



# Yeovil Town Council

**Town House  
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## Planning and Licensing Committee

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

The Time... **7.00pm**

The Date... **Monday 16 March 2009**

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

10 March 2009

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

To: All Members of the Planning and Licensing  
Committee

J Vincent Chainey

Philip Chandler (Chairman) (Ex-officio)

Clive Davis (Vice-Chairman)

Julian Freke

Pete Goodman

John Grana

Simon Hester

Tom Parsley

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 2 March 2009.

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 12)

5. **PLANNING DECISIONS** (Pages 13 to 19)

6. **CORRESPONDENCE**

7. **FINANCIAL STATEMENT FOR PERIOD ENDING 31 JANUARY 2009**

To consider the Financial Statement for the period 1 December 2008 to 31 January 2009 attached at pages 20 to 25.

	<b>Application No</b>	<b>Proposal</b>	<b>Address</b>
1	09/00499/COU	The change of use of room from hairdressing salon to a tattoo studio. (GR 356036/115927)	84A Middle Street Yeovil Somerset
2	09/00530/FUL	Demolition of existing extensions and the erection of a side and rear extension to dwellinghouse (GR 355066/116309)	2 West Park Yeovil Somerset
3	08/05220/FUL	Demolition of existing garage and the construction of a ground floor flat with maisonette over (GR 354957/115844)	Garage Adjoining 93 Beer Street Yeovil

