



# Yeovil Town Council

**Town House  
19 Union Street  
Yeovil  
Somerset  
BA20 1PQ**

Phone 01935 382424

Fax 01935 382429

E-mail [alan.tawse@yeovil.gov.uk](mailto:alan.tawse@yeovil.gov.uk)

## Planning and Licensing Committee

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

The Time... **7.00pm**

The Date... **Monday 7 June 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

01 June 2010

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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) (Ex-officio)

Julian Freke

Pete Goodman

John Grana

Simon Hester

Andrew Kendall

Wes Read

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 11 and 24 May 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 3 to 10)

5. **PLANNING DECISIONS** (Page 11)

6. **CORRESPONDENCE**

7. **TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (NO. 2) (ENGLAND) ORDER 2008**

To receive a short presentation given by the Planning Team Leader on recent changes to the permitted development rights regarding the paving of front garden areas for hardstanding.

8. **FINANCIAL STATEMENT**

To receive the Financial Statement for the period 1 February 2010 to 31 March 2010. See attached Financial Statement at pages 12 to 17.

	<b>Application No</b>	<b>Proposal</b>	<b>Address</b>
1	10/01864/S73	Application to vary condition No 2 of planning permission 06/03180/FUL dated 30/11/06 to allow minor alterations to the internal layout and external appearance of 24 No flats. (GR 355394/115936)	Former Swimming Pool Site Huish Yeovil

