



# Yeovil Town Council

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PLEASE NOTE CHANGE TO USUAL TIME

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

The Time... **5.30pm**

The Date... **Monday 10 March 2008**

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

*The Committee will be discussing all the items listed overleaf*

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



*Alan Tawse*

Alan Tawse  
Town Clerk

4 March 2008

Please contact Sally Bing at the Town House for more information about this meeting

Planning and Licensing Committee

To:

J Vincent Chainey

Philip Chandler

Clive Davis

Julian Freke

Pete Goodman

John Grana

Simon Hester

Tony Lock (Ex-officio)

Tom Parsley

Wes Read (Chairman) (Ex-officio)

David Recardo (Vice Chairman)

## **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 25 February 2008.

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 24)

5. **REPORT TABLE** (Page 25)

6. **PLANNING DECISIONS** (Pages 26 to 27)

7. **CORRESPONDENCE**

8. **FINANCIAL STATEMENT – PERIOD ENDING 31 JANUARY 2008**

To consider the Financial Statement for period 1 December 2007 to 31 January 2008. See attached report at pages 28 to 33.



	<b>Application No</b>	<b>Proposal</b>	<b>Address</b>
1	<u>07/00384/FUL</u>	Demolition of existing dwelling and erection of 4 flats and 1 maisonette (GR: 355539/115548)	Penn Mount Penn Hill Park Yeovil
2	<u>08/00210/FUL</u>	Demolition of 1 No. block of flats, 6 bungalows known as 23-28 St Anne's Gardens, 281 and 283 Stiby Road and 1 No. garage block and erection of 29 No. dwelling houses with highway improvements (GR 354103/117020)	Land Off Stiby Road & St Anne's Gardens Yeovil Somerset
3	<u>08/00243/FUL</u>	Demolition of existing dwellinghouse and the erection of ten flats with associated parking (GR 355272/116232)	21 The Park Yeovil Somerset
4	<u>08/00358/FUL</u>	The re-roofing of existing former commercial vehicle workshop and change of use to Use Class B1/B8 and D1 (GR 354941/115608)	Former Seatons Garage West Hendford Yeovil
5	<u>08/00460/COU</u>	Change of use of land for the storage of plant and machinery, vans, lorries, tools and containers in connection with <i>plant</i> hire business. GR (357095/116341)	Flushing Meadow Sherborne Road Yeovil

**PLANNING MEETING**  
**MONDAY 10 MARCH 2008**

**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 that where the Town Council, through this Committee wishes to change the recommendation of the Area Planning Manager, the application affected by that change should be referred to the Area South Committee.

Additionally there will be other applications, particularly those relating to major development, which fall outside the scope of the delegation agreement and will have to be referred to Area South Committee. This requirement will be indicated in the recommendation at the end of the report.

Also, individual District Council Ward Members can request that planning applications in their wards be referred to the Area South Committee.

The Committee is asked to move the adoption of the recommendations of the Area Planning Manager subject to any amendments or additions, which might be made during consideration of the Plans List.

As the Plans List appears as one item on the Committee Agenda, the final decisions on individual applications are not made until the resolution at the end of the Plans List is passed accepting the recommendations of the Area Planning Manager and any amendments or additions made to them.

**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, Petters House, Petters Way, Yeovil, BA20 1AS.

**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

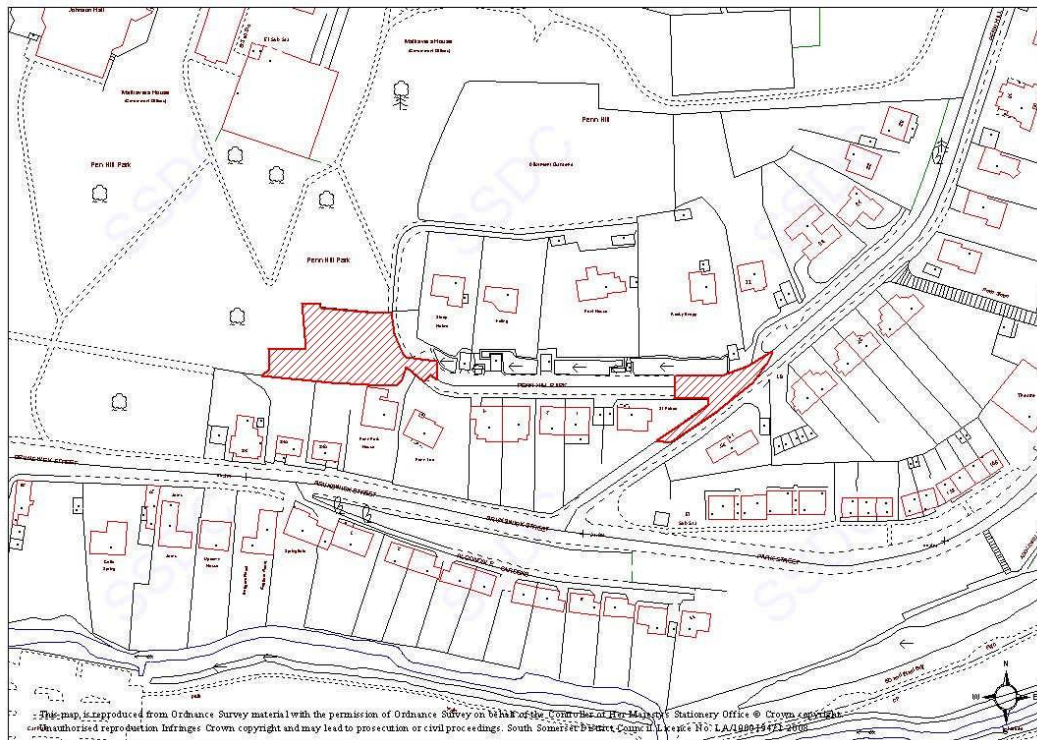
Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, 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.