**PLANNING MEETING**  
**MONDAY 16 MARCH 2009**

**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

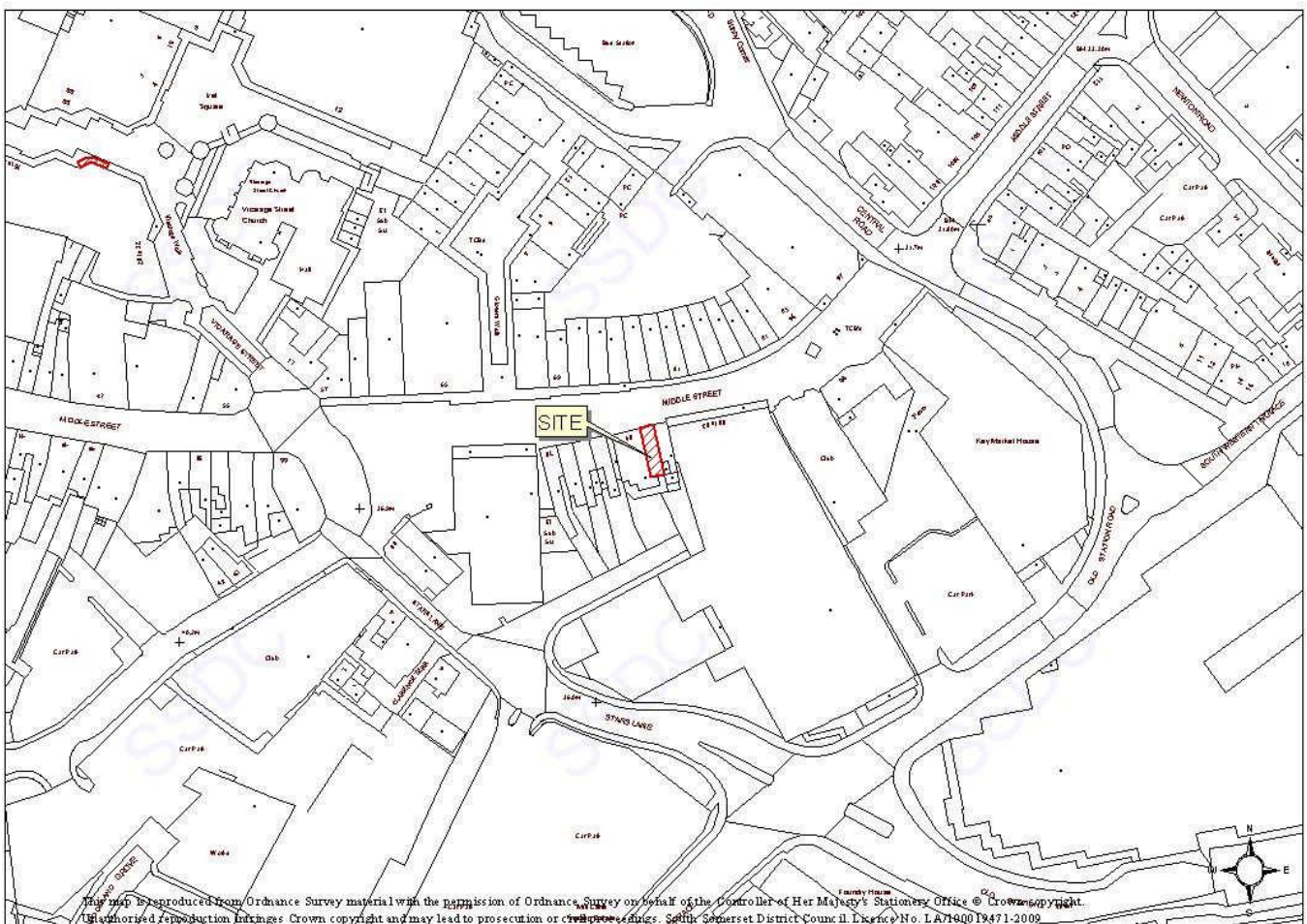
## LEVEL 3 APPLICATIONS

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: 09/00499/COU

Site Address:	84A Middle Street Yeovil Somerset
Ward :	Yeovil (Central)
Proposal :	The change of use of room from hairdressing salon to a tattoo studio. (GR 356036/115927)
Recommending Case Officer:	Andrew Collins
Target date :	30th March 2009
Applicant :	Mr Damian Cain
Type :	Other Change Of Use

### SITE DESCRIPTION AND PROPOSAL



The property is located within the development area of Yeovil. The three-storey premise is located at the lower end of middle Street in Yeovil and is currently used as a hairdressers A1 (Shops). Surrounding the premises is a range of mixed-use premises with retail the predominant street frontage.

The application is seeking planning permission for a change of use of a first floor room to a tattoo studio. Access to the studio would be via the existing hairdressers and is proposed to be open from Monday to Friday 10 - 6 and on Saturday between 9 and 6.

## **HISTORY**

97/00036/R3C - Change of use of first and second floors from Use Class A1 (Shop) to D1 (Training Centre), Change of use of part of ground floor from A1 (Shop) to A3 (Coffee Bar), use of remainder of ground floor as existing A1 use (GR 560/159) - Reg3 COUNTY permitted with conditions - 11/03/1997

06/01151/COU - Change of use of first and second floors from D1 (Non-Residential Institution) to A1 (Shops) (GR: 356036/115927) - Application permitted with conditions - 26/07/2006

## **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:

VIS1

VIS2

EN4

Somerset and Exmoor National Park Joint Structure Plan

STR1 (Sustainable Development)

STR4 (Development in Towns)

Policy 48 (Access and Parking)

Policy 49 (Transport Requirements of New Development)

South Somerset Local Plan (Adopted April 2006)

ST3 (Development Areas)

ST5 (General Principles of Development)

ST6 (Quality of Development)

MC4 (Other Uses in Town Centres)

## **CONSULTATIONS**

Area Engineer - "No comment"

Building Control - "Building Regulations not applicable."

Somerset County Council - Highways - "No observations"

Yeovil Town Council -

## **REPRESENTATIONS**

None received.

## **CONSIDERATIONS**

- Impact upon street scene
- Effect upon residential amenity
- Loss of shop use for this 1st floor room

The comments of Yeovil Town Council are invited.

