



# Yeovil Town Council

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## Planning and Licensing Committee

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

The Time... **7.00pm**

The Date... **Monday 30 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

24 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 16 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 3 to 12)

5. **AMENDED PLANS** (Pages 12 to 21).

6. **PLANNING DECISIONS** (Page 22)

7. **CORRESPONDENCE**

8. **TOWN AND COUNTRY PLANNING ACT 1990**  
**THE ERECTION OF A TEMPORARY ELLOTT CLASSROOM BUILDING TO**  
**REPLACE EXISTING ELLIOTT BUILDING ON LAND AT MILFORD INFANTS**  
**SCHOOL, GLENTHORNE AVENUE, YEOVIL, SOMERSET, BA21 4PG (GRIF**  
**REF: 3565702-117249)**  
**REFERENCE: 09/01047/R3C**

To consider the above application (design and access statement attached at page 23).

9. **DORSET COUNTY COUNCIL**  
**PLANNING APPLICATION: 1/3/2009/0380**  
**LOCATION: YEOVIL GOLF CLUB, SHERBORNE ROAD, BRADFORD**  
**ABBAS, SHERBORNE, DORSET**  
**DEVELOPMENT PROPOSED: TIPPING OF SOILS TO ALLOW THE RE-**  
**SHAPING OF AREA ADJACENT TO 17TH GREEN TO REMOVE BANKING**

To consider the above application (plan attached at page 24).

10. **STREET TRADING APPLICATIONS**

**(a) Sale of Thai Food**

To consider the report of the Assistant Town Clerk attached at page 25.

**(b) Sale of Fruit and Vegetables**

To consider the report of the Assistant Town Clerk attached at page 26.

**(c) Charity Oddments Theatre**

To consider the report of the Assistant Town Clerk attached at pages 27 and 28.

	<b>Application No</b>	<b>Proposal</b>	<b>Address</b>
1	09/00466/FUL	The provision of an enlarged rooflight to flat 7 (GR 354935/114929)	Dorchester Court Dorchester Road Yeovil
2	09/00640/FUL	The erection of a garage, car port and garden shed (GR 354451/114821)	2 Yew Tree Close Yeovil Somerset
3	09/00748/FUL	Demolition of existing lean-to conservatory and the erection of a replacement hipped roof conservatory (Revised application) (GR 357244/117302)	249 St Johns Road Yeovil Somerset

### **AMENDED PLANS**

	<b>Application No</b>	<b>Proposal</b>	<b>Address</b>
1	08/04929/COU	Change of use from industrial warehouse to indoor sports facility (GR: 357642/117052)	Unit 4 33 Oxford Road Pen Mill Trading Estate
2	09/00101/FUL	Installation of raised decking area with umbrella and the formation of new covered area to garden. (GR: 356418/117032)	The Green Dragon St Michaels Avenue Yeovil

**PLANNING MEETING**  
**MONDAY 30 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: 09/00466/FUL**

Site Address:	Dorchester Court Dorchester Road Yeovil
Ward :	Yeovil (South)
Proposal :	The provision of an enlarged rooflight to flat 7 (GR 354935/114929)
Recommending Case Officer:	Diana Watts
Target date :	14th April 2009
Applicant :	Richards Rooflines Ltd
Type :	Other Householder - not a Change of Use



### **SITE DESCRIPTION AND PROPOSAL**

The site lies on the south side of Yeovil and on the northern side of the Dorchester Road between Home Ground and Tytherleigh (both detached houses in spacious plots). The previously existing bungalow Homeleigh was demolished and replaced with a building containing 7 x 2 bed apartments, granted planning permission in 2007 .

This application seeks permission for a rooflight on the front elevation, a larger rooflight in place of one of the two rooflights previously approved here. It serves a staircase.

## HISTORY

Outline permission was granted for residential development to the rear of Home Ground, Homelea and Tytherleigh (05/00893/OUT)

Demolish existing bungalow and erect block of 8 apartments - refused permission on 17 August 2007 (07/03064/FUL)

Demolition of existing dwelling and erection of 7 apartments - approved 2007 07/03064/FUL

## 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 - Expressing the Vision

VIS 2 - Principles for Future Development

EN4 - Quality in the Built Environment

Somerset and Exmoor National Park Joint Structure Plan

STR1 - Sustainable Development

STR4 - Development in Towns

49 - Transport Requirements of new development

South Somerset Local Plan (Adopted April 2006)

ST6 - Quality of Development

ST5 - General Principles for Development

TP7 - Residential parking provision

## CONSULTATIONS

County Highway Authority - no observations

Technical - no comment

## REPRESENTATIONS

Neighbouring properties have been notified and no representations have been received to date.

