

OFFICER: Mr Adrian Noon 01935 462370

APPL.NO: 08/02378/OUT APPLICATION TYPE: Outline Application

PARISH: Yeovil WARD: Yeovil (Central)

DESCRIPTION: 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 (GR 355761/116242)

LOCATION: Yeovil Cattle Market Site Market Street Yeovil Somerset BA20 1HS

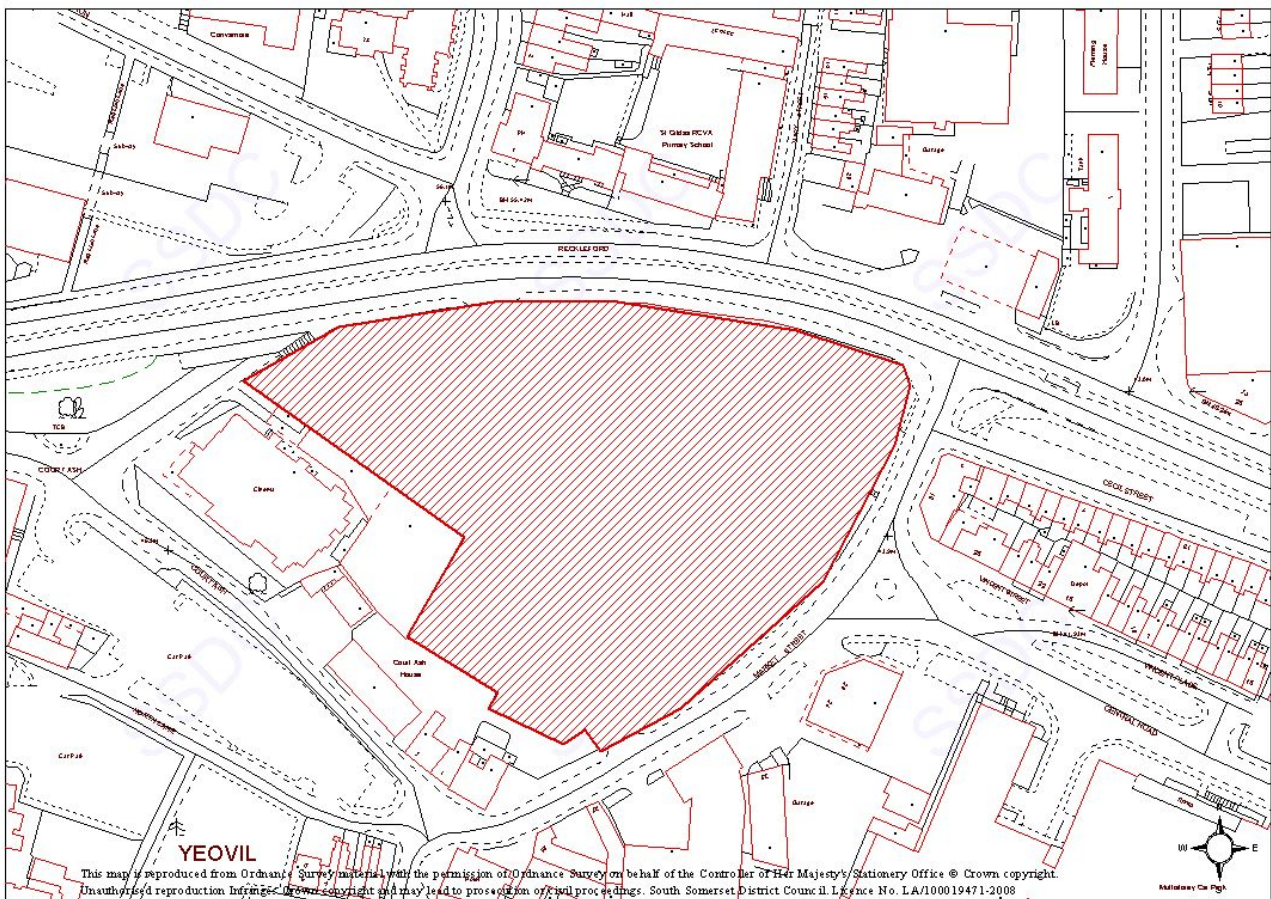
APPLICANT: Rok Development & PLA

AGENT: Mr Michael Rees Boyer Planning Oak Tree House 1B Oak Tree Court Mulberry Drive Cardiff Gate Business Park Cardiff CF23 8RS

DATE ACCEPTED: 21 May 2008

This application is before Committee at the discretion of the Head of Development and Building Control due to its strategic importance.