## **2. Officer Report On Planning Application: 09/00530/FUL**

Site Address:	2 West Park Yeovil Somerset
Ward :	Yeovil (West)
Proposal :	Demolition of existing extensions and the erection of a side and rear extension to dwellinghouse (GR 355066/116309)
Recommending Case Officer:	
Target date :	2nd April 2009
Applicant :	Mr David Pinkett
Type :	Other Householder - not a Change of Use

### **SITE DESCRIPTION AND PROPOSAL**



The property is semi-detached two storey house located in the residential area of West Park within both a conservation area and the development area of Yeovil. The property is constructed from red brick with white UPVC windows and doors under a tiled roof. The surrounding properties are of varying age and architectural style. The property is set within good sized gardens and currently benefits from a small lean to side extension which is attached to a large garage with a further lean to extension attached to the rear of the garage, currently being used as a store.

The proposal is to demolish all the existing extensions and replace them with a new single storey side extension attached to a new garage with a further single storey lean to extension on the rear elevation. The proposed extensions will be constructed from materials to match the existing house. The proposed side extension and garage on the east elevation will be the same width, 4.7 metres, as the existing arrangement. The length of the proposed garage will be reduced by approximately 2.5 metres to approximately 6 metres. The proposed rear extension will protrude approximately 4.5 metres from the rear north elevation and will be approximately 5.9 metres wide and approximately 5 metres at its highest. The rear extension will have a long pitched lean to roof with 2 rooflights proposed in the north elevation. The west elevation of the proposed rear extension will be predominantly glazed.

## **HISTORY**

None recent.

## **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

South Somerset Local Plan (Adopted April 2006)

ST5- General Principles of Development

ST6- Quality of Development

EH1 - Conservation Areas

## **CONSULTATIONS**

SSDC Technical Services - No comment

SCC Highways - No observations

SSDC Conservation Officer - No response to date.

## **REPRESENTATIONS**

Six neighbours were notified, a site notice put up and an advert placed in the local press. No comments received.

## **CONSIDERATIONS**

In this case the main considerations are Impact on form, character and setting of the area, will this adversely affect the street scene.

Impact on residential amenity.

## **RECOMMENDATION**

The observations of the Town Council are invited.

### **3. Officer Report On Planning Application: 08/05220/FUL**

Site Address:	Garage Adjoining 93 Beer Street Yeovil
Ward :	Yeovil (South)
Proposal :	Demolition of existing garage and the construction of a ground floor flat with maisonette over (GR 354957/115844)
Recommending Case Officer:	Helen Ferdinand
Target date :	3rd March 2009
Applicant :	Mr Stephen Turley
Type :	Minor Dwellings 1-9 site less than 1ha

#### **SITE DESCRIPTION AND PROPOSAL**



A large attached garage on the west side of Beer Street close to the junction with Westland Road.

Planning permission is sought for the demolition of the garage and the erection of two flats. 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. The windows originally proposed in the rear elevation were amended to be glass blocks, and have now been removed altogether. The specification of the front door has also been amended to be timber rather than UPVC.

## **HISTORY**

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

Policy 48: Access and Parking

South Somerset Local Plan (Adopted April 2006)

Policy ST6: Quality of Development

Policy TP7: Residential Parking Provision

## **CONSULTATIONS**

Yeovil Town Council (9 March 2009):

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 reasonable to raise a highway objection, particularly bearing in mind the guidance contained in PPS 3.

Environmental Protection: no comments

## **REPRESENTATIONS**

Five letters of objection received to date. In summary, the concerns raised are as follows:

- loss of off-road parking
- increased pressure for on-street parking
- design in modern and out of character with the street
- inadequate space between the buildings does not allow for future maintenance
- no refuse storage
- proposed porch restricts light
- higher roof line reduces morning light into garden and properties across the road
- loss of privacy from rear windows

- roof extractor may cause noise and odour pollution
- loss of privacy due to future maintenance of outlets, etc.
- where will waste pipes be situated?
- poor fire escape/exit
- parking of builders' vans.