#### 1. Officer Report On Planning Application: 07/00384/FUL

Site Address:	Penn Mount Penn Hill Park Yeovil
Ward :	Yeovil (Central)
Proposal :	Demolition of existing dwelling and erection of 4 flats and 1 maisonette (GR: 355539/115548)
Recommending Case Officer:	Helen Ferdinand
Target date :	17th April 2007
Applicant :	Paull & Co Ltd
Type :	Minor Dwellings 1-9 site less than 1ha

#### SITE DESCRIPTION AND PROPOSAL



The site is in a very elevated position and lies at the end of Penn Hill Park, a short cul-de-sac currently serving some 12 residential properties. At the head of the cul-de-sac the road turns into a private driveway owned by SSDC to provide vehicular access to three of the properties, and the Country Park. The site is occupied by a bungalow in a very poor state of repair and is located to the very east of the site adjacent to the highway. There is also an air raid shelter on the site. The site is characterised by very significant changes in level; the existing bungalow occupying the highest point. The site is bounded by the Country Park on the north and western sides, and the rear gardens of numbers 24a and 24b Brunswick Street and Penn Park House to the south. The site benefits from views across to Ninesprings to the south, and Penn Hill Country Park, Westlands and beyond to the west. An oak with a TPO is situated on the southern boundary.

Planning permission is sought to remove the derelict bungalow and develop the site for residential units. Originally the application proposed a block of four flats and a separate two storey 'maisonette', but has now been amended to omit the maisonette. Eight parking spaces are proposed on site, two for each property, and access is derived off the private driveway. The proposals also involve works at the junction of Penn Hill Park and Penn Hill to improve visibility. Three consultation exercises have been undertaken in respect of this application: the initial consultation; in respect of amended plans showing an amended red line and additional drawings to illustrate the scheme; and, finally in respect of a revised scheme for four flats and additional parking.

## HISTORY

861284 - outline application for 4 dwellings, refused July 1986.

98/01937/OUT - outline application for 2 dwellings, refused 1998.

06/01574/FUL - application for 4 flats and 3 maisonettes withdrawn June 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.

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 3: Housing

Relevant Development Plan Documents

Regional Spatial Strategy:

VIS 1

VIS 2

Somerset and Exmoor National Park Joint Structure Plan

Policy STR1: Sustainable Development

Policy 1: Nature Conservation

Policy 49: Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006)

Policy ST3: Development Areas

Policy ST5: General Principles of Development

Policy ST6: Quality of Development

Policy TP7: Residential Parking Provision

Policy EC3: Landscape Character

## CONSULTATIONS

Yeovil Town Council (10 March 2008) -

County Highways –

In response to the first consultation:

I recommend the granting of planning permission subject to the following comments. I have looked at the site and carried out a number of internal consultations with colleagues regarding the proposed works at the Penn Hill/Penn Hill Park junction. The comments and plan I have received shows a possible solution to the difficulties at the junction and will need to form the basis of details to be submitted by the applicant and included in a Section 278 Agreement of the Highways Act 1980. You may also feel that this work could be tied to a Section 106 agreement to ensure compliance, but that is a matter for the District Council. I shall recommend that this a requirement of any grant of planning permission together with a number of other conditions. I consider there will be distinct improvements to the junction thereby providing improved visibility splays and thus making it safer for existing and future residents.

I am satisfied with the level of parking proposed for the development; however, I still have concerns regarding the ability of refuse vehicles to be able to turn within the site or at the entrance to the site off Penn Hill Park; some minor amendment to the layout adjacent to bin store area would be of benefit.

In response to the third consultation:

I refer to the revised plans which you sent me on 19 February 2008 in respect of the amendments made to the layout of the proposed development. I also refer to my original comments to the scheme in my consultation response dated 2 May 2007. Those comments still stand and you will no doubt appreciate that extensive work was carried out in this office in respect of the access to the site and especially at the junction of Penn Hill with Penn Hill Park proposing improvements to the available visibility at the junction which has all been contained within the public highway.

I would wish to reiterate the conditions which I recommended on my last consultation response. I note that one unit has been removed and that the car parking provision within the site allows for 2 spaces per unit; I am content with this as it will ensure that there is little demand for on-street car parking arising from the proposal.

One point that I have further noted is the lack of cycle parking provision and I would therefore recommend that you request the applicants to provide this within the confines of their site. Whilst the site is secure it would be advantageous if this provision could be made secure and covered so as to encourage alternative means of transport for the occupants.

You will also be aware that I had raised concerns in respect of the provision of turning facilities within the site for refuse vehicles; you will recall that we had meetings on site with representatives of the waste authority and that they were content to reverse up Penn Hill Park and certain safety precautions have now been put in place by that authority to make this as safe as possible. I am satisfied with this approach and do not raise any objections to this aspect.

In summary, I do not raise any objections to planning permission being granted and I would ask that the conditions on my original consultation response be added to any grant of consent.

SSDC Land and Property Officer -

Having reviewed the documents on the above planning application, access is required off a private access road owned by SSDC.

In order to facilitate this development the contractor would need to negotiate access rights across this roadway with SSDC. The scheme would require both Council Members approval and the approval of the existing easement holders. Also the current site access rights are for one dwelling, this development would intensify this right and again agreement with the Council would be required.

The Developer has been advised of this but has made no contact, whatsoever, with regard to the above access negotiations.

Whilst I appreciate that this is not necessarily a planning requirement, the development cannot progress without first obtaining consent from our Members and the neighbouring residents.

Please accept this letter and the formal objection of South Somerset District Council, in its capacity as the neighbouring landowner.

Conservation Architect -

In response to the second consultation: I have no issue with the design style of the proposals which, given the landform appear to be quite suitable to such a location. The setting is of mixed quality and its only feature of significance is the treed nature of the sloping site with buildings appearing between. The fact that the proposal incorporates flat and monopitch roofs is acceptable and the overall design could be an interesting addition.

I do however have reservations over the quantity of development for the site and the ability for the character of tree cover with buildings to be maintained. The single dwelling Unit 1 appears to be the element that crowds the site. Without this addition trees could be incorporated and the whole fit better into the setting and maintain its character. Unit 1 is very close to the neighbouring dwelling even though at a higher level. I note that no plans show finished floor levels in relation to existing ground levels. With the difficult topography of the site this is essential to know the levels before any consent can be recommended.

In response to the third consultation: Design now without the additional unit on the south side I can support in principle although the submitted material is sketchy about the details, materials, edges and junctions which will, with this type of design, be the making or breaking of it. Very careful control of these issues through conditions will be essential.

Lack of sufficient sectional detail to amplify the design means there are areas that remain undefined and therefore the scheme is not ready for approval. Eg changes of level through the courtyard, edge of parking area, retaining structure on south side all need more clarity. The floor levels must be stipulated at this stage too.

