



Yeovil Town Council

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Planning and Licensing Committee

The Meeting... **Planning and Licensing Committee**

The Time... **7.00pm**

The Date... **Monday 26 April 2010**

The Place... **Town House, 19 Union Street, Yeovil**

If you need this information in large print, Braille, audio or another language, please ring 01935 382424



Alan Tawse

Alan Tawse
Town Clerk

20 April 2010

Please contact Sarah Hunt at the Town House for more information about this meeting

To: All Members of the Planning and Licensing
Committee

Philip Chandler (Chairman) (Ex-officio)

Clive Davis (Vice-Chairman)

Julian Freke

Pete Goodman

John Grana

Simon Hester

Andrew Kendall

Wes Read (Ex-officio)

David Recardo

A G E N D A

PUBLIC COMMENT – Members of the public wishing to comment on any application or other matter are requested to speak at the beginning of consideration of that item, for a duration of no more than 3 minutes. Any further comments or questions will be solely at the Chairman's discretion. Please inform the Chairman at the beginning of the meeting and identify the application on which you wish to speak.

Please note that the Town Council is a Statutory Consultee for Planning Applications and as such does not make the final decision on any Application. The decisions and comments this Committee makes will be fed into the planning process and added to the report by the Planning Officer. South Somerset District Council is the Planning Authority and will issue the final decision notice (Planning Determination) once their investigations into the application, consultation period and decision making process has been completed.

1. **MINUTES**

To approve the Minutes of the previous meeting held on 12 April 2010.

2. **APOLOGIES FOR ABSENCE**

3. **DECLARATIONS OF INTEREST**

Members of the Committee, who are also Members of South Somerset District Council, are reminded of the need to declare their membership of that Council and indicate that they may speak and/or vote on applications which may be later referred to that Council for determination, and that they could reconsider any such applications at district level taking into account all relevant evidence and representation made at that tier.

4. **PLANS LIST** (Pages 2 to 22)

5. **REPORT TABLE** (Page 23)

6. **PLANNING DECISIONS** (Pages 24 to 25)

7. **CORRESPONDENCE**

	Application No	Proposal	Address
1	10/00470/FUL	Demolition of existing rear garage and erection of 1 no. detached bungalow and garage (Revised scheme) GR (354151/114524)	Building Plot Rear Of 99 West Coker Road Yeovil
2	10/01091/FUL	The erection of a single-storey rear extension to dwellinghouse. (GR 356400/116659)	52 Grass Royal Yeovil Somerset
3	10/01095/FUL	Demolition of existing two storey private car park and erection of 14 unit apartment block, associated car park, cycle and bin store. (GR 355716/116181)	Land Adjoining Old Cinema Bed Centre Court Ash Yeovil
4	10/01180/FUL	Demolition of existing garage and the erection of a single dwelling. (GR 354957/115844)	Garage Adjoining 93 Beer Street Yeovil
5	10/01243/OUT	Application to replace extant planning permission 07/00232/OUT for the erection of a dwelling with double garage and replacement single garage for existing property (GR: 355525/117378)	110 Mudford Road Yeovil Somerset

PLANNING MEETING
MONDAY 26 APRIL 2010

PLANS LIST

The schedule of planning applications is attached.

The delegation agreement relating to planning applications between the District Council and the Town Council provides for the Town Council to receive written reports on applications in the Yeovil Town area, and those that are regarded as having a significant impact on this area. These reports include key considerations, which, in the opinion of the Area Planning Manager, are planning issues to which the Town Council should have regard in considering its views and making recommendations on each application.

The recommendations of the Town Council are taken into consideration by the District Council (the Planning Authority) as part of the application determination process. However, the final decision will be made by the Planning Authority having regard to the level allocated to the application (as outlined in the extract from the District Council's Scheme of Delegation set out below*) and to any views expressed by various consultees (including the Town Council) and District Council Ward Members.

BACKGROUND PAPERS

The background papers to the items in this Plans List are the planning files listed which are held in the Area South Planning Department, South Somerset District Council, Council Offices, Brympton Way, Yeovil, BA20 2HT.

HUMAN RIGHTS ACT 1998 ISSUES

The determination of the applications which are the subject of reports in this Plans List are considered to involve the following human rights issues:-

1. Articles 8: Right to respect for private and family life

i) Everyone has the right to respect for his private and family life, his/her home and his/her correspondence.

ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.

3. The First Protocol

Article 1: Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

***APPLICATION LEVELS AS DEFINED IN THE DISTRICT COUNCIL SCHEME OF DELEGATION**

LEVEL 1 APPLICATIONS

The following applications can be determined contrary to officer recommendation in balanced cases by the Area Chair and Head of Development and Building Control where the proposals lie within the development limits.

1. Dwellings

- 1-2 units (full) and less than 0.1 hectare (outline)

2. Offices/R&D/Light Industry

3. Heavy Industry/Storage/Warehousing

4. Retail/Distribution/Servicing

5. All Other Minor Developments

- Floorspace is less than 500 square metres and the site is less than a half hectare (applies to 2-5)

6. Minor Change of Use (In line with policy)

The following applications can be determined contrary to officer recommendation in balanced cases by the Area Chair and Head of Development and Building Control

1. Householder

- Householder developments are defined as those within the curtilage of residential property which require an application for planning permission and are not a change of use.

2. Adverts

3. Listed Building Consents (Alterations)

4. Listed Building Consents (Demolitions)

5. Conservation Area Consents

6. Demolition of unlisted buildings in Con. Areas

7. Others This category includes all decisions relating to:

- applications for Lawful Development Certificates for existing use (from July 1992); (**CLUEDs**)
- applications for Lawful Development Certificates for proposed use (from July 1992); (**CLOPUDs**)
- applications for Certificates of **Appropriate Alternative Development**;
- notifications under:
 - **Circular 18/84** (Development by Government Departments); and
 - **Circular 14/90** (Overhead electric lines).
- applications by the **British Coal Corporation** under Class A, Part 21 of the General Permitted Development Order 1995.
- Telecom Notifications, any Tree Application, Agricultural Notifications, County Matters, Demolition Prior Approvals.