## **CONSIDERATIONS**

This current application was considered by Town Council on 16 February 2009 when it was resolved to “recommend refusal on the grounds of overdevelopment, loss of amenity, loss of privacy, impact on street scene, lack of amenity space for wheelie bins and additional occupants exacerbating existing on-street parking pressure”. In the light of this resolution, the applicant has revised the proposals again to remove all openings on the rear elevation (except for the three roof lights), and amend the front door to be timber rather than UPVC. Therefore the views of Town Council are sought again on the revised proposals.

The subject land lies well within the defined 'development area' of Yeovil and therefore the principle of development is accepted. However, the proposal raises a number of detailed and material planning issues, and the planning history of the site is also very significant. A very similar application was refused in 2005, but allowed on appeal. The grounds for refusal (parking and the impact upon the street scene), together with the impact on residential amenity were considered by the Planning Inspectorate and deemed not to have sufficient weight to refuse the application. Planning policy has not changed since the date of that decision and therefore only the issues raised by the changes to the proposal should be considered:

- 1) overall height of proposed building has been raised by about 20cm
- 2) alterations to the fenestration on the front elevation
- 3) small 'porch' to front added
- 4) additional roof light on rear elevation.

These changes may have implications for the impact of the development on the street scene and residential amenity.

## **RECOMMENDATION**

The views of Yeovil Town Council are invited on the revisions to the application.

## PLANNING DECISIONS

08/03944/FUL Alterations and the erection of a warehouse extension at Asda Stores Ltd Preston Road Yeovil Somerset BA20 2HB. Applicant: Asda Stores Ltd

**APPROVED** subject to conditions

08/04420/FUL The conversion of chip shop and flat above to form 5 self-contained one-bedroom flats at 38 Westfield Road Yeovil Somerset BA21 3DA. Applicant: Mr Bernard Haddrell

**APPROVED** subject to conditions

08/04536/FUL Alterations and conversion of dwelling to 2 no flats at 180 Sherborne Road Yeovil Somerset BA21 4HL. Applicant: H Sabeh

**APPROVED** subject to conditions

08/05054/FUL The siting of security fencing (Retrospective) at Unit 5 to 9 Barlett Park Gazelle Road Lynx Trading Estate Yeovil Somerset BA20 2PJ. Applicant: Beales Plc (Trevor Jones)

**APPROVED** subject to conditions

09/00015/FUL The erection of a garden room and veranda at 60 Marsh Lane Yeovil Somerset BA21 3BX. Applicant: Mr Roy Hannam

**APPROVED** subject to conditions

09/00019/TEA The erection of a 12m high streetworks pole, a tri-sector antenna (shrouded), an equipment cabinet, a lucy mains pillar and ancillary works at Land at Pickett Lane Marsh Lane Yeovil Somerset BA21 3BX. Applicant: Vodafone Ltd

**NO OBJECTIONS**

09/00039/FUL Alterations to existing roof and the erection of a single storey rear extension (Revised application) at 16 Watercombe Lane Yeovil Somerset BA20 2ED. Applicant: Mr P Latham

**APPROVED** subject to conditions

Note:

**Highlighted** Planning Decisions: Decision of District Council differs from Yeovil Town Council Recommendation.

For YTC



**South Somerset District Council**

The Council Offices, Brympton Way,  
Yeovil, Somerset, BA20 2HT  
Telephone (01935) 462462 Fax (01935) 462299



Website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

**Simon Gale**  
Head of Development and Building Control

RECEIVED 24 FEB 2009

Mr A Tawse (Town Clerk)  
The Town House  
19 Union Street  
Yeovil  
Somerset  
BA20 1PQ

Date: 10 February 2009  
Your Ref:  
Our Ref: 08/03944/FUL  
Ask For: Andrew Collins  
Direct Line: 01935 462276  
Email: [Andrew.collins@southsomerset.gov.uk](mailto:Andrew.collins@southsomerset.gov.uk)

Dear Mr Tawse

**Proposal: Alterations and the erection of a warehouse extension**  
**Site: Asda Stores Ltd, Preston Road, Yeovil**  
**Application Ref: 08/03944/FUL**

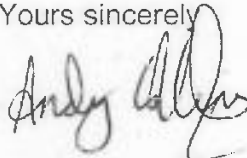
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I refer to the above application received on 16 September 2008 and to your consultation response recommending refusal of the proposal.