Landscape Architect -

I note the above application, which is a marked improvement on the previous proposal, and raise no landscape objection.

However, given the proximity of mature trees, I believe that we will need a tree protection plan indicating trees to be protected to BS 5837:2005 - trees in relation to construction.

There will also be a need for a landscape proposal, which should provide sufficient planting treatment to soften the build proposal and thus enable a satisfactory transition from built form to Country Park.

Arboriculturalist -

The most recent proposals seem to have very little impact on the tree [TPO]. However, we should ask for landscape proposals for the bottom of the garden, and a root protection fence at an 8 metre radius from the tree.

Ecologist -

I'm satisfied that the wildlife survey and associated correspondence submitted with the application has adequately assessed wildlife issues at the site, and that there are no further wildlife constraints or issues relevant to this application.

Natural England –

Based on the information provided in the ecological report of July 2006, Natural England has no objection to this proposal. We don't have any records of any protected species at this location and we note none were found during the protected species survey: However, the surveyor thought slow-worms could be present and if they are found they should be protected from being harmed by the building work.

Wessex Water –

The development is located within a sewered area, with foul and surface water sewers. It will be necessary for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. With respect to water supply, there are water mains within the vicinity of the proposal.

Environmental Health Officer –  
no comments.

## REPRESENTATIONS

15 letters of objection were received in respect of the first consultation. A second consultation was undertaken in regard to further information submitted, and another 6 letters were received from previous objectors. In response to the third consultation, a further three have been received to date, again from previous objectors. Numerous very detailed comments have been submitted, but in summary the concerns raised are as follows:

- overdevelopment and out of character with the surrounding area
- design (flat roofs and materials) out of character with surrounding properties
- detrimental visual impact / blot on landscape
- detrimental to residential amenity by overlooking of properties in Brunswick Street
- increased traffic detrimental to highway safety
- access is from a private road and is pedestrian only
- increased noise nuisance from additional traffic
- poor visibility at Penn Hill Park / Penn Hill junction / proposed works to junction are dangerous
- lack of turning provision for refuse/delivery/emergency/construction vehicles
- increased pressure on existing on street parking provision
- land stability
  
- adverse impact on amenity and recreational value of nearby Country Park
- adverse impact on wildlife
- flooding of properties below site and inadequate sewers
- noise and dirt from construction traffic / request restricted times for construction
- request that boundary treatment is a condition to nay permission
- lack of detail regarding retaining wall on southern boundary
- poor focal point proposed at the end of Penn Hill Park
- devalue surrounding properties.

## CONSIDERATIONS

The site lies within the development area of Yeovil and is currently in residential use, therefore the principle of residential development here is accepted. In detail, however, the proposal raises a number of issues and some material planning considerations:

- impact on character and appearance of area (visual impact from immediate vicinity and from further a field; elevational design)
- highways (junction improvements at Penn Hill Park and Penn Hill junction; increased traffic; turning of refuse/large vehicles; parking)
- impact on neighbouring properties, especially Penn Park House.

The issue regarding the access to the site from a driveway owned by South Somerset District Council is a legal issue and is not a material planning consideration. If not resolved, however, development for more than one residential unit may not be able to take place.

#### RECOMMENDATION

The views of Yeovil Town Council are invited.

#### 2. Officer Report On Planning Application: 08/00210/FUL

Site Address:	Land Off Stiby Road & St Anne's Gardens Yeovil Somerset
Ward :	Yeovil (West)
Proposal :	Demolition of 1 No. block of flats, 6 bungalows known as 23-28 St Anne's Gardens, 281 and 283 Stiby Road and 1 No. garage block and erection of 29 No. dwelling houses with highway improvements (GR 354103/117020)
Recommending Case Officer:	Simon Fox
Target date :	11th April 2008
Applicant :	South Somerset Homes Ltd
Type :	Major Dwlg's 10 or more or site 0.5ha+

#### SITE DESCRIPTION AND PROPOSAL



The application site is formed from land between Freedom Avenue, Stiby Road and St Anne's Gardens. At present the site can be best described as a 'mixed-bag'. A semi-detached pair (Nos. 281 and 283) of painted concrete dwellings and their curtilage forms part of the site on the corner of Freedom Avenue and Stiby Road. A high hedge forms the boundary on this prominent corner location. Moving west along Stiby Road is an internal service road, which turns and connects to St Anne's Gardens and encloses an area that accommodates a block of flats. This is a somewhat incongruous building in the area and is a three-storey, painted blockwork pitched roof structure. There is evidence that two shops existed at either end of the building. From their condition it would appear the shops have been closed for some time. The frontage to the flats onto Stiby Road is relatively open and partially used informally for parking. Also accessed of the service road is a row of garages. To the south of the site is a cluster of six rendered bungalows fronting onto a separate small turning head accessed of St Anne's Gardens. The service road provides rear access to some of these bungalows. In terms of landscaping there is domestic planting especially around the bungalows but generally only hedging and some shrubs. Two larger silver birch trees are located adjacent to the service road/St Anne's Gardens junction.

The context of the site can be characterised by street. Freedom Avenue is a street of ex-local authority housing creating a distinctive pattern of semi-detached pairs which have over time been modified, extended, painted and re-clad in a multitude of different bricks and reconstructed stone. The properties here have hipped roofs with centrally located brick chimneys, except the end semi-pair Nos. 89/91, which has gable ends and in addition No. 91 is currently being extended.

The area of Stiby Road opposite the site is again ex-local authority housing this time terraced housing with hipped roofs in a consistent brick around a grassed open space. St Anne's Gardens immediately to the east is a development of flats with inverted balconies,

and brick dwellings with gabled-pitched roofs. Similarly properties on the southern side of Stiby Road to the east of the site are also of brick construction with pitched roofs with gable ends.

The proposal seeks the demolition of the block of flats, the semi-detached pair (Nos. 281 and 283), the 6 bungalows and the garages to allow the erection of 29 dwellings with associated highway improvements. The internal access road is terminated and the road reconfigured and a small area of open green space created adjoining St Anne's Gardens. The corner of Freedom Avenue and Stiby Road is also treated more appropriately with a well landscaped area which will create a key visual reference in the streetscene. The general form is that of terraces with one semi-pair on Freedom Avenue to replicate the evident character. The terraces fronting Freedom Avenue and Stiby Road will be hipped to replicate the evident character on these streets and the terraces in behind these will be gable-ends to replicate the St Anne's Garden/Stiby Road character. The proposed materials are brick with concrete tiled roofs. Some elements are render have been introduced which is a facet evident in the area and helps create a small visual break in the terrace form.