LEVEL 2 APPLICATIONS

1. Dwellings

- More than 2 units (full) and more than 0.1 hectare (outline)

2. Offices/R&D/Light Industry

3. Heavy Industry/Storage/Warehousing

4. Retail/Distribution/Servicing

5. All Other Minor Developments

- Floorspace is more than 500 square metres and the site is more than a half hectare (applies to 1-5)

6. Change of Use

LEVEL 3 APPLICATIONS

Level 3 applications are likely to be developments that because of the significance of their impact should always be determined by the relevant Area Committee (or Regulatory Board where necessary). Whether an application falls into the Level 3 category shall be decided by the Head of Development & Building Control in consultation with the relevant Area Chair.

1. Officer Report On Planning Application: 10/00470/FUL

Site Address:	Building Plot Rear Of 99 West Coker Road Yeovil
Ward :	Yeovil (South)
Proposal :	Demolition of existing rear garage and erection of 1 no. detached bungalow and garage (Revised scheme) GR (354151/114524)
Recommending Case Officer:	Simon Fox
Target date :	14th May 2010
Applicant :	Mr D Dawkins
Type :	Minor Dwellings 1-9 site less than 1ha

SITE DESCRIPTION AND PROPOSAL



The site is located on the south side of West Coker Road, approx 100m from the junction with Beaconfield Road. West Coker Road is a busy through-route, and has many large properties with single dwellings. The application is formed by part of the rear garden to such a detached property, No. 99. No. 99 is situated well above road level, with the frontage of the garden supported by a newly realigned stone retaining wall. To the rear of the house, the large garden (the application site) is well treed and has a substantial lawned area sloping downwards from the house towards the backs of gardens of properties fronting onto Beaconfield Road. Within the rear garden area are two outbuildings including a garage.

To the west of the site, the large dwelling has been converted into flats. To the east of this site is a large single dwelling in spacious grounds. Four properties, which front onto Beaconfield Road share the south boundary of the site.

It is proposed to demolish the existing outbuildings and erect a single 3-bed detached bungalow with double garage attached to the bungalow by a covered walkway. Loft storage is provided served by several rooflights situated on the rear elevation roofslope.

HISTORY

07/05440/FUL: Demolition of existing rear garage and erection of 1 no. detached bungalow and new garage to serve existing dwelling (revised scheme): Approved with conditions: 07.02.2008

07/02649/FUL: Demolition of existing rear garages and erection of 2 no. detached dwellings and new garage to serve existing dwelling: Refused: 12.09.2007 - APPEAL DISMISSED

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises the Regional Spatial Strategy (Regional Planning Guidance 10: The South West), The Somerset and Exmoor National Park Joint Structure Plan Review, and the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):

Regional Spatial Strategy 10: The South West

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

H2 - Housing Densities

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

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):

STR1 - Sustainable Development

STR2 - Towns

STR4 - Development in Towns

Policy 1 - Nature Conservation

Policy 11 - Areas of High Archaeological Potential

Policy 33 - Provision for Housing

Policy 39 - Transport and Development

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

EC8 - Protected Species

EU3 - Water Services

EU4 - Drainage

TP7 - Car Parking

HG4 - Density

National Guidance

PPS1 - Sustainable Development

PPS3 - Housing

PPG13 - Transport

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
Goal 8 - High Quality Homes
Goal 9 - A Balanced housing Market

CONSULTATIONS

No consultations had been received at the time of submitting this report.

REPRESENTATIONS

No representations had been received at the time of submitting this report.

CONSIDERATIONS

The key matters to consider in this case are:

- The site is located within the development boundary where the local plan states development is acceptable in principle.
- Full permission has been granted in 2008 for a detached single storey bungalow with detached double garage (this permission expires February 2011).
- The application seeks a new planning permission for a revised design/siting/layout, utilising the same access arrangements.

Site specific matters were also raised previously:

- the form of development is out of character with the existing area
- the proposed dwelling will have an overbearing effect on adjacent properties
- because of the change in levels there will be overlooking of properties along Beaconfield Road

- residential amenity will be negatively affected
- development will harm existing vegetation and lead to loss of trees
- the ecosystem and microclimate will be adversely affected
- property values will be affected
- there is no justification for the new dwelling
- traffic and noise will be increased

One question to take into account is whether any substantive planning material consideration has become apparent (physical site specific matter or policy) that should prevent a new permission being granted in principle?

Does the revised design represent any significant issues over an above the approved scheme?

RECOMMENDATION

The views of Yeovil Town Council are invited.

2. Officer Report On Planning Application: 10/01091/FUL

Site Address:	52 Grass Royal Yeovil Somerset
Ward :	Yeovil (East)
Proposal :	The erection of a single-storey rear extension to dwellinghouse. (GR 356400/116659)
Recommending Case Officer:	Alex Skidmore
Target date :	18th May 2010
Applicant :	Mr & Mrs Kerrigan
Type :	Other Householder - not a Change of Use

SITE DESCRIPTION AND PROPOSAL



This application is seeking planning permission to erect a single storey extension to the rear of the dwellinghouse.

52 Grass Royal is a detached, two-storey dwellinghouse located within a defined development area. The property occupies a long-linear plot with a small area of garden to the front and garden to the rear measuring approximately 30 metres long which drops away slightly from the dwelling. To the west of the property is an access drive leading to Grass Royal Primary School situated to the rear, 52 Grass Royal is surrounded by residential properties to all other sides. There is on-site parking to the front of the dwelling for one vehicle.