Site Description



This 1.39 ha site covers the current cattle market and is bounded by Reckleford, Market Street and Court Ash. The site is not within the conservation area but there are listed buildings immediately adjacent to the site, fronting Court Ash. The site is dominated by extreme changes in levels from south to north.

The highest part of the site relates to the modern edge of town centre commercial buildings along Reckleford, whereas the lower, southern part of the site is more closely related to the older buildings in Court Ash on the fringe of the town centre.

Currently the site is dominated by large areas of hardstanding and former cattle market buildings.

Proposal

The application seeks outline approval for the redevelopment of the site for a mix of residential (flats, houses, staff accommodation for the hospital and a care home), and retail. The proposed accesses from Market Street and Court Ash (plus an emergency entrance from Reckleford) are to be considered at this stage, with all other matters being reserved. All existing structures on site would be demolished with the adjoining properties fronting Court Ash and the former cinema retained.

The indicative layout shows structures varying from up to 8 storeys (22.1m) in height in the middle of the Reckleford Frontage, to 2 ½ storey town houses in centre/south of the site. The largest structures would be to the Reckleford and Market Street frontages. The retail element would be at ground floor level to the Market Street frontage, where the access to the underground parking would be located. Additional parking spaces within the development to be accessed via Court Ash. It is stated that parking would be provided at a ratio of 2 spaces per 3 units.

The applicant has submitted comprehensive supporting information including:-

- Design and Access Statement
- Environmental Impact Assessment (including, noise, air quality and contamination reports);
- Noise Assessment
- Archaeological Evaluation Report
- Flood Risk and Drainage Assessment
- Statement of Community Involvement
- Planning Statement
- Transport Assessment

Consultations

Yeovil Town Council:
Support

Highway Authority:

Considers the methodology of the Transport Assessment (TA) to be sound and its conclusions reasonable. However it is noted that the TA assumes that the Option 2 Cattle Market signalised junction improvement to Reckleford/Market Street (or a similar design that provides the same capacity / safety improvements) is in place and fully operational to enable the redevelopment to take place, and this is therefore required as an integral part of the Cattle Market redevelopment. If the developer is unable/unwilling to provide this, a revised TA will be necessary to demonstrate how the highways network will absorb the additional movements at this junction.

With regard to the detailed access (from Market Street and Court Ash) a number of concerns have been raised and the applicant has been invited to address these. An oral update in this respect will be required.

Conservation Manager:

- No objection subject to the consideration of:-
- Relationship with listed building in Court Ash, in particular access to rear of these buildings needs to be maintained.
- Opportunity to enhance public realm in Market Street needs to be explored.
Retaining wall needs to be carefully considered

English Heritage

No objection subject to the consideration of:-

- Views of the Church of St John the Baptist;
- Visual impact of the development of the elevated parts of the site;
- Pedestrian linkages and open space (a 'semi-private' should be avoided);
- The Master planning of the site should include a Design Code;

- The grain of the development should reflect the historic pattern of this part of Yeovil;
- The enhancement of the public realm.

Landscape Officer

No objection, happy that the detail can be resolved at the reserved matters stage.

Environmental Protection (ground contamination)

In light of additional information agrees with the conclusion and recommendations of the Environmental Impact Assessment (EIA) and recommends that the conclusion and recommendations of both report and letter to be conditioned into any planning permission granted, and in addition validation sampling to be undertaken following the removal of the contaminated soil.