#### HISTORY

No relevant history.

#### 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 decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

#### Relevant Development Plan Documents

##### Regional Spatial Strategy

Vis1 - Expressing the Vision

Vis2 - Principles for Future Development

EN4 - The Built Environment

##### Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000)

STR1 - Sustainable Development

STR2 - Towns

STR4 - Development in Towns

Policy 49 - Transport Requirements of New Development

##### South Somerset Local Plan (Adopted April 2006)

ST5 - General Principles of Development

ST6 - The Quality of Development

TP7 - Parking Provision in Residential Areas

MS1 - Local Shopping and Services

Advice and guidance contained within PPS3.

#### CONSULTATIONS

Highways - Comments awaited.

Housing Unit -

"One of SSDC's key corporate priorities is to reduce homelessness and in line with our Housing Strategy, we seek to achieve this by enabling additional housing in partnership with Registered Social Landlords.

This development will help to alleviate the housing need in this area by creating additional affordable units. There are at present, 3,488 people on the housing register in need of a property in Yeovil.

This development will provide mixed tenure accommodation to create a sustainable community, which will comply with Government guidance. The alternative tenures will provide a suitable balance of accommodation.

A condition of the transfer agreement was that the PRC units had to be brought up to standard. In some cases, the most economical way to do this is to demolish the properties and rebuild them.

In conclusion, we totally support this application and the opportunity it represents to provide additional affordable housing in an area of housing need".

Sports, Arts and Leisure Service - Unlikely to yield the need for contributions due to the number of intended dwellings being no greater than existing.

Economic Development Manager -

"I have read the proposal with interest and undertaken a site visit to view the two former retail premises in particular to determine if the loss of these premises would have a significant impact on the local community. It is evident that the retail premises have not been used for trading purposes for some considerable time. If I were to put forward an argument for their retention, the reasons for the businesses would need to be carefully considered.

The reasonably close facility of the Co-op convenience store would probably preclude another retail food outlet from being successful in the area. Clearly, market forces have not demonstrated that alternative uses for the premises are a viable proposition.

I have also spoken to the Area South Community Development Officer who confirmed a conversation I held with a representative of the Westfield Residents Association. Their response is that the loss of these retail facilities will not impact upon the residents who live in this area.

Therefore, in conclusion, I raise no objection to the loss of the two retail premises at this location to a residential scheme".

Technical Services - "Details of surface water attenuation to be submitted showing calculations so that new discharge is no greater when developed to that in its existing state".

## REPRESENTATIONS

Two letters have been received from 80 and 82 Freedom Avenue:

\*Concerned about overlooking.

\*Concerned about a proposed alleyway to the rear of one terrace, which may attract anti-social behaviour.

## CONSIDERATIONS

The key considerations in this case are:

**\*Demolition of the existing buildings**

None of the buildings have particular architectural merit and therefore demolition is acceptable.

**\*Loss of shop units**

**\*Design and layout of proposal**

Effort has been made to ensure the design and layout of the scheme responds the character of the area. The scheme has been amended to create a more acceptable treatment of the junction of Stiby Road and Freedom Avenue. The street is also better addressed with terrace forms that allow an element of landscaping to the frontage plus some areas are set aside for tree planting. The closure of the through access onto St Anne's Garden also creates a small open green space.

**\*Impact on neighbouring amenity**

Effort has been made to ensure there are no overlooking windows and properties have been kept at reasonable distances from properties outside the site.

**\*Parking provision**

44 spaces are being provided for 29 units, 1 space short of 1.5per dwelling.

**\*Wildlife, possible bat roosts.**

A survey is being undertaken and will be commented on by the Council's Ecologist.

**\*Affordable Housing and other contributions.**

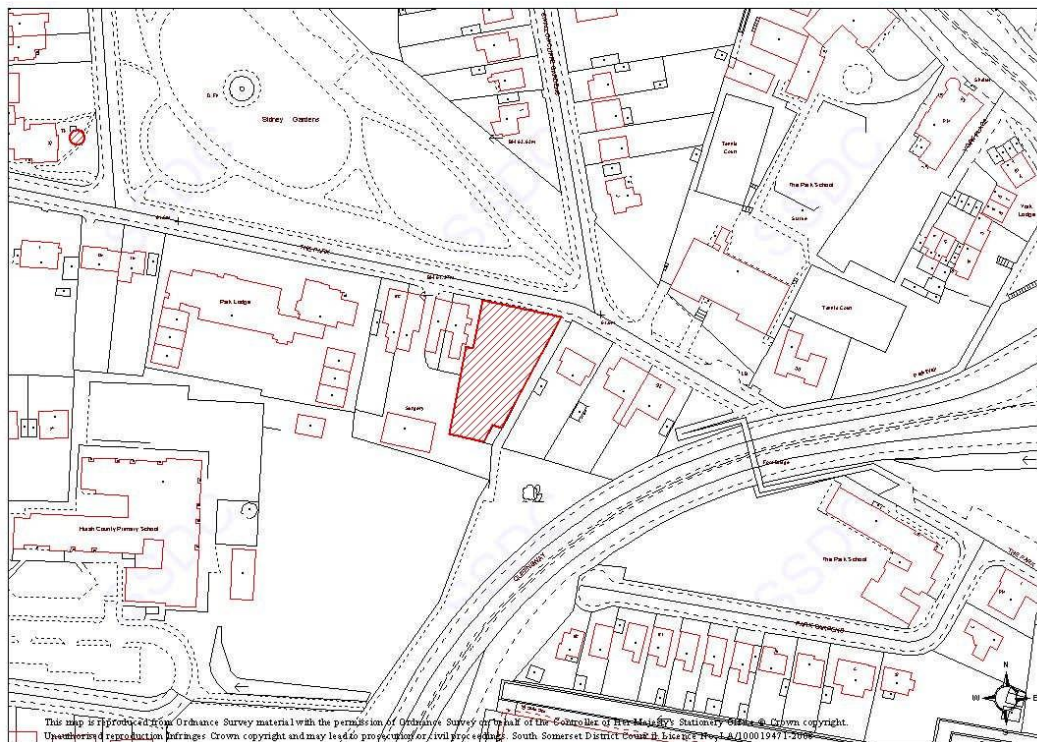
**RECOMMENDATION**

The observations of Yeovil Town Council are invited.