## CONSIDERATIONS

The main issues are :

1. Visual Impact:

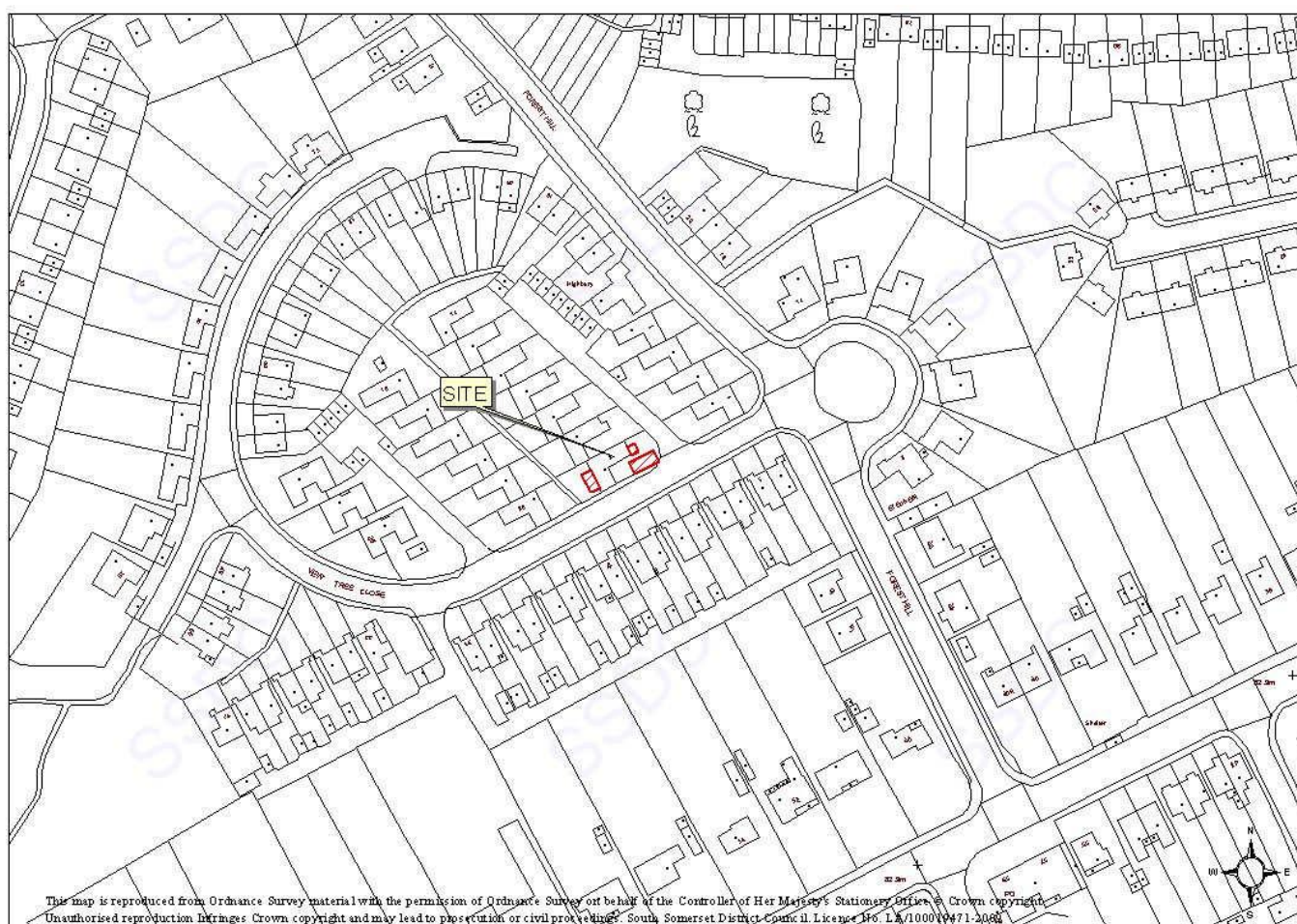
2. Residential Amenity:

## RECOMMENDATION

Yeovil Town Council's comments are invited

## **2. Officer Report On Planning Application: 09/00640/FUL**

Site Address:	2 Yew Tree Close Yeovil Somerset
Ward :	Yeovil (South)
Proposal :	The erection of a garage, car port and garden shed (GR 354451/114821)
Recommending Case Officer:	Sam Fox
Target date :	13th April 2009
Applicant :	Mrs Mary Dawe
Type :	Other Householder - not a Change of Use



### **SITE DESCRIPTION AND PROPOSAL**

The property is a single storey attached dwellinghouse within the development area of Yeovil. The property is of brick construction with white UPVC windows and doors under a tiled roof. The surrounding properties are a mix of single storey and two storey terraced and semi-detached of similar age and style.

