is agreed that any further clearance of the site and the fact this application includes the ability for the remaining buildings on the site to be demolished all augers well for a potential redevelopment.

The other limiting factor has been the non-submission of a Transport Assessment. In the absence of such the LPA advised it would not be able to support the initial proposal of 300 parking spaces as it could not be certain of the impacts on local highway junctions.

It was felt a more comfortable number of parking spaces used for longer stay parking would limit traffic movements and therefore any perceived strain on local highway junctions. It was also considered that the site would have generated some traffic as a Cattle Market. It is considered this is an acceptable arrangement for the temporary period suggested.

In terms of the access it is via Market Street and via an access that already serves 29 car spaces at the Market St public car park plus the Court Ash apartments which have 24 parking spaces and the parking associated with a couple of commercial premises. The access benefits from good visibility and whilst, in line with the SSDC Highway Consultants advice, it would have been preferable to have a more detailed plan of the access point, the absence of such, against a site assessment which showed the access to be to a good standard, would not appear to be a robust reason to withhold permission.

There is inevitably the question of whether the town centre needs more car parking. There is no policy in the Local Plan that sets out how much car parking there should be in any area. The Council operates the majority of town centre car parks and monitors provision seeking to track trends and ensure supply meets demand. To a certain extent it is not in the Council's interests to operate car parks that are not required, however that is a commercial decision. As such one is therefore led to the simple conclusion that logically the availability of well located, safe and accessible car parking can only be a good thing for the town centre, both for shoppers and workers. The provision of long-stay parking is partly to address a need identified by the applicant but also to temper traffic movements.

Whilst the proposal will not result in substantial improvements visually in the short term the prospect of some buildings being demolished over time is positive. The use of the site for car parking is not considered to have any significant visual impacts or setting issue for nearby heritage assets, given the general context.

There are residential properties in the vicinity but the scaled back proposal is not considered to bring rise to any harm to amenity through noise and disturbance.

The car park is proposed to be open from 7am to 10pm, controlled by a gate. Given the evening use it is appropriate that a condition is imposed seeking confirmation of lighting.

There is mention of a siting a car valeting company offering security and services on the site. This will require a separate planning application to be submitted, but could be acceptable is adequate drainage exists.

### **SECTION 106 PLANNING OBLIGATION**

A planning obligation is not required.

### **RECOMMENDATION:**

#### **Grant planning permission for the following reason:**

01. The proposal by reason of its temporary nature, the potential visual enhancement of the site and safeguarding of adjacent Heritage Assets and the acceptable impact on the local highway network is in accordance with the aims and objectives of the National Planning Policy Framework; the SCC Parking Strategy and policies SD1, SS1, EQ2, EQ3, TA5, TA6 and EP2 of the South Somerset Local Plan (2006-2028).

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out and operated in accordance with the following approved plans and documents:
  - a) Location Plan (scale 1:1250), SSDC received 08 March 2016
  - b) The Email and attached Site Layout Plan from Mr MacNicol received 09 June 2016.
  - c) Aerial Photo (in so far as showing buildings to be demolished only), SSDC received 18 January 2016Reason: For the avoidance of doubt and in the interests of proper planning.
03. The use hereby permitted shall be discontinued on or before 6th July 2018.  
Reason: The landowner and Local Planning Authority do not consider this to be a long-term use for the site and a temporary permission will therefore not prejudice the general aspiration for a comprehensive development on the site which remains a priority.
04. The total number of car parking spaces provided shall not exceed 120.  
Reason: In the interests of highway safety and in the absence of a Transport Statement that assesses the impact of traffic on local junctions to accord with policy TA5 of the South Somerset Local Plan (2006-2028).
05. There shall be no vehicular or pedestrian access to Reckleford and Court Ash used in connection with the temporary use hereby approved.  
Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).
06. Prior to the first use of the site for the use hereby permitted a scheme of lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall only be operated whilst the car park is open (7am -10pm).  
Reason: In the interests of public safety and residential amenity to accord with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).
07. Prior to the demolition of any individual building a scheme setting out the method, timings and any mitigation deemed necessary for dust suppression or to protect residential amenity shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and residential amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

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

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

**Informatives:**

01. This decision does not imply any permission is granted for a valeting company to operate from the site or for advertisements (other than those that benefit from deemed consent) to be displayed in, on or around the site.