### 3. Officer Report On Planning Application: 08/00243/FUL

Site Address:	21 The Park Yeovil Somerset
Ward :	Yeovil (West)
Proposal :	Demolition of existing dwellinghouse and the erection of ten flats with associated parking (GR 355272/116232)
Recommending Case Officer:	Andrew Collins
Target date :	11th April 2008
Applicant :	D N Richards
Type :	Major Dwlg 10 or more or site 0.5ha+

#### SITE DESCRIPTION AND PROPOSAL



The site is within the development area of Yeovil. The Park is an attractive area of Yeovil consisting of two - two and a half storey buildings. No 21 is located on the southern side of the road opposite the Sydney Gardens, with an existing footpath to the east of the site.

The existing building is a single dwelling house located within a fairly large plot. The dwelling is well proportioned and of architectural character. Unfortunately attached to the side is a single storey flat roof extension which detracts from the character of the building.

It is proposed to demolish the existing dwelling and erect a 10 flats in two buildings. The main building is proposed to be 2 and a half stories high with windows in roof and the front bays. This main building will house 6, 2 bed units. Attached to the south near the eastern boundary it is proposed to erect a two storey wing projecting 13.5 metres incorporating

two flats with one on each floor. At the southern end of the site it is proposed to erect a carhouse style building with two flats half in the roof and 6 car parking spaces and a cycle store below. During the course of the application amended plans have been received which address minor design issues.

Along the western boundary it is proposed to install a new vehicular access, gaining access to the rear of the site. 10 parking spaces, including the 6 in the carhouse, and turning area are proposed to the rear. As part of the application, it is proposed to designate an area of land over to the highway authority for footway improvements.

A garden and amenity area is proposed to the rear, along with a bin store.

A number of trees are proposed to be removed from the rear garden.

This is a revised application following the refusal and subsequent dismissal at appeal of planning application 07/00250/FUL.

#### HISTORY

06/02388/FUL - Demolition of existing house, timber extension and garage and the erection of a block of nine 2no. bed appartments (GR355272/116232) - Application withdrawn 21/9/06.

07/00250/FUL - Demolition of existing dwellinghouse and the erection of ten no. two bedroom flats with associated parking (GR 355272/116232) - Application refused 5/4/07 - Appeal Dismissed 3/12/07.

#### 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:  
VIS1, VIS2, EN4

Somerset and Exmoor National Park Joint Structure Plan  
STR1 (Sustainable Development),  
STR2 (Towns),  
Policy 44 (Cycling),  
Policy 49 (Transport Requirements of New Development)

South Somerset Local Plan (Adopted April 2006)  
ST3 (Development Areas),  
ST5 (General Principles of Development),  
ST6 (The Quality of Development),  
CR2 (Provision of Outdoor Playing Space and Amenity Space in New Development),  
CR3 (Off Site Provision),  
EC8 (Protected Species),

TP1 (New Development and Pedestrian Provision),  
TP7 (Parking Provision in Residential Areas)

## CONSULTATIONS

Area Engineer - "Surface water disposal via soakaways."

Arborist - "I have no objection to the application."

Ecologist - Recommends that a bat and bird survey is undertaken before development commences. But if it is proposed to approve prior to receiving the information, conditions are proposed.

Play and Youth Facilities Officer - Proposes a financial contribution to be made for play facilities within the Sydney Gardens.

Conservation Manager - "There has been much concern locally as to the impact this proposal will have upon the proposed conservation area. However it seems that the application, perhaps regrettably, must be considered in the context of a conservation area not having been designated because I expect the designation only to take place at the April Area South committee.

While I would like to see the existing house, No 21, retained, we have the appeal inspector's decision which makes it clear that she was happy that the proposed design responded favourably to the character and appearance of the area as required by PPS1. This requirement is similar to that in the LB & CA Act and it is therefore not necessarily the case that, even were the CA already designated, we would be on firm ground opposing the proposal on design grounds.

There will, after CA designation, be a need to be very cautious about back land development within the large plots in the area, but this site is a little different in that it faces a public path and the creation of a frontage to this accords with urban design principles.

To conclude therefore I would favour the retention of No 21 and would take that position if the CA had been designated. I cannot totally disagree with the inspector's opinion although there are aspects of the design I consider capable of improvement. The quality of materials, finishes and details will be critical to the realisation of overall quality and must be carefully conditioned to allow us to exercise control."

Somerset County Highways - Previous comments and recommendations equally apply.

Yeovil Town Council -

## REPRESENTATIONS

15 letters of objection have been received. the following comments are raised (summarised).

- Flats out of keeping
- Concerns over increased traffic
- Affect upon street scene

- Proposal out of keeping
- Too many flats in Yeovil
- The existing house should be protected
- Concerns over the lorries with the construction of the flats
- The applicant does not live in The Park and has no interest in its immediate environment, except for material gain.
- This application will be the 'Thin end of the wedge' for further development
- Over-development of the site
- Still concerns over being overlooked
- Sydney Gardens is not suitable for play facilities
- Concerns over flooding
- Two schools are located adjacent to this site
- The new building will dwarf neighbouring buildings

## CONSIDERATIONS

### Appeal Decision

The previous application, 07/00250/FUL, was considered at appeal by the Planning Inspectorate. This application's reason for refusal was; "The area is characterised with large buildings in spacious plots. Having regard to the proposed two storey element (Block B) and the carhouse (Block C), it is considered that the proposal is, an overdevelopment of the site, out of keeping with the character of the surrounding area. This results in demonstrable harm to residential amenity by reason of overlooking, adverse impact upon the existing footpath through creating a sense of enclosure and inadequate space to provide an appropriate level of amenity space. As such the proposal is contrary to Policies ST5 and ST6 of the adopted South Somerset Local Plan (2006)." However, this application was dismissed at appeal for one reason, this related to the overlooking of the rear garden of No 19 The Park.