**PLANNING MEETING**  
**MONDAY 7 JUNE 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**

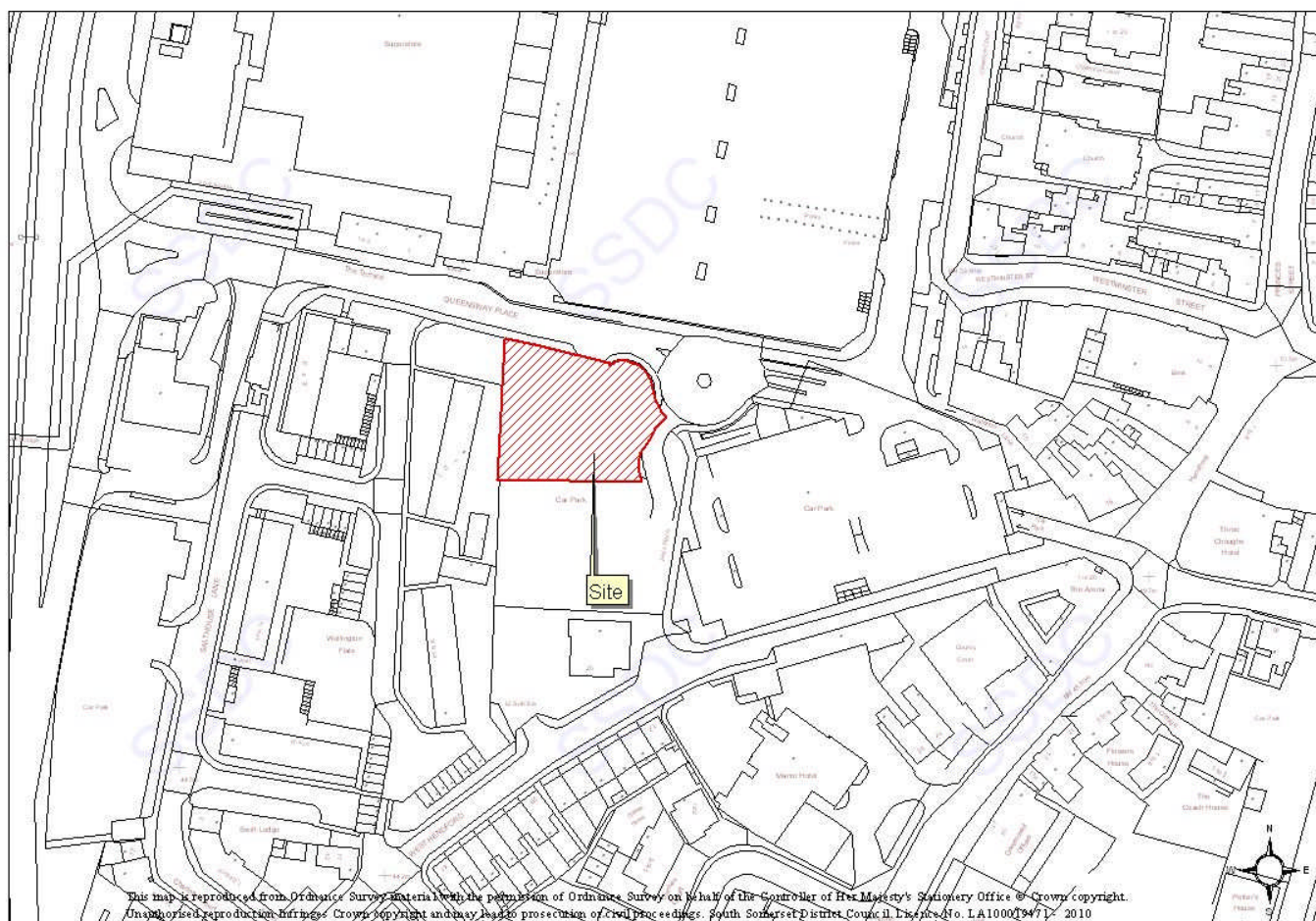
## **LEVEL 3 APPLICATIONS**

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: 10/01864/S73**

Site Address:	Former Swimming Pool Site Huish Yeovil
Ward :	Yeovil (Central)
Proposal :	Application to vary condition No 2 of planning permission 06/03180/FUL dated 30/11/06 to allow minor alterations to the internal layout and external appearance of 24 No flats. (GR 355394/115936)
Recommending Case Officer:	Simon Fox
Target date :	11th August 2010
Applicant :	Bellway Homes
Type :	Major Dwlg 10 or more or site 0.5ha+

### **SITE DESCRIPTION AND PROPOSAL**



The site comprises 0.14 hectares of land located on the junction of Queensway Place and Felix Place. To the west of the site is Wellington Flats (a development of several blocks of flats), to the north and west is a supermarket and associated car parking and

to the south is a vacant piece of land with a claimed extant consent for an office development, currently used for car parking.

The site has received planning permission for 24 flats via application 06/03180/FUL. This application, made under Section 73, seeks to vary the scope of Condition 02 of the 2006 consent to allow the variation of the approved plans to those that show minor alterations to the internal layout and external appearance of the proposed building.

These changes include:

#### Internal Alterations

- Removal of basement level. All cycle storage is shown externally in accordance with Condition 12 of the original approval. A communal laundry is not required.
- The internal layout has been rationalised by the removal of the central communal corridor, which in the opinion of the applicant, is not necessary and poses maintenance issues. This area has been incorporated into the surrounding apartment allowing 12 of the 24 previously approved one-bed apartments to gain an additional room. This room is annotated as a study on the approved plans but could conceivably be deemed a second bedroom.
- The internal layouts of all units have been altered to provide open plan living/kitchen/dining areas. No new additional openings are proposed.

#### External Alterations

- The brick boundary wall along the north and eastern boundaries is replaced with a box hedge.
- The design of all Juliet balconies has changed from metal frame to stainless steel with safety glass.

#### In detail: North Elevation

- Juliet balconies added to ground floor patio doors on plots 2 and 5.
- Juliet balconies removed from the first floor on plots 9 and 10 and windows added.
- Juliet balcony removed from the second floor on plot 15 and window added.
- Juliet balconies removed from the third floor on plots 21 and 22 and windows added.
- Full height windows to plots 20 and 23 on the third floor reduced.

#### In detail: East Elevation

- Removal of door to ground floor and revised window design to full length glazed panel above.
- Removal of Juliet balconies to plot 11 on the first floor, plot 17 on the second floor and plot 23 at the third floor and windows added.

#### In detail: South Elevation

- Addition of Juliet balcony to the ground floor plots 1 and 6.
- Bedroom window heights increased to plots 1, 6, 7, 12, 13, 18, 19 and 24 on all floors.
- Window height increased to plots 3 and 4 on ground floor and plots 15 and 16 on the second floor.
- Juliet balconies removed from plots 9 and 10 on the first floor and 21 and 22 on the third floor and windows added.