The proposal is to erect a garage, carport and shed. The proposed garage and shed will be sited to the rear north east side of the property whilst the proposed carport will be sited on the front south west elevation. The proposed garage will be of brick construction, the proposed shed will be of timber construction and the carport is of open design with steel post supports under a fibreglass roof.

## 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

## CONSULTATIONS

SSDC Technical Services - No comment

SCC Highways - No objections providing the following condition is imposed

'Any gates or doors to be erected shall open inwards and should not open over or onto any adjoining public highway/footway'.

## REPRESENTATIONS

Three neighbours were notified, no comments received.

## CONSIDERATIONS

In this case the main issues to be considered are:

Impact on form, character and setting of local area and street scene

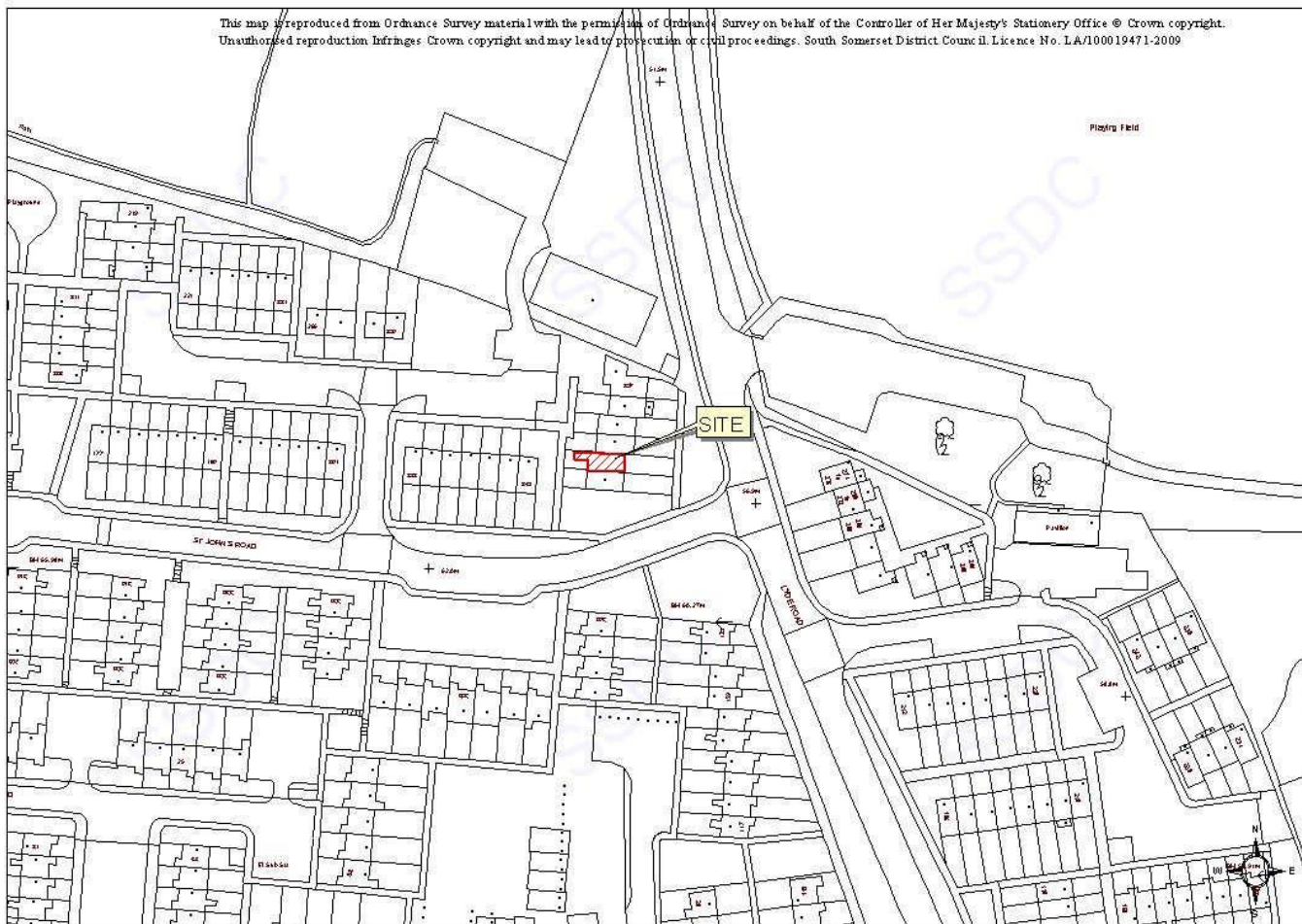
Impact on residential amenity

## RECOMMENDATION

The observations of the Town Council are invited.