HISTORY

None.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises the Regional Spatial Strategy (Regional Planning Guidance 10: The South West), The Somerset and Exmoor National Park Joint Structure Plan Review and the South Somerset Local Plan (adopted April 2006):

The policies of most relevance to the proposal are:
 Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):
 Regional Spatial Strategy 10: The South West
 Regional Spatial Strategy (RSS10) Draft 2006
 CSS - Core Spatial Strategy
 Development Policy E - High Quality Design
 Development Policy G - Sustainable Construction
 Somerset and Exmoor National Park Joint Structure Plan (1991-2011):
 STR1 - Sustainable Development
 STR4 - Development in Towns
 South Somerset Local Plan (Adopted 2006):
 ST5 - General Principles of Development
 ST6 - The Quality of Development

CONSULTATIONS

Technical Services: Surface water disposal via soakaways
 County Highways: No comments received at the time of writing this report

REPRESENTATIONS

Eight neighbours have been notified of this application, no written representations had been received at the time of writing this report.

CONSIDERATIONS

The principle considerations in the determination of this application are:

- Impact upon residential amenity of neighbouring properties
- Impact upon the character and appearance of the area
- Impact upon the character and form of the existing dwellinghouse

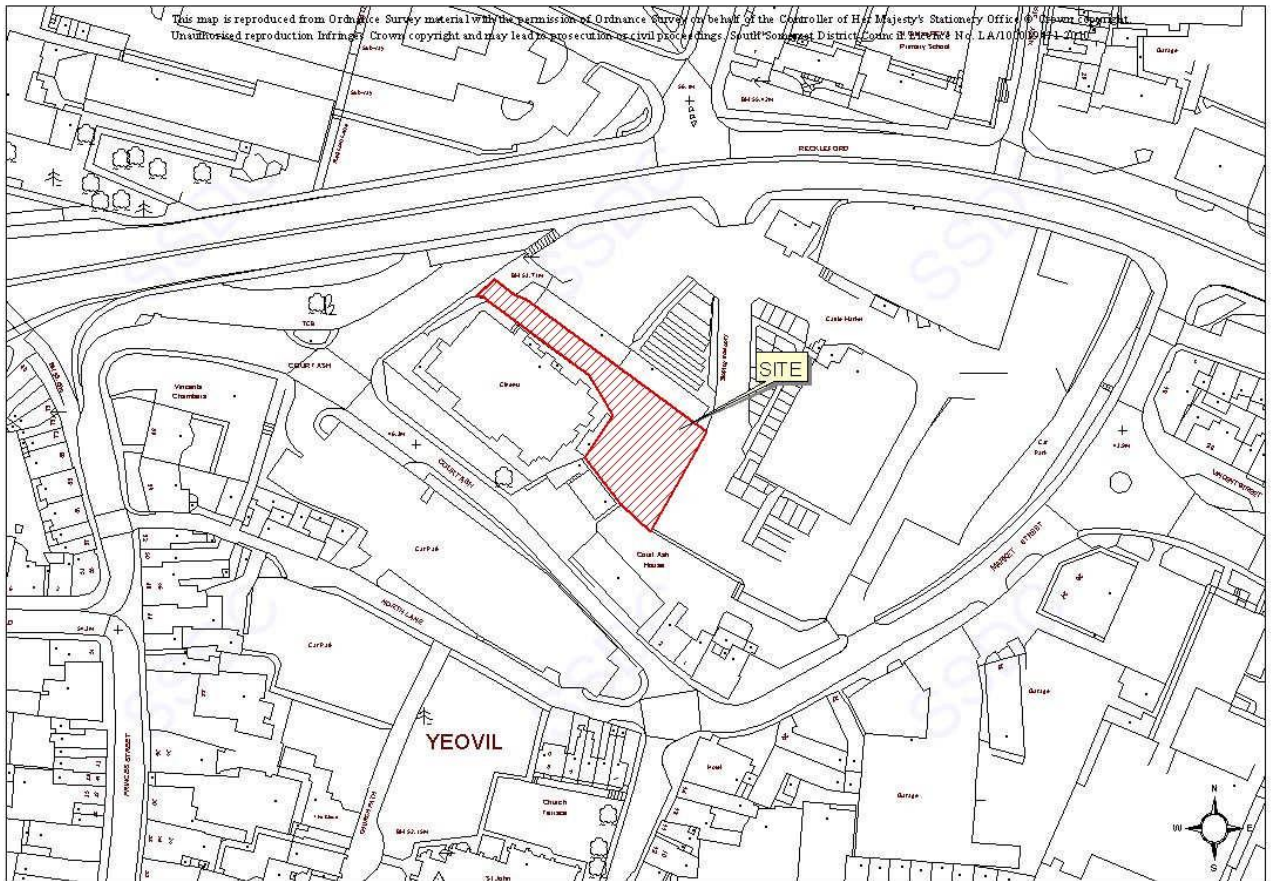
RECOMMENDATION

The observations of the Town Council are invited.

3. Officer Report On Planning Application: 10/01095/FUL

Site Address:	Land Adjoining Old Cinema Bed Centre Court Ash Yeovil
Ward :	Yeovil (Central)
Proposal :	Demolition of existing two storey private car park and erection of 14 unit apartment block, associated car park, cycle and bin store. (GR 355716/116181)
Recommending Case Officer:	Andy Cato
Target date :	11th June 2010
Applicant :	Mr J Mills
Type :	Major Dwlg 10 or more or site 0.5ha+

SITE DESCRIPTION AND PROPOSAL



The application comprises an "L" shaped parcel of land extending immediately alongside and to the rear of the Old Cinema Bed Centre, Court Ash, Yeovil. The site comprises a redundant and dilapidated two-deck private car park of some 50 spaces which stands between the Old Cinema building and the Yeovil Cattle Market Site. Reckleford (A30) lies a short distance to the north.