I am writing to advise you that the application was recommended for approval as it was considered that the protected trees would not be harmed by the application and the highways authority do not raise an objection on the access.

As the case officer's recommendation did not accord with the views of the Parish Council, the application was referred to the local ward Councillor under the scheme of delegation procedure. The Ward Councillor has accepted the case officer's recommendation and I am therefore writing to advise you that the application has been approved for the reasons stated in the attached officer report.

If you have any queries regarding the above, please do not hesitate to contact me on the above details

Yours sincerely  


**Andrew Collins**  
**Planner**  
**Enc**

## Officer Report On Planning Application: 08/03944/FUL

Site Address:	Asda Stores Ltd Preston Road Yeovil
Ward :	Yeovil (South)
Proposal :	Alterations and the erection of a warehouse extension (GR 353158/116143)
Recommending Case Officer:	Andrew Collins
Target date :	11th November 2008
Applicant :	Asda Stores Ltd
Type :	Minor Retail less than 1,000 sq.m or 1ha

### SITE DESCRIPTION AND PROPOSAL

Asda Superstore is located on the corner of Bunford Lane and Preston Road within the development area. A Tree Preservation Order protects trees on the site. Adjacent the existing entrance is an existing gated service yard.

It is proposed to cover over the existing service yard for use as a warehouse extension of 450m<sup>2</sup> and provide new delivery bays and a new compactor. No additional retail would result as part of this application. The covered area is proposed to be the same height as the existing store. In addition the roof plant is proposed to be relocated. It will be constructed on a brick plinth with metal cladding in white and buff. The doors are proposed to be finished in white.

The existing parking spaces in this area are to be removed and not replaced to provide an adequate turning area. In order to facilitate this larger turning area it is proposed to remove 5 birch trees.

During the course of the application amended plans have been received which have changed the docking arrangement for the lorries. In addition, a tracking plan has been submitted which has tried to address concerns from the Town Council.

### HISTORY

Numerous but most relevant -

04/00914/FUL - The relocation of petrol filling station and the reconfiguration of car park - Application permitted with conditions - 11/06/2008

08/02063/FUL - The installation of a condenser unit (GR 353158/116143) - Application permitted with conditions - 01/07/2008

08/04244/FUL - The demolition of existing petrol filling station, the erection of a replacement filling station, alterations to access road and the reconfiguration/alterations to car park (Revised Application) (GR:353158/116143) - Pending Consideration

### 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)

STR4 (Development in Towns)

Policy 20 (The Retail Framework)

Policy 48 (Access and Parking)

Policy 49 (Transport Requirements of New Development)

South Somerset Local Plan (Adopted April 2006)

ST3 (Development Areas)

ST5 (General Principles of Development)

ST6 (Quality of Development)

EP2 (Pollution and Noise)  
TP2 (Travel Plans)  
TP6 (Non Residential Parking Provision)

## CONSULTATIONS

Area Engineer - "None"

Arborist - Verbally stated that the trees proposed to be removed are not contained within TPO. Provided that the trees on the bank are retained and protected by fencing in accordance with the British Standard does not wish to raise comment.

Environmental Protection Unit - "I read with interest the noise impact assessment report submitted with this application. The methodology used in the report is sound and the conclusions it reaches are reasonable.