#### In detail: West Elevation

- Window height increased to plots 2, 8, 14 and 20 on all floors.

## **HISTORY**

10/01105/NMA: Application for a non-material amendment following a grant of planning permission 06/03180/FUL: Application Refused: 05/05/2010  
06/03180/FUL: The erection of 24 one-bedroom apartments: Application permitted with conditions: 30/11/2006

## **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:

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

STR1 - Sustainable Development

STR2 - Towns

STR4 - Development in Towns

Policy 33 - Provision for Housing

Policy 35 - Affordable Housing

Policy 37 - Facilities for Sport and Recreation within Settlements

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

ST9 - Crime Prevention

ST10 - Planning Obligations

TP7 - Car Parking

HG1 - Provision of New Housing Development

HG4 - Density

CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development

CR4 - Amenity Open Space

National Guidance

PPS1 - Sustainable Development

PPS3 - Housing

PPG13 - Transport

PPG17 - Planning for open space, sport and recreation

South Somerset Sustainable Community Strategy

Goals 8, 9 and 10

## **CONSULTATIONS**

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

The following bodies have been notified:

Highways Authority (Somerset CC)  
SSDC Conservation Manager  
SSDC Area Development Manager - Due to Major application  
SSDC Regeneration Officer - Due to Major application  
Somerset Waste Partnership - Due to Major application  
Police Architectural Liaison Officer - Due to Major application  
Yeovil Vision  
SSDC Environmental Protection Officer  
SSDC Tree Officer  
MOD  
Wessex Water  
SSDC Technical Services

At the time of writing this report responses had been received from:

Highways Authority (Somerset CC) - No Observations.  
SSDC Environmental Protection Officer - No comments.  
SSDC Tree Officer - No objections.  
SSDC Technical Services - No comments.

### **REPRESENTATIONS**

A site notice has been displayed, a pres advert placed and neighbours notified. No representations had been received at the time of submitting this report.

### **CONSIDERATIONS**

The key matter to consider in this case is whether the proposed external and internal changes make a difference that is so significant that demonstrable harm would result to residential amenity or visual amenity for example and as such permission should be withheld for this condition variation application.

Should the view be taken that the external changes reduce the quality of the scheme from that previous approved members are asked to consider whether that is reason alone to refuse the application. Consider the question, would this design have been acceptable first time around?

Members may also feel the design changes have a neutral or positive impact.

It is considered matters regarding planning obligations that would otherwise now be applicable to developments of this size and type are not determining factors in this condition variation application.

However, it must be noted that the nature of the development may be considered different from a previously all one-bedroom apartment scheme to now including the potential for 12 two bedroom units, despite additional rooms being annotated as study's. This could have an implication on parking provision.

### **RECOMMENDATION**

The views of Yeovil Town Council are invited.



## PLANNING DECISIONS

10/00470/FUL Demolition of existing rear garage and erection of 1 no. detached bungalow and garage at Building Plot Rear of 99 west Coker Road Yeovil Somerset BA20 2JQ. Applicant Mr D Dawkins.

**APPROVED** subject to conditions.

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 at Land Adjoining Old Cinema Bed Centre Court Ash Yeovil Somerset.

**REFUSED**

The building would appear incongruous and cramped in its setting and out of character in the street (Contrary to ST1). Considered that buildings would have a detrimental effect on the amenities of the future occupiers (Contrary to ST5 and ST6). Development should not be considered in isolation but only in conjunction with the adjoining Cattle Market site (Contrary to STR4 and 49 of County Structure Plan and ST5 and ST6 or the South Somerset Local Plan).

10/01283/FUL Alterations and the erection of a single storey side extension to dwellinghouse at 5 York Place Yeovil Somerset BA20 2QF. Applicant Mr M Trott.

**APPROVED** subject to conditions.

10/01381/FUL Conversion and alterations to existing double garage to office/study together with rear pitched roof at 130 Sherborne Road Yeovil Somerset BA21 4HQ. Applicant Mr C Tuck.

**APPROVED** subject to conditions.

**Note:**

Highlighted Planning Decisions:

Decision of District Council differs from Yeovil Town Council Recommendation.