The applicants also own a narrow strip of land running alongside the flank wall of the Old Cinema building facing onto Court Ash. Members will recall that a planning permission was sought and obtained in September 2009 to erect a block of 6 three storey terraced houses orientated and designed to face toward the highway (Court Ash) and the public car park opposite. Yeovil Town Council recommend a refusal of that proposal on the basis that the site is too narrow, a poor design and quality and a development not in keeping in the street. They also objected to the proposal as a piecemeal development.

This current application proposes the demolition of the decked car park and the erection of a five-storey high apartment block containing 14 apartments and basement parking (16 car parking spaces). The proposed new apartment block is to be sited to the rear of the Old Cinema building and vehicle access derived by a roadway extending to the side of the Old Cinema building and connecting onto Court Ash Terrace (as applies with the decked car park).

In support of the application, a Design & Access Statement advises:

As previously set out in the supporting documentation that accompanied the previous application (for the 6 apartment block), Abbey Manor Capital Partners, has, over a number of years, made a number of approaches to adjacent property owners to adopt

an area-wide approach to develop the 'Cattle Market island site' covered by SSDC produced supplementary planning guidance.

This has included having discussions with the owners of the Cattle Market and their development partner ROK. However, it has not been possible to reach an agreement on adopting an area-wide approach. It is for this reason that we have resolved to adopt our own piecemeal site-by-site approach; a principle we would note has already been adopted by ROK on the former Cattle Market site.

Nevertheless, we consider that our development scheme accords with the overall aims of the Market Street planning brief, by including, for example, a safeguarded pedestrian route from Court Ash through to Reckleford. The first element of this route has already been secured as part of the townhouse scheme we secured planning approval for earlier this year.

The subject planning application proposes a development of 14 two-bedroom mews type apartments, with basement car park, bin and cycle storage.

The proposed vehicular access to the car park is from Court Ash and relies on a current point of access for the existing garage on-site.

It is proposed to safeguard a reserved pedestrian link across the application site as part of a desired future through-link from Court Ash to Reckleford, although delivery of this would be subject to the owners of the Cattle Market and the old cinema capitulating as the route crosses land that they also own.

Our scheme design also safeguards existing emergency fire escape access for the old cinema building.

The scheme design of this planning application represents a very carefully considered response to the supplementary planning guidance for the site (Market Street Development Brief) and other relevant local planning policy documents.

We consider that the scale and building envelope of the scheme represents a well-considered response to the established building mass of the old cinema building and other surrounding buildings. It also responds to the interesting and challenging changes of ground level in the local area and the irregular and unusually shaped site.

We have utilised this change of levels to provide basement parking, which has been used to level the site, and to create a first raised ground level of apartments and two further upper floors. This approach ensures that all apartments would enjoy an attractive outlook.

The scheme has also been designed and configured to work with and sit below the building envelope established by the current 'live' ROK planning application on the former Cattle Market site next-door. Indeed, the building outline of this scheme has been added as a backdrop to our scheme drawings for comparison purposes.

The proposed mix of building materials is designed to create a modern, high quality, crisp scheme that is designed to make a striking and positive contribution to the local area. This will represent a positive step-change from the currently under-utilised and dilapidated private car park on-site.

Our proposal also contributes to the wider regeneration of the wider Cattle Market area. Whilst, by a force of circumstance, it represents a piecemeal approach. This project and the already consented townhouse scheme on Court Ash could deliver tangible and deliverable regeneration by a well-established local property developer and owner.

The proposed introduction of new residential uses into this town centre location is also sustainable and adds vitality to an almost redundant building.

HISTORY

02/03485/FUL - Change of use from cinema to retail - Approved March 2003.

09/01738/FUL - Erection of 6 three-storey townhouses - Approved 04.09.2009.

The site lies immediately adjacent to the Cattle Market site where the following planning history applies:

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

08/02378/OUT - Redevelopment for a mixed use comprising residential, a nursing home, sheltered accommodation and retail. At the meeting of the Area South Committee on 03.09.2008 a decision on the application was deferred to allow a full assessment of the submitted traffic impact assessment. At this time required further information is still awaited.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises the Regional Spatial Strategy (Regional Planning Guidance 10: The South West), The Somerset and Exmoor National Park Joint Structure Plan Review, and the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):

Regional Spatial Strategy 10: The South West

Regional Spatial Strategy (RSS10) Draft 2006

Development Policy A - Identifies Yeovil as a Strategically Significant Town

Development Policy B - Development at Market Towns

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

H1 - Affordable Housing

H2 - Housing Densities

E4 - Redevelopment of Employment Sites

ENV5 - Protecting the Historic Environment

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

TC1 - Cities and Town centres

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):

STR1 - Sustainable Development

STR2 - Towns

STR4 - Development in Towns

Policy 11 - Area of High Archaeological Interest
Policy 33 - Provision for Housing
Policy 35 - Affordable Housing
Policy 39 - Transport and Development
Policy 40 - Town Strategies
Policy 42 - Walking
Policy 44 - Cycling
Policy 48 - Access and Parking
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development
ST6 - The Quality of Development
ST9 - Crime Prevention
ST10 - Planning Obligations
EH11 - Archaeology
TP1 - New Development and Pedestrian Movement
TP7 - Car Parking
HG4 - Density
CR4 - Amenity Open Space

National Guidance

PPS1 - Sustainable Development
PPS3 - Housing
PPG13 - Transport

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes
Goal 9 - A Balanced housing Market

Other material considerations.

The Market Street Area Development Brief (MSDB). This presents the Council's expectations for land use and design for the Market Street Area where change is anticipated and desired and where planning applications are expected and where pre-application discussions have taken place. The brief results from a decision to dismiss an appeal for the development of the Yeovil Cattle Market site in October 2005 - the Planning Inspector dismissed the appeal on the basis of the design and layout of the scheme not being appropriate to its context and failing to create well-planned places and spaces.