Environmental Protection (Air Quality and Noise)

No objection subject to appropriate safeguarding conditions to ensure compliance with mitigation strategies recommended by supporting EIA.

Strategic Housing Service

Request 35% affordable housing with a tenure split of 90/10 in favour of rented units.

Economic Development Officer

Does not consider the loss of the cattle market to be objectionable given agricultural related developments at Frome and Bridgwater. Raises concern over the suggested level of parking and questions the wisdom of developing a few retail units isolated from the town centre where it might become a source of anti-social behaviour. Suggests the police liaison officer be consulted.

Area Engineer

Details of surface water drainage to be agreed.

Police Architectural Liaison Officer

No comments received.

South Somerset Disability Forum

No comments at this stage.

Environment Agency:

No objections subject to conditions to agree surface water drainage works, water efficiency and pollution protection measures

Wessex Water:

No objection subject to no increase in quantity of storm run-off discharged to public surface water sewers.

Somerset County Council Education Authority

Requests contributions towards school places to meet the demand generated by the development;

Regeneration Officer:

Supports, noting that the development should contribute to long term plans for improving the public realm along Reckleford and Market Street with particular attention paid to enhancing pedestrian linkages and permeability and addressing potential pedestrian/vehicle conflict. The subsequent detailed application should provide high quality urban design and treatment of the public realm.

Defence Estates

Comments awaited

Public Comments

4 letters have been received, 1 raising no objection, 3 letters commenting on the application:-

- buildings too high, will block views of church and Nine springs;
- no building work should be allowed at night or in the evenings; secondary glazing -should be provided to enable me to continue to enjoy my home;
- lack of consultation to adjoining land owner;
- site appears to incorporate third party land;
- Court Ash access is too narrow and is already intensively used;
- Poor provision of public space within site;
- Proposal is not comprehensive and does not include all of the cattle market site;
- Failure to address environmental and sustainability issues;
- Council should seize opportunity for substantial S106 contributions

Planning History

04/02886/FUL Redevelopment of cattle market (hotel/retail/food and drink) refused; subsequent appeal dismissed.

04/01381/Ful Erection of 28 flats, retail units, hotel and restaurant withdrawn

There is a current application to extend the Quedam Centre on the site opposite, also on this agenda (08/03898/FUL).

Historically there are multiple applications relating to the operational development of the cattle market

Policies

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS6 – Planning for Town Centres

PPG13 – Transport

PPG15 – Planning and the Historic Environment

PPG16 – Archaeology and Planning

PPG23 – Planning and Pollution Control

PPS25 – Development and Flood Risk

Regional Spatial Strategy (RSS10) Draft 2006

Development Policy A – Identifies Yeovil as a Strategically Significant Town

Development Policy D – Required Infrastructure for Development

Development Policy E – High Quality Design

Development Policy G – Sustainable Construction

Development Policy H – Reusing Land

SR24 – Identifies the need for Yeovil to grow in terms of housing and employment

ENV5 – Protecting the Historic Environment

RE5 – Renewable Energy and New Development (currently being reviewed)

TC1 – Cities and Town centres

Joint Somerset & Exmoor Structure Plan Review 1991-2011 (adopted April 2000)

STR2 – Identification of Yeovil as an important sub-regional town

STR4 – Development Towns

Policy 20 – The Retail Framework

Policy 21 – Town Centre Uses

Policy 48 – Access and Parking

Policy 49 – Transport Requirements of New Development

Policy 50 – Traffic Management

South Somerset Local Plan (adopted April 2006)

ST5 - Principle of Development
ST6 - Quality of Development
ST10 - Planning Obligations
HG7 - Affordable Housing
MC2 - Yeovil Town Shopping Area
MC7 - Design in Town Centres
EH1 - Conservation Areas
EH5 - Development affecting the setting of Listed Buildings
EH12 - Archaeological Areas
EP1 - Noise Pollution
EP2 - Light Pollution
EP5 - Contaminated Land
EU4 - Drainage
TP1 - New development and Pedestrian Provision
TP2 - Travel Plans
TP6 - Parking Provision
TP7 - Parking Provision
CR2 - Amenity/Sports Provision
CR3 - Offsite provision

Yeovil Urban Development Framework (UDF) – (Final Draft Sept 2005)

The UDF was commissioned by the district council to articulate the objectives and aspirations of the Yeovil Vision. The purpose of the UDF is to provide a robust and clear development strategy for delivering, through a spatial framework, with specific urban design guidance for key strategic sites. The Cattle Market site was specifically identified for improvement along with the enhancement of Reckleford.