### Character of the Area

The dwelling is not listed nor within a Conservation Area, but this area is of high architectural merit with a number of important buildings. However, the Conservation Manager has recently written a report to Area South proposing the designation of The Park as a Conservation Area. As this has not been formally designated this can only be given little weight. It is also considered that the proposed building would respect the character of the area.

### Highways

10 car parking spaces are proposed including 6 within the carhouse. A large cycle store is also proposed on the site. The highways authority do not have an objection to this parking number due to its close proximity to the town centre, schools and shops. They have also not raised an objection to highway safety nor the potential increased traffic.

### Residential Amenity

The neighbouring property to the east has objected to the scheme due to overlooking of their rear garden. The agent has shown on the submitted drawings that this would be minimised by an existing garage in the neighbour's garden. Due to concerns over the overlooking of the windows in the gable elevation, it was proposed to partially obscure them. Confirmation has been received from the agent that the whole of the windows can be obscured to overcome the concerns over overlooking.

#### Trees/Landscaping

There are trees within the rear garden area which the arborist considers can be removed. However, substantial replacement trees need to be provided to minimise their loss.

#### Bat / Bird Survey

A survey has not been submitted to the local authority following the advice of the ecologist. The agent states that an approval has a 3 year implementation period and works could start 3 years after a bat survey was carried out. If this was conditioned then an up to date bat survey would be carried out prior to works commencing. On this basis and in considering that bats are protected in their own right under separate legislation, it is considered that a bat / bird survey can be conditioned.

#### Off Site Contributions

The consultations of the open spaces officer and the leisure facilities officer are considered appropriate in regard to off site contributions in accordance with policy. These payments would need to be secured through a Section 106 agreement. In the appeal decision the inspector said, "Whilst I note concerns about the impact on the formal character of the gardens I consider that this character is sufficiently robust to accommodate the scale and nature of equipment envisaged."

#### Too many flats / Covenants

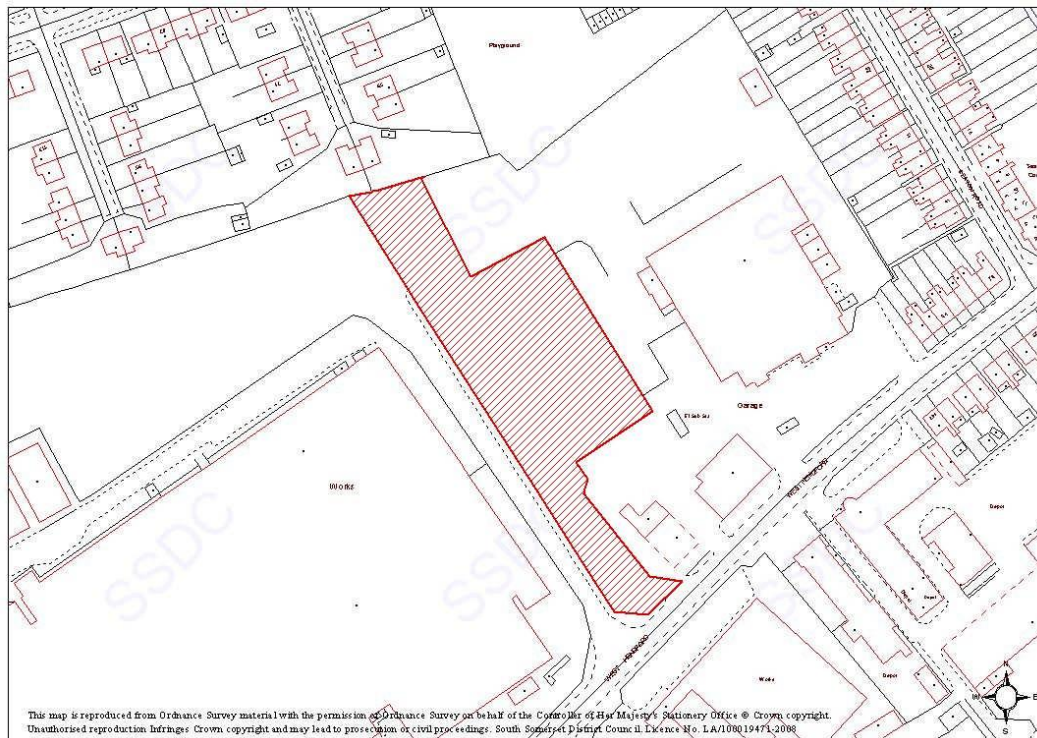
It is not for the planning department to determine market trends in relation to residential department. If the development is appropriate on the site then it can be agreed. However, planning law does not override other legal requirements such as covenants but this is not a material planning consideration when determining this application.

The comments of Yeovil Town Council are invited.

#### 4. Officer Report On Planning Application: 08/00358/FUL

Site Address:	Former Seatons Garage West Hendford Yeovil
Ward :	Yeovil (South)
Proposal :	The re-roofing of existing former commercial vehicle workshop and change of use to Use Class B1/B8 and D1 (GR 354941/115608)
Recommending Case Officer:	
Target date :	14th March 2008
Applicant :	Abbey Manor Group Ltd
Type :	Other Change Of Use

#### SITE DESCRIPTION AND PROPOSAL



This application forms part of the wider Seaton's site which was granted planning permission for redevelopment with this building retained to provide employment uses for B1/B8 use and a convenience store. The current proposal is to use the whole building as a skills training base for use by Paragon Skills who currently operate from offices in West Hendford. The premises will predominantly be used for motor engineering training for small groups of students. The information submitted indicates that there will be 22 staff employed at the premises with a maximum of about 60 students per day in small classes of about 12 students.

The building is proposed to be re-clad in sheeting with a buff brick plinth as the existing building would not comply with current building regulations. There will be no windows on the north or west elevations which face towards the adjoining housing site. Parking provision for 41 spaces plus 8 disabled person spaces are proposed together with a covered cycle rack. Access is provided separate from the housing scheme using the existing vehicular access to the building.

#### HISTORY

Previous use as part of Seaton's Garage.