The MSDB study area covers a wide sweep of land and buildings within a triangle bounded by Reckleford, Market Street and Court Ash. The Cattle Market site and the application site are detailed as forming part of "Area A" - a large area zoned for residential development. A pedestrian access is detailed extending to the rear of the Old Cinema Building from Court Ash and leading towards the centre of the site/"Area A" (this crosses the application site). Building heights are given as 4-5 stories and of a modern contemporary architecture. The design concept for "Area A" is for higher "landmark" buildings within and facing Reckleford with building heights decreasing towards Court Ash and Market Street. The MSDB envisages a redevelopment of the site as a whole with contributions towards affordable housing (35%), community and

highway infrastructure. The cinema building is identified for either retention or redevelopment.

Regard should also be had to the advice contained in PPS1 (Delivering Sustainable Development) and PPS3 (Housing).

CONSULTATIONS

Yeovil Town Council:

SCC Education: Observations awaited.

SCC Highways: Observations awaited.

Wessex Water: Confirm the site is within a sewerage area with foul and surface water sewers.

Environment Agency: Observations awaited.

South West Regional Assembly: Observations awaited.

Yeovil Chamber of Trade: Observations awaited.

Yeovil Town Centre Manager: Observations awaited.

Somerset Waste Partnership: Observations awaited.

SSDC Conservation Officer: Observations awaited.

SSDC Area Development Manager: Observations awaited.

SSDC Play Facilities Officer: Observations awaited.

SSDC Open Spaces Officer: Observations awaited.

SSDC Environmental Protection Unit: Observations awaited

SSDC Climate Change Officer: "As this is classified as a large development, it is subject to this council's renewable energy requirement (endorsed by our District Executive 6th March 2008.) However, there is no mention of renewable energy within any of the documents supporting this planning application and the proforma that we expect applicants to use as evidence of the renewable energy generation equipment is missing. For this reason, this application must not be taken forward until such documentation is supplied"

This has been communicated to the applicant and the following reply has been received: "In response to the consultation response from Keith Wheaton-Green, we understand that there is currently no adopted planning policy basis to demand the inclusion of renewable energy as part of this planning application. Accordingly, our application does not need to include provision of the photovoltaic's and single pellet boilers/heat exchanger for each apartment referred to in the representation response".

CONSIDERATIONS

A number of key planning issues can be identified, including:

1. Relationship with (a) the Cattle Market site, (b) the Old Cinema & (c) Court Ash and the near neighbouring Auctioneer's premises.
2. Design & Appearance.
3. Access & Parking, and
4. Contributions towards affordable housing and off site recreation and need for a planning obligation.

1. (a) The undetermined application for the Cattle Market site (08/02378/OUT) 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 the only matter to be considered at the Outline 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. In terms of access it is proposed to provide a new access onto Court Ash Terrace alongside the

existing access to the decked car park (the access proposed to serve the apartment block the subject of this particular application). Consequently, this proposal, if approved, should not act to undermine or prejudice the future development of the adjacent Cattle Market site.

1. (b) The proposed front wall/façade of the apartment block will stand some 15m high and lie at a distance of some 10m from the solid and approximate 18m high rear wall of the Old Cinema building.

1. (c) The near neighbouring 2 storey Auctioneers building faces onto Court Ash - this is set back at a distance of some 15m from the edge of the carriageway. The building occupies lower ground some 4.5m below the application site. The Auctioneers buildings rear wall runs fairly tight against the rear boundary and the proposed apartment blocks south flank wall, which is to be set at an angle. At the nearest point the distance between the Auctioneers building rear wall and the flank, south wall of the proposed apartment block will measure some 2.3 m only. At the furthest it will be a distance of some 5m. The Auctioneers building is some 8m high, on lower ground and the proposed apartment block will stand some 15m in height. Court Ash House comprises a 4-storey office block set tight against the carriageway edge of Court Ash. The building lies alongside the Auctioneers building and also lies on lower ground. The rear wall of the existing office block stands some 15m distant from the south flank wall of the proposed apartment block.

2. The scheme can be said to be of a modern, contemporary design based on a mews concept as promoted by the MSDB. Each apartment has a balcony and the two largest apartment (on the top floor) have roof terraces.

3. The proposed point of vehicular and pedestrian access will remain from Court Ash. The scheme includes basement car parking for 16 cars (14 resident and 2 visitor spaces), plus secure bike locker storage.

The site benefits from good established public transport links, with all of Yeovil town centre within walking distance. It is proposed to safeguard a reserved pedestrian link across the application site as part of a desired MSDB future through-link from Court Ash to Reckleford. The layout also safeguards existing emergency fire escape access for the old cinema building.

4. The stalled application for the Cattle Market site (08/02378/OUT) was recommended for an approval to the Area Committee subject to the prior completion of a Planning Obligation (Section 106 Agreement) to secure the provision of affordable housing (35%) and contributions arising from the development towards education and sports and leisure provision - in line with planning policy and the MSDB. In the case of this application the views of the Councils Play/open spaces officer are still awaited and accordingly a case for off site contributions towards sports and leisure facilities remains to be made. With regard to affordable housing reference should be had to the other parcel of land within the applicant's ownership - the finger of land subject of the recent permission for the erection of 6 dwellings (09/01738/FUL). On submission of that application the applicant advised: "The blue lined area (i.e. the current application site) is not subject to this development proposal. Indeed, it is currently let to various third party companies and is not available for development for the foreseeable future. In short, it is not linked to the subject planning application in any way, save for a common ownership." The planning permission for the block of 6 apartments is dated 4th September 2009.

In the case of this current submission the applicant has been invited to clarify why an element of affordable housing provision has not been made (or even mentioned in the submissions). The same applicant and landowner applies to both sites, the plans submitted with this new application are dated November 2009 and detail and link the

two developments and the applicant has referred to the submission as "our own piecemeal approach" of the development of the MSDB site. Further to Policy HG7 of the Local Plan, 35% affordable housing is required for schemes of 15 dwellings or more - if both schemes are combined a total of 20 dwelling units are proposed. By return the applicant has advised:

"This is a standalone application with no link to the town house scheme to which you refer. Each scheme, if consented, would proceed on a standalone basis. They are not linked. We consider that there are very robust and sound design reasons, as set out in the design & access statement that accompanied the subject planning application, which limit the number of residential units achievable on-site to 14. Accordingly, we believe that we are correct in not providing any affordable housing provision as the scheme falls below the threshold as set out in the relevant local plan polices".