Market Street Development Brief (Adopted June 2007)

The Market Street Brief was presented to and approved by the Area South committee in June 2007. The requirement for the brief stemmed from the previous refused application and a realisation that the council needed to be more pro-active in influencing the way in which the site could be developed. It advises that a predominantly residential redevelopment is likely to be acceptable.

Planning Considerations

It is considered that the principle of this mixed use re-development is acceptable subject to considerations of visual impact, impact on views of the church, access and parking arrangements and site specific issues.

Visual Impact:

Clearly at up to 8 storeys in height there is potential for visual impact. However, as noted by the applicant the building would not be any higher than the hospital building on the other side of Reckleford. In this respect the design of the taller elements, their position and relative mass within the development will be crucial. However it is not considered that such elements are objectionable in principle, subject to careful consideration of the detail at the reserved matters stage.

Other, lower elements of the proposal are considered less contentious; nevertheless these could also be fully considered at a latter stage when the proposal's compliance with policies ST5, ST6, EH1 and EH5 would be fully appraised.

Impact on views of the church

The Council's conservation manager and English Heritage raise the concern that the height of the building could impact on views of the church. Again it is considered that subject to an appropriate design such fears might not be realised and it is noted that neither object outright to the proposal. It is considered therefore that, subject to very sensitive treatment, an element of 8-storey

development would not be objectionable.

As noted above the detail of the scheme would be fully addressed at the reserved matters stage when the overall design and impact would be assessed against policies ST5, ST6, EH1 and EH5 it is considered that it would be unreasonable to resist this development on the ground of its impact on the views of the church (and the setting of other listed buildings) at this outline stage.

Traffic:

The highways officer is of the opinion that the proposed improvements to the Reckleford/ Market Street junction would adequately accommodate the additional traffic movements generated by the proposal. Nevertheless concerns remain over the suitability of the points of access to the site itself, in particular the Court Ash access to the upper parking area and servicing. At the time of writing this matter had not been resolved and an oral update will be necessary.

Parking:

It is considered that, in this town centre location, the suggested 2 space per 3 units is acceptable given the proximity of public transport links and local services. Such levels of parking provision would be supported by PPG13 and local policies TP6 and TP7. Nevertheless this issue would be revisited when the final layout and actual numbers are considered at the reserved matters stage.

Impact upon amenity:

Whilst no immediate amenity concerns are identified any impacts could be adequately considered at the reserved matters stage when the layout is finalised and the positions of windows, heights etc. are known.

Site Specific Concerns

The application is supported by a full range of supplementary information in relation to pollution, drainage, land contamination etc. To date none of the specialist officers have objected, with the exception of the Defence Estates whose views have been sought in relation to the impact of the height of the development on the airfield. Conditions have been recommended to address the mitigation measures considered necessary.

Other matters

With regard to other comments received it is considered that construction management could be dealt with by condition; the request for secondary glazing is unreasonable; the adjoining land owner is now fully aware of the application and has commented; the reference to third party land is within the technical reports and appears to have been included by erroneous reference to an earlier proposal when that land was being considered as part of the application site.

As the detailed layout is reserved it is considered that any deficiency in the indicative layout could be addressed at a later stage. Whilst it might be desirable to include the entire 'block' it is not considered that failure of the applicants to fully engage the adjacent landowners could be held against them in this instance. As it stands the application refers to the site readily identified as the 'cattle market' and is fully supported by supplementary environmental information. It is considered that this is a sustainable location and that the detail of the proposal can be adequately considered at the reserved matters stage.