The recommendation of the report states that an acoustic barrier should be fitted to provide line of sight protection between the plant and the upper windows of the properties on the north side of Preston Road. I concur with this recommendation.

I recommend approval subject to the following condition.

"The operator shall install an acoustic barrier capable of providing a minimum noise attenuation of 6 dBA to the upper levels of the nearest residential properties. A scheme of works shall be submitted to the LPA for approval prior to the commencement of works."

Somerset County Highways - "I refer to the above planning application received in my Department on 30 September 2008. I also refer to my consultation response dated 21 October 2008 which related to the amended plans for the warehouse doors.

As I intimated during that consultation response, there are issues relating to the traffic signals from Preston Road which need to be addressed prior to any work being commenced on site which could affect the smooth running of the junction. The best way of achieving and securing any work to the signalised junction will be for the applicants to contact Mr Andrew Boyle of the County Councils Traffic Signals Team and this can be outlined in an informative. A Section 278 agreement is essential if any work is carried out which affects the signals. Indeed, if you are considering a S106 agreement for this development, then the County Council would request that it also becomes a signatory to that agreement. This could then include the references to the traffic signal works and the Travel Plan. If your council is not seeking an agreement then it may well be in our best interests to secure these matters through our own agreement with the applicants. Perhaps you may wish to discuss this prior to the application being presented to committee.

There are also matters relating to the Travel Plan which has been submitted with this application and which will need to be considered in order to meet the planning conditions. Further, I understand that members have expressed some concern over the space available to turn HGV delivery vehicles within the loading area. I too share that concern and whilst the new layout improves this situation by the removal of the former car parking area, I would wish to see tracking plans submitted by the applicant's traffic consultants so that servicing can be provided without impacting on the main access road into the store and hence Preston Road.

You will also be aware that your colleague Mrs Marshall is dealing with the application for the revised car parking layout and petrol filling station and that layout seems not to have been incorporated into this application.

In the event of permission being granted, I would recommend that the following conditions are imposed:-

1. No work shall commence on site for the realignment of the internal access road from its junction with Preston Road until a suitable legal agreement to cover design, funding and implementation of the alterations to the existing signalised junction has been submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of highway safety and to ensure that the free flow of traffic on the adjoining highway is not compromised.

2. Further details shall be submitted and approved in writing showing tracking plans of all delivery lorries that will access the site and be accommodated within the servicing area hereby applied for.

Reason: In the interests of highway safety and to ensure that the free flow of traffic on the adjoining highway is not

compromised.

3. The warehouse extension hereby approved shall not be brought into operation until the submitted Travel Plan submitted with the application shall have been approved in writing by the Local Planning Authority.

Reason: To ensure that the operation of the Strategic Road Network is protected and that suitable travel objectives for the site are met and maintained in accordance with Policy TP2 of the adopted South Somerset Local Plan 2006

Informative: The alteration of the access will involve construction works within the existing highway limits and could affect the operation of the Traffic signalised junction. These works must be agreed in advance with Mr Andrew Boyle of the Traffic Signals Team, Somerset County Council. He will be able to advise upon the relevant licenses necessary under the Highways Act 1980 (Section 278)."

On the basis of additional information showing a tracking plan to address concerns from Yeovil Town Council, "The tracking plans appear to be acceptable and have been produced using the appropriate computer plotting programme so I am satisfied with this.

I would however wish to add a further condition relating to the use of the turning area and I give this below and would be grateful if you could add it to my previous consultation response to be included within any grant of planning permission.

The area allocated for the parking and turning of delivery and service vehicles on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted and shall not be used for any temporary structures or pallets whatsoever.

Reason: In the interests of highway safety and to ensure the free flow of traffic on the adjoining highway network.

From reading the email from the applicants, it would appear prudent for all of us that the drawings are formally issued and to be included with the application approved plans."

Ministry of Defence - "We can confirm that the Ministry of Defence has no safeguarding objections to this proposal."