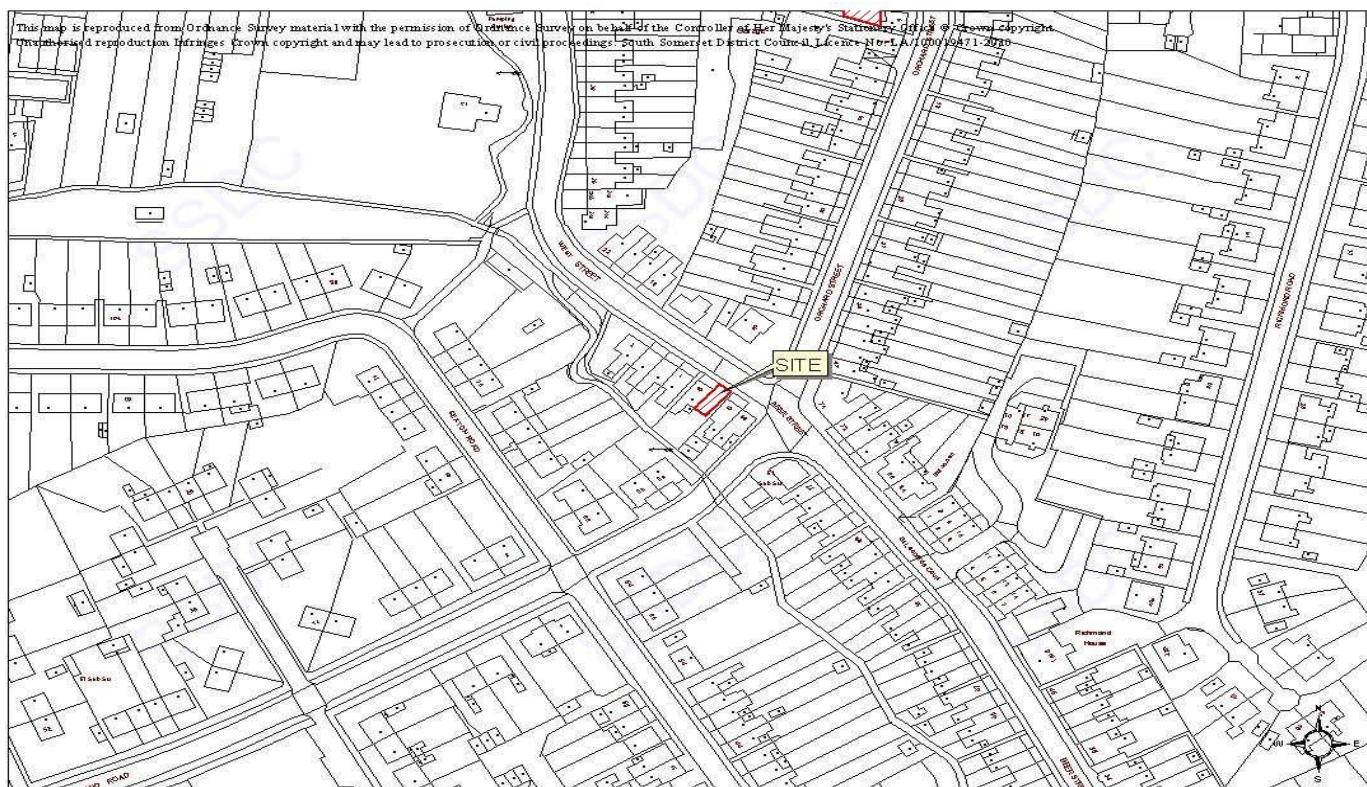
RECOMMENDATION

The views of the Town Council are invited.

4. Officer Report On Planning Application: 10/01180/FUL

Site Address:	Garage Adjoining 93 Beer Street Yeovil
Ward :	Yeovil (South)
Proposal :	Demolition of existing garage and the erection of a single dwelling. (GR 354957/115844)
Recommending Case Officer:	Helen Ferdinand
Target date :	12th May 2010
Applicant :	Mr Stephen Turley
Type :	Minor Dwellings 1-9 site less than 1ha

SITE DESCRIPTION AND PROPOSAL



The subject land was once occupied in its entirety by a large attached garage. At present therefore the site is vacant and comprises the gap between 91 and 93 Beer Street; both residential properties. The site is located on the west side of Beer Street close to the junction with Westland Road.

Planning permission is sought for the erection of a single dwelling following the demolition of the garage. The new building is not proposed to be attached to the properties either side, but the gap between the buildings is very small. The site is very restricted and there is no amenity space apart from a very small area to the front adjacent to the highway.

HISTORY

08/05220/FUL: demolition of existing garage and the construction of a ground floor flat with maisonette over - approved 2 April 2009

07/01808/FUL: demolition of a garage and the erection of a dwelling house -approved June 2007

07/00547/FUL - demolition of garage and erection of one house - withdrawn March 2007 for clarification of proposal.

05/00227/FUL - demolition of garage and erection of two flats - refused April 2005 (by Committee against officer recommendation) on the grounds of parking and detrimental to the street scene. Allowed on appeal January 2006.

04/00812/FUL - demolition of garage and erection of two flats - withdrawn May 2004

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

Regional Spatial Strategy:

Policy VIS 1

Policy VIS 2

Policy TRAN 1: Reducing the need to travel.