05/00687/COU Alterations to access and the change of use of the existing building used for vehicle repairs (Use Class B2) and subdivision to form 3 units for B1 or B8 use and a convenience store together with associated parking. Granted November 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,

#### Relevant Development Plan Documents

Regional Spatial Strategy: Vis 1 Vis 2

Somerset and Exmoor National Park Joint Structure Plan STR1

South Somerset Local Plan (Adopted April 2006) ST5 ST6 ME6

#### CONSULTATIONS

Technical Engineer; No Comments

County Highways: This application relates to a site which has been the subject of previous planning proposals e.g. 05/00687/COU relating to the use for three units of B1\_B8 and a convenience store. I understand this application was approved with conditions with no highway objection being raised at that time (although various areas of concern were expressed with regard to the adjacent residential development). The present application seeks to replace the convenience store with a training centre of a similar size and I consider that the revised proposal is unlikely to result in any significant increase in traffic resulting from the site. Consequently I have no objection in principle to the proposed development. However, I would recommend that Conditions be attached to any consent relating to parking, turning surfacing and cycle parking.

Having regard to the adjacent low cost residential development which was recently approved to the east of the application site I would recommend that a full height screen wall or fence be provided on the boundary of the site with the proposed estate road to avoid any inconsiderate or illegally parked vehicles within the new estate road. The submitted plan will therefore need to be revised and the bollards hereby shown replaced with the aforementioned wall/screen.

Economic Development Officer: This site is at present vacant employment land within Yeovil and the principle of bringing back into employment purposes, I feel is acceptable even within D1. Paragon training, the proposed occupier of the site provides essential training services within the District and employ some 20 staff themselves. From an Economic Development point of view, we should be trying to retain this business in Yeovil. The fact that the distance from their previous location is minimal will help this process. I raise no objections from an economic development point of view to the change of use to D1 for this specific organisation.

#### REPRESENTATIONS

None received

#### CONSIDERATIONS

Policy: Is use of part of the premises as a training facility acceptable in policy terms\_

Materials: are the proposed materials acceptable\_

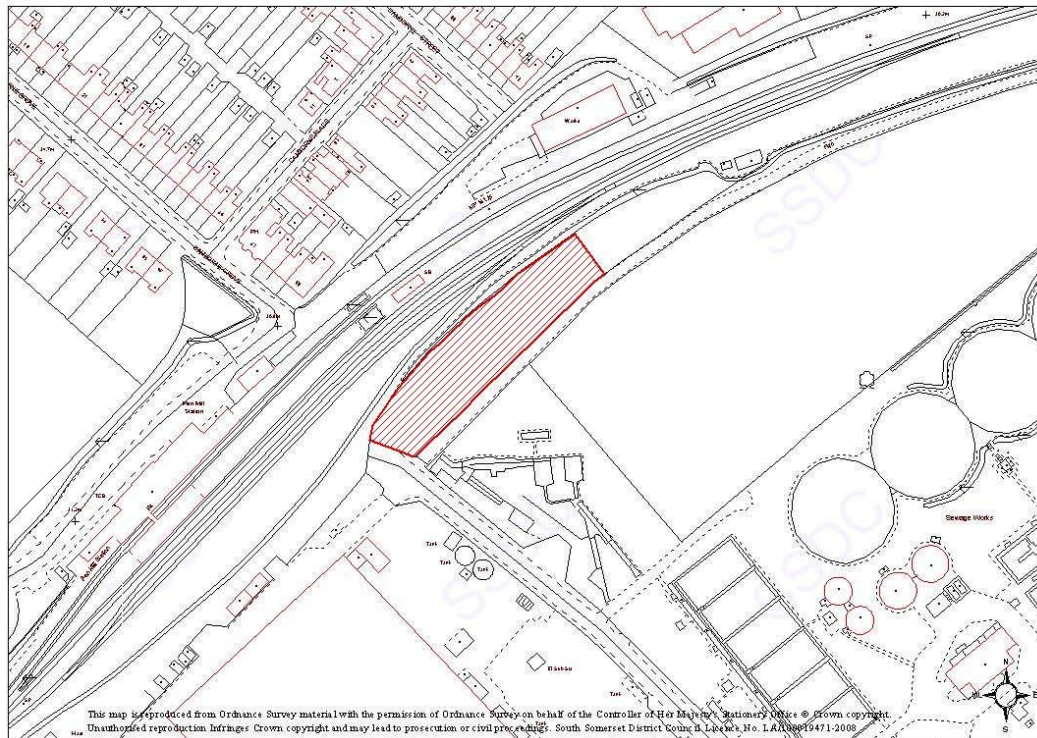
Parking and Access: Are these adequately provided\_

RECOMMENDATION the views of the Town Council are invited.

## 5. Officer Report On Planning Application: 08/00460/COU

Site Address:	Flushing Meadow Sherborne Road Yeovil
Ward :	Yeovil (East)
Proposal :	Change of use of land for the storage of plant and machinery, vans, lorries, tools and containers in connection with plant hire business. GR (357095/116341)
Recommending Case Officer:	Greg Lester
Target date :	3rd April 2008
Applicant :	David Scanes
Type :	Other Change Of Use

### SITE DESCRIPTION AND PROPOSAL



The application site is located within the development area for Yeovil and is within an area currently characterised by both industrial and commercial use. The site is located to the end of Flushing Meadow, opposite a leather factory and adjacent to a water treatment plant. Beyond the site to the North, beyond existing tree planting, lays an open area of land. A footpath runs between the water treatment works and the site, where the majority of the boundary is planting with evergreen hedging.

Along the eastern boundary the site abuts a railway line, with residential properties lying on the opposite side of the railway line. The eastern boundary of the site has existing tree planting standing in excess of 4-metres.

An existing access road serving the other properties on Flushing Meadow will also provide access to the proposed development.

#### HISTORY

852441 - The use of land as a vehicle depot, erection of a store and office/WC and the installation of a fuel tank - Approved; January 1986

911588 - The installation of a waste transfer facility - Deemed approved August 1991

#### 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:

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

EN4 - Quality in the Built Environment

Somerset and Exmoor National Park Joint Structure Plan

STR1 - Sustainable Development

Policy 39 - Transport and Development

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006)

ST3 - Development Areas

ST5 - Principle of Development

ST6 - Quality of Development

EP2 - Pollution and Noise

EP9 - Control of Other Potentially Polluting Uses

POLICY ST5. Development proposals should:

Be accessible/sustainable and reduce the need to travel

Make efficient use of land and give priority to the use of recycled land and appropriate sites.

Respect the form, character and setting of the locality.