Yeovil Town Council - "Recommend refusal due to loss of TPO trees and no details / lack of vehicle turning into service yard."

## REPRESENTATIONS

None received.

## CONSIDERATIONS

### Principle / Design

In considering the location and design of the proposals they are considered to be acceptable and not adversely affect visual amenity.

### Highways

Details of the loading area have been supplied with the provision of a swept path analysis showing suitable turning and access into the site. The Highways Authority do not have any objections to this arrangement. They also don't object to the workings on and off the site subject to conditions outlined above.

### Effect upon residential amenity - noise of compactor / roof plant,

The Environmental Protection Officer has examined the noise impact assessment report and agrees with the conditions that it reaches. Subject to the provision of a acoustic barrier, which can be conditioned do not object to the application.

### Trees

The Council's Arborist do not object to the removal of the birch trees provided that the other trees are protected. This can be conditioned to ensure that the remaining trees at the entrance are retained.

## RECOMMENDATION

Grant permission

01. In considering the location and design of the proposals they are considered to be acceptable and not adversely affect visual amenity. The proposals do not affect highway safety, subject to an acoustic barrier would not cause any demonstrable harm to residential amenity and not adversely affect the protected trees on the site. As such the proposal is in accordance with Policies ST5, ST6 and EP2 of the adopted South Somerset Local Plan 2006.

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development shall be carried out in accordance with amended drawing 07.0207.01.A(00)05A received on 13 October 2008.

Reason: To avoid confusion as to the approved plans.

03. The materials for the development hereby granted permission shall be in accordance with the details specified in the application form.

Reason: In the interests of visual amenity in accordance with Policy ST6 of the adopted South Somerset Local Plan 2006.

04. No works shall be undertaken unless a scheme of works for the acoustic barrier as identified in the Noise Impact Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The acoustic barrier should be capable of providing a minimum noise attenuation of 6 dBA to the upper levels of the nearest residential properties. The acoustic barrier should be installed in accordance with the approved details and thereafter retained.

Reason: To avoid disturbance to nearby residential properties in accordance with Policy EP2 of the adopted South Somerset Local Plan 2006.

05. No works shall be undertaken (including site clearance and any other preparatory works) unless a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:1991. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 8 and detailed in figures 4 and 5 of B.S.5837:1991.

Reason: To ensure the enhancement of the development by the retention of existing protected trees in accordance with BS 5837 and natural features during the construction phase in accordance with Policy ST6 of the adopted South Somerset Local Plan.

06. No burning of materials shall take place where it could cause damage to any tree or tree group.

Reason: To ensure the enhancement of the development by the retention of existing protected trees in accordance with BS 5837 and natural features during the construction phase in accordance with Policy ST6 of the adopted South Somerset Local Plan.

07. The warehouse extension hereby approved shall not be brought into operation until the submitted Travel Plan submitted with the application shall have been approved in writing by the Local Planning Authority.

Reason: To ensure that the operation of the Strategic Road Network is protected and that suitable travel objectives for the site are met and maintained in accordance with Policy TP2 of the adopted South Somerset Local Plan 2006

08. The area allocated for the parking and turning of delivery and service vehicles on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted and shall not be used for any temporary structures or pallets whatsoever.

Reason: In the interests of highway safety and to ensure the free flow of traffic on the adjoining highway network in accordance with Policy 48 of the Somerset and Exmoor Joint Structure Plan

**Informatives:**

01. The applicant is advised of the need to enter into a S278 legal agreement with the local highway authority to secure the design, construction and funding of the off-site traffic light works. Such legal agreement must be signed and sealed prior to the commencement of the development hereby permitted.
02. The alteration of the access will involve construction works within the existing highway limits and could affect the operation of the Traffic signalised junction. These works must be agreed in advance with Mr Andrew Boyle of the Traffic Signals Team, Somerset County Council. He will be able to advise upon the relevant licenses necessary under the Highways Act 1980 (Section 278)