Somerset and Exmoor National Park Joint Structure Plan

STR 1: Sustainable Development

STR 4: Development in Towns

South Somerset Local Plan (Adopted April 2006)

Policy ST6: Quality of Development

Policy TP7: Residential Parking Provision

CONSULTATIONS

Yeovil Town Council (26 April 2010):

County Highways: Previous comments apply:- The development could lead to an increase in on-street parking in an area where such parking is already at a premium. However, given the type of development and the location relatively close to the town centre, I believe it would be unreasonable to raise a highway objection, particularly bearing in mind the guidance contained in PPS 3.

Environmental Protection: no comments

REPRESENTATIONS

Neighbours have been notified, and a site notice displayed.

CONSIDERATIONS

The principle of development is accepted as the subject land lies well within the defined 'development area' of Yeovil and previous applications for a dwelling and two flats have been permitted on the site. Indeed, the previous application (08/05220/FUL) proposed exactly the same elevations (apart from the roof lights on the rear elevation being sited differently), but involved two flats rather than a single dwelling. The only difference, therefore between this current application and the previous extant application is that it is for a single dwelling rather than two flats. Another previous application - 07/01808/FUL - proposing a single dwelling was also permitted in June 2007 and therefore is also extant.

The gaps between the proposed building and the existing properties is very small as in previous applications. It is recognised that this situation is far from ideal, but is not a planning issue given that there are no windows on the side elevations of either the existing properties or the proposed building. It is understood that a party wall surveyor has been appointed under The Party Wall, etc Act in order to deal with the issue. There is a small amenity space proposed at the front of the building, which is of a sufficient size to accommodate the bins. Whilst this is not an ideal location for their storage, it is recognised that there is no alternative and, again, it would be unreasonable to refuse the application on these grounds.

None of the changes proposed by this scheme will have an impact on the highway and parking aspects of the scheme, which were dealt with by an appeal at a previous date.

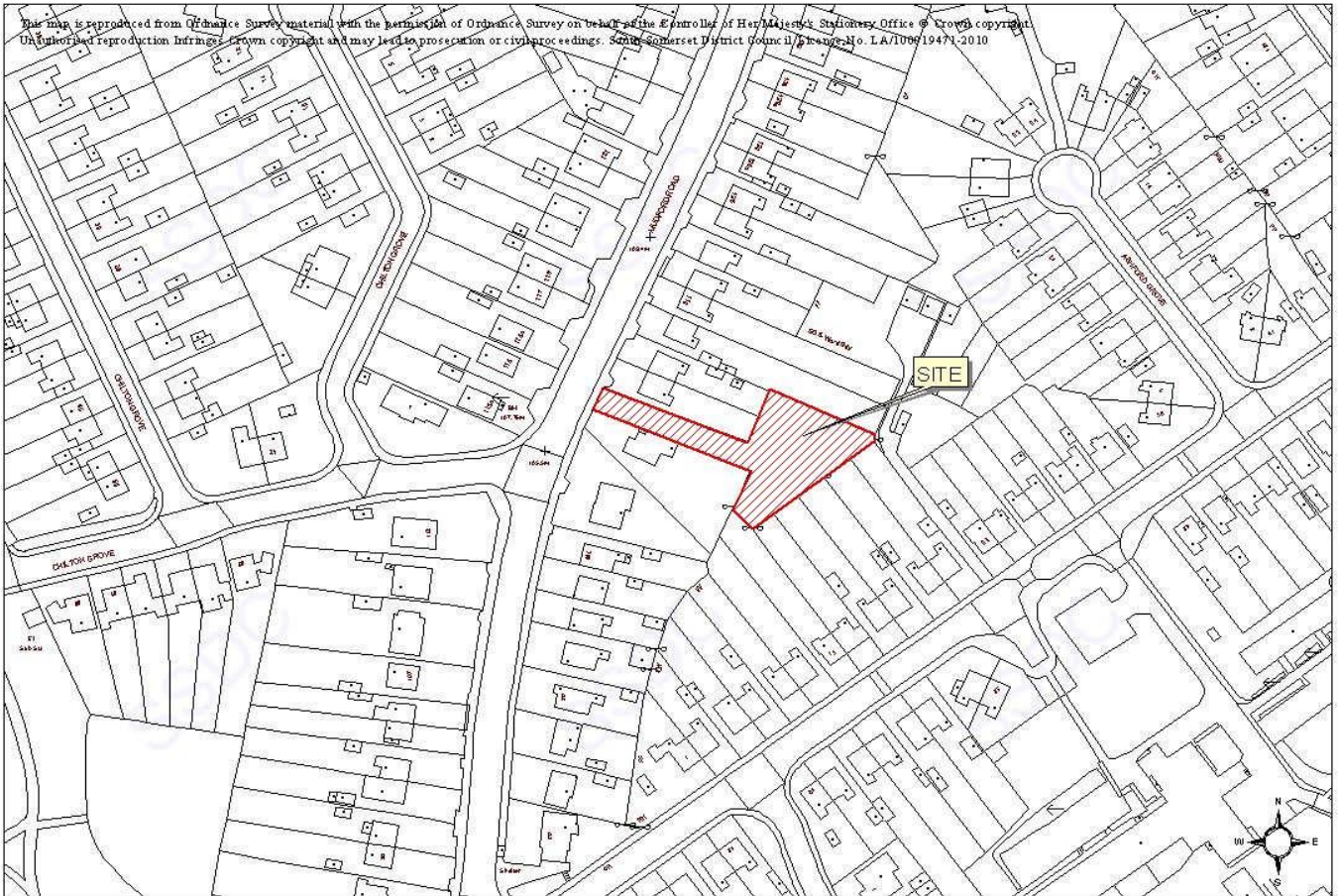
RECOMMENDATION

The views of the Town Council are invited.