Finally, at the time of writing the matter of developer obligations (i.e. Section 106 contributions) remained under discussion. The applicant has indicated a willingness to contribute to:-

- The necessary Reckleford junction improvements
- The provision of affordable housing
- Education needs arising from this development
- Public realm improvements on Market Street
- Sports and leisure provision to meet the needs arising from the development

An oral update in respect of these ongoing negotiations will be necessary.

Conclusion

It is not considered that the proposed redevelopment of the cattle market site poses any insurmountable objections. Conditions are considered reasonable to address the mitigation measures identified by the specialist officers and the normal submission of reserved matters would enable the detailed layout, visual impact and relationship with the conservation area and nearby listed buildings to be properly considered.

The general access arrangements are supported, although the detail of the access into the sites is under discussion at the time of writing as is the detail of the Section 106 and the necessary developer obligations. Nevertheless it is not considered that these issues are irresolvable and an update will be made to the committee.

Recommendation

That, subject to the final comments of the highways officer and the views of the Defence Estates, application reference 08/02378/OUT be approved subject to:

- (a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following items/issues:
- The necessary Reckleford junction improvements
 - The provision of affordable housing
 - Education needs arising from this development
 - Public realm improvements on Market Street
 - Sports and leisure provision to meet the needs arising from the development

and

- (b) The imposition of such planning conditions as necessary to address the impacts of the development.

Justification

The proposed re-development of this sustainably located site would not adversely affect highways safety or the vitality and viability of the town centre and could be achieved without detriment to the character and appearance of the locality, the setting of the nearby listed buildings and conservation area or views to and from this part of the town. Furthermore the impacts of the development in terms of contaminated land, noise, air pollution, surface water run-off could be addressed through conditions. It is considered that the full detail could properly be considered at the reserved matters stage. Accordingly, subject to a Section 106 Agreement to secure the necessary developer obligations this outline application complies with policies ST5, ST6, ST10, HG7, MC2, MC7, EH1, EH5, EH12, EP1, EP2, EP5, EU4 TP1, TP2, TP6, TP7, CR2 and CR3 of the South Somerset Local Plan (adopted 2006).

It is likely that the following conditions will be recommended:

- 1) Time limit
- 2) Standard reserved matters condition to require the submission of details of appearance, landscaping, layout and scale. All reserved matters to be submitted as single application
- 3) Design coding to be agreed prior to submission of reserved matters
- 4) Details of phasing of development (demolition/parking/public realm/ landscaping/ highway/utility works)

- 5) Submission of a Construction Environmental Management Plan (to include pollution prevention measures during construction)
- 6) Submission of a Construction Management Plan (to address construction traffic etc.)
- 7) Submission of a strategy for sustainable construction (demonstrating how the BREEAM standards will be met)
- 8) Submission of a strategy for disposal of surface and foul water
- 9) Provision of bicycle parking within the development
- 10) Details of external materials to be approved, including sample panels where appropriate
- 11) Details of the proposed treatment of the retaining gabion wall to be approved
- 12) Details of treatment of communal areas within development including street furniture, lampposts etc. to be approved.
- 13) Details of public art to be provided within the development
- 14) Archaeology requirements
- 15) Recording of the dairy building prior to demolition
- 16) Contaminated land remediation works to be carried out in accordance with the recommendations of the submitted report, including validation sampling to be undertaken following the removal of the contaminated soil
- 17) Oil, fuels and chemicals to be stored within bunded areas
- 18) Site levels to be agreed
- 19) Development to be carried out in accordance with mitigation measures proposed in the submitted air quality assessment.
- 20) Development to be carried out in accordance with mitigation measures proposed in the submitted acoustic report.
- 21) Details, including technical specifications of any plant (air conditioning etc.) to be approved

Any other conditions as reasonably required by the Highway Authority or Defence Estates.

A final, full draft of the recommended conditions will be circulated to members in advance of the committee meeting as an Appendix to the agenda.