Make provision for a satisfactory access and resultant traffic can be accommodated on the local highway network.

Make provision for the necessary infrastructure to service the proposal.

POLICY ST6. Development proposals should:

Not result in the loss of important gaps or open spaces.

Cause harm to the built environment

Is of a density, scale, mass, height and proportion that respects and relates to the character of the area.

Not unacceptably harm the residential amenity of adjacent residents.

EP2. Development proposals should:

Not result in detrimental harm to noise sensitive developments in the vicinity

#### CONSULTATIONS

SSDC Technical Services - No comment

County Highways - Further information re traffic movements requested

Town/Parish Council - TBA

SSDC Environmental Protection Officer - Awaiting comments

SSDC Rights of Way Officer - Awaiting comments

Wessex Water - Awaiting comments

#### REPRESENTATIONS

None received.

#### CONSIDERATIONS

The key considerations in this case are:

- Principle of development

- Siting

- Access and parking arrangements

- Impact on residential amenity

- Impact on character of area

- Will the development result in detrimental harm to neighbouring occupiers through the generation of noise and/or other sources of pollution?

- Are the existing access arrangements adequate to service the site?

#### RECOMMENDATION

The observations of the Town Council are invited.

## PLANNING DECISIONS

07/05536/FUL The erection of a double garage and boundary fencing at 49 Yew Tree Close Yeovil Somerset BA20 2PB. Applicant: Mr S Burroughes.

**WITHDRAWN**

07/05666/FUL The erection of an extension to rear of bungalow and the relocation of timber garage at 30 Beaconfield Road Yeovil Somerset BA20 2JN. Applicant: Mr and Mrs J Richards.

**APPROVED** subject to conditions

07/03680/FUL Erection of first floor extension at 51 Southwoods Yeovil Somerset BA20 2QQ. Applicant: Mr and Mrs Wilkin

**APPROVED** subject to conditions

07/05440/FUL Demolition of existing rear garage and erection of 1 no. detached bungalow and garage and new garage to serve existing dwelling at Land rear of 99 West Coker Road Yeovil Somerset BA20 2JQ. Applicant: Mr and Mrs Reid

**APPROVED** subject to conditions

07/05476/FUL The Conversion of a Terraced house into 2 flats at 31 Glenville Road Yeovil Somerset BA21 5AF. Applicant: Mr B White

**APPROVED** subject to conditions

07/05682/FUL The erection of a smoking shelter and formation of a decking area and new access door from the bar area at Coopers Mill Brunswick Street Yeovil Somerset BA20 1QZ. Applicant: Greene King Pub Co

**APPROVED** subject to conditions

07/05694/LBC Installation of Air Conditioning condenser, demolition of existing attached studio flat toilet to create access to the main building at 10 Sherborne Road Yeovil Somerset BA21 4HA. Applicant: Mr Steve Frampton.

**WITHDRAWN**

08/00016/FUL The erection of a conservatory at 6 Lower Turners Barn Lane Yeovil Somerset BA20 2JH. Applicant: Ms M O'Donnell.

**APPROVED** subject to conditions

08/00017/FUL The installation of an ATM and secure room at Yeovil College Mudford Road Yeovil Somerset BA21 ADR. Applicant: Lloyds TSB Bank Plc.

**APPROVED** subject to conditions

08/00031/ADV The display of an internally illuminated fascia sign/ATM Collar at Yeovil College Mudford Road Yeovil Somerset BA21 AD. Applicant: Lloyds TSB Bank Plc.

**APPROVED** subject to conditions

08/00033/FUL change of use and refurbishment of mill buildings, demolition and replacement of existing steel portal framed building and extension to provide a total 9 apartments at Chudleighs Mill Sherborne Road Yeovil Somerset BA21 5BQ. Applicant: TST Properties (Bath) Ltd

**APPROVED** subject to conditions

08/00040/FUL The installation of roof plant equipment at Marks and Spencer Plc 5-9 Middle Street Yeovil Somerset BA20 1LE. Applicant: Marks and Spencer Plc.

**APPROVED** subject to conditions

08/00050/FUL The erection of a two storey extension to dwellinghouse at 7 Beaconfield Road Yeovil Somerset BA20 2JW. Applicant: Mr M Bowles and Ms N Margetts.

**APPROVED** subject to conditions

**REPORT TABLE FOR TOWN COUNCIL 10 MARCH 2008**

<b><u>APPLICATION NO.</u></b>	<b><u>LOCATION</u></b>	<b><u>PROPOSAL</u></b>	<b><u>OBJECTIONS</u></b>	<b><u>CONSIDERATIONS</u></b>
08/00889/ADV	1A Princes Street, Yeovil	The display of a non-illuminated fascia sign.	Verbal consultation with SSDC Conservation Officer – Recommends refusal on the grounds that sign will have an adverse impact on the character and appearance of the listed building.	<ul style="list-style-type: none"> <li>• Are the signs in keeping with the character of the area in terms of siting, design, materials, illumination, scale and number?</li> <li>• Do the signs prejudice public safety?</li> <li>• Do the signs have an adverse impact upon the setting, character or appearance or views in or out of the conservation area?</li> <li>• Do the signs have an adverse impact upon the setting, character or appearance of the listed building?</li> </ul>
08/00373/LBC	Flat 3, 1 Penn Hill, Yeovil	Replace existing front door and paint external face white to match other external joinery (Part Retrospective)	None received to date	<ul style="list-style-type: none"> <li>• Does the proposal have an adverse impact on, or adversely affect, the architectural and/or historic interest of the Listed building or its setting?</li> </ul>
08/00530/ADV	Land at Lysander Road Roundabout, Western Relief Road, Yeovil	The display of a non illuminated 'V' shaped advertising board	None received to date	<ul style="list-style-type: none"> <li>• Are the signs in keeping with the character of the area in terms of siting, design, materials, illumination, scale and number?</li> <li>• Do the signs prejudice public or highway safety?</li> </ul>
08/00830/FUL	52, Mudford Road, Yeovil	Loft conversion including flat roof dormer	None received to date	<ul style="list-style-type: none"> <li>• Does the proposal have an adverse impact on residential amenity?</li> <li>• Does the proposal have an adverse impact on the character of the area?</li> <li>• Is the siting and design of the proposal appropriate?</li> </ul>