5. Officer Report On Planning Application: 10/01243/OUT

Site Address:	110 Mudford Road Yeovil Somerset
Ward :	Yeovil (West)
Proposal :	Application to replace extant planning permission 07/00232/OUT for the erection of a dwelling with double garage and replacement single garage for existing property (GR: 355525/117378)
Recommending Case Officer:	Simon Fox
Target date :	20th May 2010
Applicant :	Mr Colin Rose
Type :	Minor Dwellings 1-9 site less than 1ha

SITE DESCRIPTION AND PROPOSAL



The site is located to the rear of 110 Mudford Road on a site that is currently garden. There is an existing private access to the rear off Glenthorne Avenue but access to the site is proposed via Mudford Road.

Outline planning permission for one dwellinghouse expired on 10th April 2010 following approval in 2007. The permission has not commenced and this application seeks a new planning permission to replace an 'extant' planning permission in order to extend the time limit for implementation (this is technically allowable because the application was submitted before the application expired).

HISTORY

07/00232/OUT - Proposed erection of 1 no. dwelling with double garage and replacement single garage for existing property - Application permitted with conditions - 10/04/2007.

09/04977/FUL - The erection a dwelling and replacement single garage for existing dwelling - Application Withdrawn - 11/03/2010.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises the Regional Spatial Strategy (Regional Planning Guidance 10: The South West), The Somerset and Exmoor National Park Joint Structure Plan Review, and the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):
Regional Spatial Strategy 10: The South West
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
H2 - Housing Densities
RE5 - Renewable Energy and New Development (currently being reviewed)

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):
STR1 - Sustainable Development
STR2 - Towns
STR4 - Development in Towns
Policy 1 - Nature Conservation
Policy 11 - Areas of High Archaeological Potential
Policy 33 - Provision for Housing
Policy 39 - Transport and Development
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006):
ST5 - General Principles of Development
ST6 - The Quality of Development
EC8 - Protected Species
EU3 - Water Services
EU4 - Drainage
TP7 - Car Parking
HG4 - Density

National Guidance
PPS1 - Sustainable Development
PPS3 - Housing
PPG13 - Transport

South Somerset Sustainable Community Strategy
Goal 3 - Healthy Environments
Goal 8 - High Quality Homes
Goal 9 - A Balanced housing Market

CONSULTATIONS

No consultations had been received at the time of submitting this report.

REPRESENTATIONS

No representations had been received at the time of submitting this report.

CONSIDERATIONS

The key matters to consider in this case are:

- The site is located within the development boundary where the local plan states development is acceptable in principle.
- Outline approval has been granted in 2007 for a detached single storey bungalow (controlled by condition 04).

- The outline application established the principle of development with all matters to be considered at the reserved matters stage.
- The application seeks a new planning permission to replace an extant planning permission in order to extend the time limit for implementation.
- There is also a precedent of an approval at the rear of 120-124 Mudford Rd (references 00/02005/FUL and 01/03025/FUL).

Site specific matters were also raised previously:

- Vehicular access onto Mudford Rd.
- Any access onto Glenthorne Avenue.
- The site is located within 250 metres of a known landfill site.
- Unsubstantiated claims of wildlife on site.

Matters of siting, design and potential overlooking are not matters that can be considered because the physical appearance of the dwelling is reserved for later consideration, despite indicative plans being previously submitted. The specific layout of the access is also reserved along with landscaping.

The main question to take into account is whether any substantive planning material consideration has become apparent (physical site specific matter or policy) that should prevent the life of this approval being extended for another three years?

RECOMMENDATION

The views of Yeovil Town Council are invited.

PLANNING DECISIONS

09/02735/FUL Change of use of domestic garden and place for the sale of hot food and drink to be consumed on the premises at the Old Court House Kingston Yeovil Somerset BA20 2QL. Appeal by Mrs J Fuller.

APPEAL DISMISSED

09/04621/FUL Alterations, refurbishment and conversion from printers workshop to residential dwelling at The Old Stable Somerset Place Yeovil Somerset BA20 2QH. Applicant Mr Alan Whetham.

APPROVED subject to conditions.

09/04877/FUL The erection of extensions to dwelling at 19 Willow Road Yeovil Somerset BA21 3AN. Applicant Mr Herridge.

APPROVED subject to conditions.

10/00512/FUL Alterations and the erection of a two storey side extension including integral garage at 24 West Coker Road Yeovil Somerset BA20 2LB. Applicant Mr Lee Hartlebury.

APPROVED subject to conditions.

10/00602/FUL The erection of a single storey rear extension to dwelling and a workshop at 131 Westland Road Yeovil Somerset BA20 2AZ. Applicant Miss V Judd.

APPROVED subject to conditions.

10/00680/FUL Alterations to shop front at 10 Hendford Yeovil Somerset BA20 1TE. Applicant Mr F Monson.

APPROVED subject to conditions.

10/00718/TPO Application to carry out tree surgery works to an Oak tree, known as T1 in the Yeovil District Council (Yeovil No 5) Tree preservation Order 1985 at 18 Parcorft Gardens Yeovil Somerset BA20 2BS. Applicant Mrs Hambly.

APPROVED subject to conditions.

10/01194/COL

Application for certificate of Lawfulness for the erection of an extension to Announcers Building at Yeovil Recreation ground Chilton Grove Yeovil Somerset BA21 4AW. Applicant Peter Biggenden.

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Note:

Highlighted Planning Decisions:

Decision of District Council differs from Yeovil Town Council Recommendation.

REPORT TABLE FOR TOWN COUNCIL 26 APRIL 2010

<u>APPLICATION NO.</u>	<u>LOCATION</u>	<u>PROPOSAL</u>	<u>OBJECTIONS</u>	<u>CONSIDERATIONS</u>
10/01113/ADV	217 Sherborne Road	The display of 2 non illuminated advertisements, 2 internally illuminated fascia signs and 1 internally illuminated pylon sign	None received at time of writing	<ul style="list-style-type: none">• Are the signs in keeping with the character of the area in terms of siting, design, materials, illumination, scale and number?• Do the signs prejudice public safety?