### **3. Officer Report On Planning Application: 09/00748/FUL**

Site Address:	249 St Johns Road Yeovil Somerset
Ward :	Yeovil (East)
Proposal :	Demolition of existing lean-to conservatory and the erection of a replacement hipped roof conservatory (Revised application) (GR 357244/117302)
Recommending Case Officer:	Sam Fox
Target date :	17th April 2009
Applicant :	Mr Jason Purchase
Type :	Other Householder - not a Change of Use



## SITE DESCRIPTION AND PROPOSAL

The property is a two storey terraced house located on the north side of St Johns Road and the west side of Lyde Road and within the development area of Yeovil. The property is of red brick construction with white UPVC windows and doors under a tiled roof. The surrounding properties are of similar age and design.

This is a revised application to demolish an existing lean to conservatory and erect a replacement hipped roof conservatory. The proposed conservatory will be of red brick construction to match the main dwellinghouse with white UPVC units under a glass roof. The existing lean to conservatory measures approximately 4.1 metres wide, 2.1 metres deep and 2.5 metre high, the proposed replacement will measure approximately 5 metres wide, 4.1 metres deep and 2.9 metres high.

## HISTORY

08/05348/FUL - Demolition of existing lean to conservatory and the erection of a replacement hipped roof conservatory. Application withdrawn.

08/02345/FUL - The erection of a front porch. Application permitted with conditions.

08/01145/FUL - The erection of a front porch. Application refused.

## 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  
EN3 - 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

#### CONSULTATIONS

SSDC Technical Services - No comment  
SCC Highways - No observations

#### REPRESENTATIONS

Three neighbours were notified, no comments received.

#### CONSIDERATIONS

In this case the main considerations are;  
Impact on form, character and setting of the area  
Impact on residential amenity

#### RECOMMENDATION

The observations of the Town Council are invited

#### **AMENDED PLANS - FOR INFORMATION**

**Original Case Officer's report from 19 January 2009**

#### **3. Officer Report On Planning Application: 08/04929/COU**

<b>Site Address:</b>	<i>Unit 4 33 Oxford Road Pen Mill Trading Estate</i>
<b>Ward :</b>	<i>Yeovil (East)</i>
<b>Proposal :</b>	<i>Change of use from industrial warehouse to indoor sports facility (GR: 357642/117052)</i>
<b>Recommending Case Officer:</b>	<i>Andrew Collins</i>
<b>Target date :</b>	<i>2nd February 2009</i>
<b>Applicant :</b>	<i>Mr Simon Trim (PAMFA)</i>
<b>Type :</b>	<i>Other Change Of Use</i>

## SITE DESCRIPTION AND PROPOSAL



*The property is located within the development area of Yeovil. The property is an existing vacant industrial unit located on the Penn Mill Trading Estate.*

*Certificate B has been served on the current owners of the building. Planning permission is being sought to convert the unit into an indoor sports facility. Internally this would require laying a synthetic pitch on top of the current flooring. The pitch is proposed to be 15m by 25m with a waiting area by the entrance. No external alterations are proposed.*

*The applicants state that there are 20 car parking spaces for their use.*

### **HISTORY**

*None relevant*

### **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)*

*ME6 (Retention of Land and Premises)*

*TP6 (Non - Residential Parking Provision)*

**CONSULTATIONS**

*Area Engineer - "No comment"*

*Somerset County Council - Highways - "To be considered further"*

*Leisure and Recreation Officer - "Sport, Arts and Leisure have no objections to the proposed change of use. I would however recommend that adequate provision is made for changing facilities and toilets; it is unclear from the plans on EDM whether this is the case or not."*

*Economic Development Team Leader - "I have been liaising with the applicants on this application prior to its submission at the request of the Sport and Leisure service. I have through meetings, telephone conversations and e-mail exchanges tried to encourage them to submit much more information than they actually have."*

*From an economic perspective, I particularly want to understand:*

*What evidence there is of demand for this proposed facility in the Yeovil area?*

*How many staff will the centre employ?*

*What are the proposed operating times?*

*How many car parking spaces does the unit have access to?*

*How many people are expected to visit the centre at any one time and if there is adequate car parking provision?*

*Is the proposed centre on a bus route?*

*What business is currently at this premises?*

*Has any marketing been done to determine that there is no longer a need for the industrial unit? If so, what are the results of this marketing exercise?*

*Why this location? Is it not possible to share sports facilities already provided in the area? If not, why not?*

*There are far too many questions that have not been addressed in this application.*

*In summary, without the required information identified in the list above, I am unable support this application."*

*Planning Policy - "The applicant seeks to change the use of Unit 4, 33 Oxford Road, Penn Mill Trading Estate from B8 industrial warehousing use to D2 leisure use (for a synthetic sports pitch), resulting in the loss of 0.13ha of employment land/premises and the equivalent of 3 full-time jobs.*

*Policy ME6 of the adopted South Somerset Local Plan does not permit the alternative use of existing employment land and premises where that alternative use would have a significant adverse effect on employment opportunities. The two exceptions being, where there is an overriding need which outweighs the employment value of the land and for which there is no suitable alternative site, and where significant environmental benefits would result which outweigh the employment value of the land and premises. The issue here is whether the change of use would have a significant adverse effect on employment opportunities in Yeovil.*

*Planning Policy Guidance Note 4 (Industrial, Commercial Development and Small Firms) and draft Planning Policy Statement 4 (Planning for Sustainable Economic Development) both require local planning authorities to support economic development by providing a good range of available sites, offering opportunities for job creation in both large, medium and small businesses. Draft PPS4 is clear that evidence should be used to understand both existing business needs and likely changes to the market, to facilitate a supply of land, which will be able to cater for those differing needs and the expected employment needs.*

*In terms of supply and demand for employment land in Yeovil, historically there has been an undersupply (evidenced through the Local Plan Inquiry). There is demand for employment land in Yeovil. The Business Perspectives on Property - Workspace Survey and Review (2007) which surveyed local businesses across the District to establish their immediate need for land over the next 5 years, identified a minimum need for some 2.35ha to 3.14ha of employment land within Yeovil to meet identified latent demand from local businesses. Long-term demand has also been identified through the Draft Regional Spatial Strategy (RSS). The Secretary of State has proposed changes to Policy SR24 of the Draft RSS which now requires the provision of 6,400 new homes within the existing urban area of Yeovil and 5,000 new homes at the Area of Search, around Yeovil. Accompanying these homes will be at least 9,100 jobs in the Yeovil Travel To Work Area (TTWA) with the provision of at least 43 ha of employment land.*

*Whilst there is demand for employment land/premises, the pressure to loose employment land has remained strong. On the 31st March 2007, 18.68ha of employment land had been lost to other non B-uses in Area South, from the 1st April 2007 to 31st March 2008 (Annual Monitoring Report period following refusal of 04/01763/OUT) an additional 1.36ha of employment land was lost to non-employment uses (7.2% of the total employment land lost in Area South since 1991) and 3.68ha had planning permission to change of use from B1, B2 or B8 of the Use Classes Order. Supply and demand issues suggest that there may be a need to retain those existing urban sites which offer a sustainable homes/work balance.*

*From a purest perspective, given that there is a need for additional employment sites, we should be retaining existing ones, especially if cumulative loss is becoming an issue in Yeovil. However, as this would prevent any form of redevelopment/change of use, this would be unacceptable, especially as the Local Plan Policy requires a judgement to be made over the value of that land, therefore this is the key. Given all of the above, would this loss be significant?*

*As it stands the applicant has not demonstrated an overriding need for the change of use. In the absence of this justification a planning policy OBJECTION is raised to the application. If the applicant is able to make such a justification, then the objection may be removed."*

*Yeovil Town Council -*

#### **REPRESENTATIONS**

*None received.*

#### **CONSIDERATIONS**

- *Loss of Employment Use / Suitability of use on a Trading Estate*
- *Effect upon Residential Amenity*
- *Effect upon Visual Amenity*
- *Parking / highways implications*

*The comments of Yeovil Town Council are invited.*

#### **MINUTE REFERENCE 7/351**

#### **3. Planning Application: 08/04929/COU**

<i>Site Address:</i>	<i>Unit 4 33 Oxford Road Pen Mill Trading Estate</i>
<i>Ward :</i>	<i>Yeovil (East)</i>
<i>Proposal :</i>	<i>Change of use from industrial warehouse to indoor sports facility (GR: 357642/117052)</i>
<i>Recommending Case Officer:</i>	<i>Andrew Collins</i>
<i>Target date :</i>	<i>2nd February 2009</i>
<i>Applicant :</i>	<i>Mr Simon Trim (PAMFA)</i>
<i>Type :</i>	<i>Other Change Of Use</i>

*The Planning Officer drew attention to Planning Policy ME6 (Retention of Land and Premises) and indicated that the applicant had not yet demonstrated an overriding need for the change of use that was being sought. However, she indicated that she had recently received additional information from the applicant and that this would be forwarded to the Economic Development Team to enable a further assessment of the impact of the proposals on this particular policy to be carried out.*

*She then summarised the additional information that had been provided by the applicant, which set out the additional employment opportunities which the applicant felt would be provided by the development and the reasons for the choice of location.*

*The applicant, Simon Trim, clarified a number of issues regarding the application.*

*During the ensuing discussion, reference was made to the need to avoid the loss of land set aside for industrial use other than in exceptional circumstances. However, given the fact that the applicant intended converting the existing industrial unit into an indoor sports facility, it was felt that the possibility of the unit reverting back to industrial use in the future could not be discounted.*

## **RECOMMENDED APPROVAL**

### **AMENDMENT**

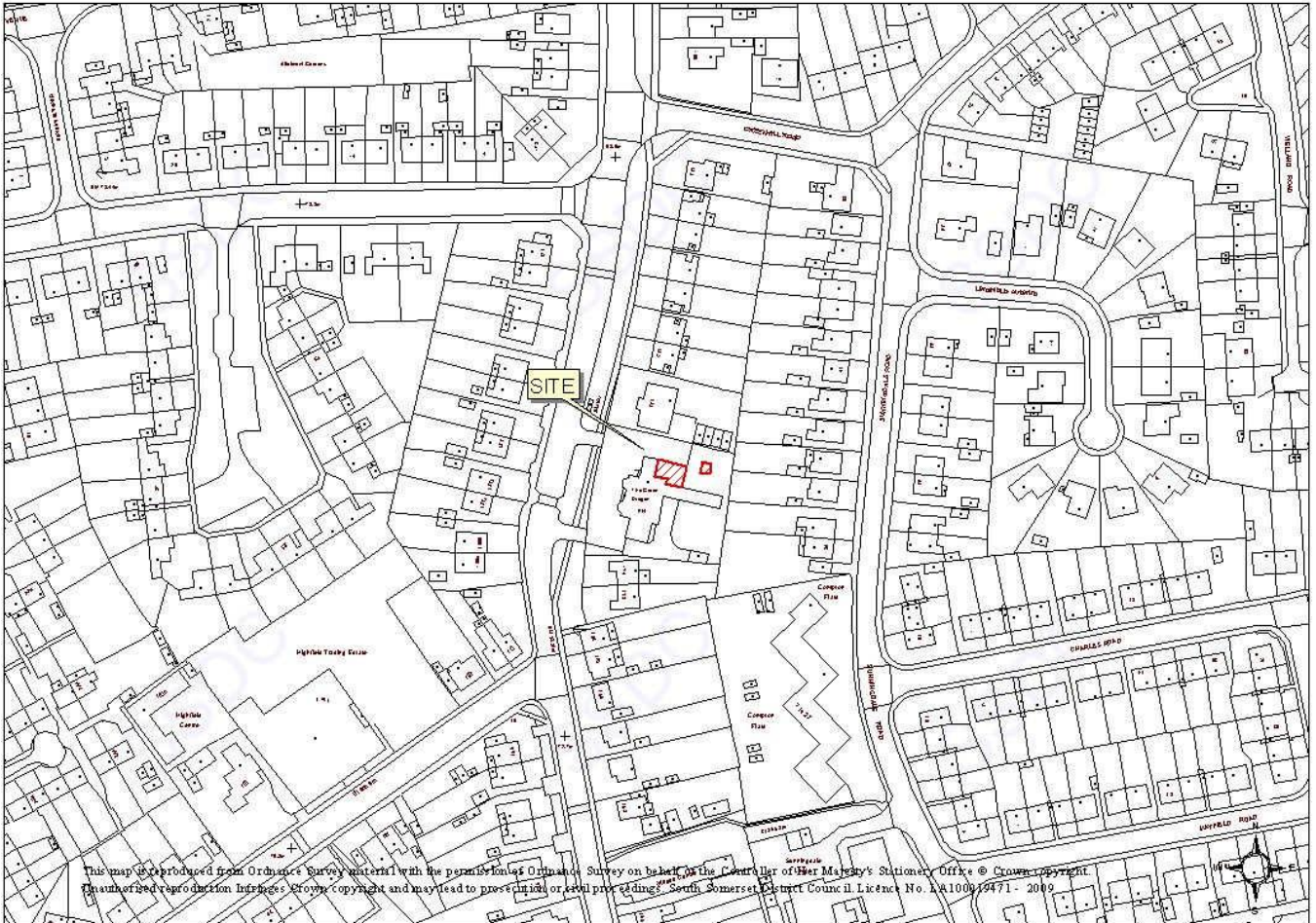
Additional plans showing parking layout.

### **Original Case Officer's report of 16 February 2009**

#### **11. Officer Report On Planning Application: 09/00101/FUL**

<i>Site Address:</i>	<i>The Green Dragon St Michaels Avenue Yeovil</i>
<i>Ward :</i>	<i>Yeovil (East)</i>
<i>Proposal :</i>	<i>Installation of raised decking area with umbrella and the formation of new covered area to garden. (GR: 356418/117032)</i>
<i>Recommending Case Officer:</i>	<i>Andrew Collins</i>
<i>Target date :</i>	<i>5th March 2009</i>
<i>Applicant :</i>	<i>Marstons Plc</i>
<i>Type :</i>	<i>Minor Other less than 1,000 sq.m or 1ha</i>

### **SITE DESCRIPTION AND PROPOSAL**



*The property is located within the development area of Yeovil. It is located on the Eastern side of the road adjacent Milford Road.*

*Planning permission is sought to erect a raised timber decking area, maximum of 1.2m in height, on the northern elevation with a jumbrella and use part of the existing garden in the north eastern corner of the site and erect a shelter. The jumbrella is proposed to be 4m by 4m and comprise heating and lighting.*

*The existing awnings over the two small deck areas to the front of the pub are proposed to be removed and new CCTV cameras are proposed to be installed.*

#### **HISTORY**

*Numerous applications for signs and other proposals on the site including the original permission for the public house in 1954, the most recent being in 1985. The only application of relevance;*

*07/04162/FUL - The installation of decking and awnings for outside seating area (Retrospective Application) - Application permitted with conditions - 22/2/08*

#### **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)*

*EP2 (Pollution and Noise)*

*TP6 (Non Residential Parking Provision)*

**CONSULTATIONS**

*Area Engineer - "No comment"*

*Environmental Protection Unit - "I have considered this application and have some concerns about the potential impact of this proposal on the amenity of the local residents. In particular the new decking area and smoking shelter will be in close proximity to adjacent dwellings to the north and east of The Green Dragon. The use of such an area to provide facilities for drinking and smoking can generate a new and significant source of noise outside licensed premises, which can adversely effect nearby residents. We have received complaints about noise associated with the use of external areas at other premises in the district.*

*However I also have to consider that many other external areas are used throughout the district without causing significant problems. Well-managed external areas need not cause unacceptable loss of amenity.*

*After visiting the site I recommend the following changes to the scheme. These are designed to provide greater acoustic attenuation.*

- Erection of a boundary fence to the north and east at such a height so as to cut line of sight from the decking area to nearby dwellings*
- Change the railing on the decking to a solid fence, ie Yorkshire boarding*
- Installation of a self-closing door to the decking area*

*In addition should planning permission be granted I recommend that the following condition be attached:*

*'Prior to any construction and use of a decking are and smoking shelter, details shall be submitted to, and approved by, the local planning authority stating how noise will be managed and controlled to avoid any detriment to the local amenity. In particular the following shall be addressed:*

- *How will the behaviour of customers be supervised to prevent noise nuisance*
- *How will customers be encouraged to return to the main building as soon as possible*
- *What hours will the facility be available for*
- *Will it be permissible to take drinks out to the decking area*
- *How will the potential for noise break-out arising from frequent access and egress to the main building be managed, in particular if entertainment is ongoing*
- *Will furniture be limited or restricted in this area to reduce or remove the encouragement of customers to remain in the outside areas'*

*If this cannot be attached as a condition for any reason I would recommend it be included as an informative to any permission issued.*

*In addition if permission is granted I would recommend the inclusion of an informative to the effect that the granting of any permission does not prevent future action regarding noise nuisance by the local authority should the need arise."*

*Somerset County Council - Highways - "I would refer you to the response made in connection with planning application no 07/04162/FUL, copies of which are attached for your information. I consider that these comments and recommended conditions apply equally to the present application." Previously commented, "I am satisfied with the level and layout of parking on the highway, the car parking area shown on the submitted plan shall be properly delineated within one month of permission being granted and shall not be used other than for the parking of vehicles in connection with the development hereby permitted."*

*Yeovil Town Council -*

#### **REPRESENTATIONS**

*5 letters of support have been received from residents of Yeovil. Stating that the pub has had problems in the past but the new landlord will help turn the business around.*

*7 letters of objection have been received. In addition a petition of objection of 48 neighbours from 34 addresses have been received. The signatures of the people on the petition have independently written in.*

*The petition states that the proposal would lead to excessive noise and disturbance unacceptable to lifestyle and well being of local residents.*

*The neighbours raise the following concerns (summarised);*

- *The height and location of the decking area will impact upon neighbours privacy*
- *Police being called on occasions due to rowdy and noisy customers*
- *Question the need for the additional decking areas*
- *Any outdoor space needs to be well managed and away from residential properties.*
- *Do not think that residents have been given consideration*
- *Development too close to residential buildings*
- *Excessive noise and disturbance*
- *Anti-social behaviour in past - including rubbish thrown over fence*

- Loud music played in evenings especially Sundays in past, worried that this proposal would further disrupt privacy

## CONSIDERATIONS

### Visual Amenity

*Residential Amenity - The crucial aspect when considering this application relates to noise and disturbance of nearby residents from the existing public house.*

*The comments of Yeovil Town Council are invited.*

## MINUTE REFERENCE 7/366

### **11. Planning Application: 09/00101/FUL**

Site Address:	The Green Dragon St Michaels Avenue Yeovil
Ward :	Yeovil (East)
Proposal :	Installation of raised decking area with umbrella and the formation of new covered area to garden. (GR: 356418/117032)
Recommending Case Officer:	Andrew Collins
Target date :	5th March 2009
Applicant :	Marstons Plc
Type :	Minor Other less than 1,000 sq.m or 1ha

*Douglas Joslin, applicant and new Landlord of the Green Dragon, addressed the Committee explaining the reasons for the improvements to the Public House. He explained that the redevelopments would extend and improve the quality of the outside seating area. He explained that he had held a 3-hour "open session" to invite residents to view the proposals and answer queries and concerns.*

*Mr Huntley, objector, stated that historically the noise from the Public House had been unbearable, particularly due to the seating area at the front of the Pub. He felt that live music and noise from the Pub extended beyond reasonable hours.*

*Mr Joslin responded explaining that whilst the opening hours of the Green Dragon would not change, live music would be under licence and within restricted hours.*

*The Planning Officer explained that a petition had been received along with 7 letters of objection and 5 letters of support for the application.*

*During the ensuing discussion it was noted that the decking at the front of the pub was a concern but that an outside seating area provided at the back of the Pub may be an improvement, providing the proposed fence was erected to prevent overlooking of neighbouring residences.*

## RECOMMENDED APPROVAL

### **AMENDMENT**

Erection of 2m high fences on N & E Buildings, omission of umbrella and self-closing devices on doors.

## PLANNING DECISIONS

- 08/05358/ADV      The display of 40 various illuminated signs at Asda Stores Ltd Preston Road Yeovil Somerset BA20 2HB. Applicant: Asda Stores Ltd
- APPROVED** subject to conditions
- 09/00077/FUL      The erection of trellis on top of rear boundary fence (Retrospective Application) at 228 St Michaels Avenue Yeovil Somerset BA21 4LZ. Applicant: Mr Malcolm Gulliver
- APPROVED** subject to conditions
- 09/00117/FUL      The erection of a first floor extension at 46 Preston Grove Yeovil Somerset BA20 2BL. Applicant: Mr D Rose
- APPROVED** subject to conditions
- 09/00175/FUL      Alterations and the erection of 2 No. two storey extensions to dwellinghouse (Revised applications) at 16 Southwoods Yeovil Somerset BA20 2QG. Applicant: Mr D Brown
- APPROVED** subject to conditions
- 09/00198/FUL      Part retrospective/part amended application for two commercial units (pharmacy and hair salon) and two first floor residential units together with air conditioning units at 61 West Coker Road Yeovil Somerset BA20 2JD. Applicant: Ms Sharon Stagg
- APPROVED** subject to conditions

## DESIGN AND ACCESS STATEMENT.

### PROPOSAL TO PROVIDE A NEW REPLACEMENT ELLIOTT CLASSROOM UNIT AT MILFORD INFANTS SCHOOL. YEOVIL

Milford Infants School has 287 children. In addition to the main school building, incremental increases in pupil numbers over the years has seen the school provided of prefabricated temporary units.

One of these temporary units (Unit E424 TC) has been identified as being in poor condition and need removing from the school site. Somerset County Council is therefore arranging the demolition of the above unit and the purchase of a new replacement Elliott Unit.

It is proposed to provide the new replacement unit on the location of the current unit that is due for demolition during the summer holiday period 2009.

There are toilets for the disabled within the main building reachable on level ground.

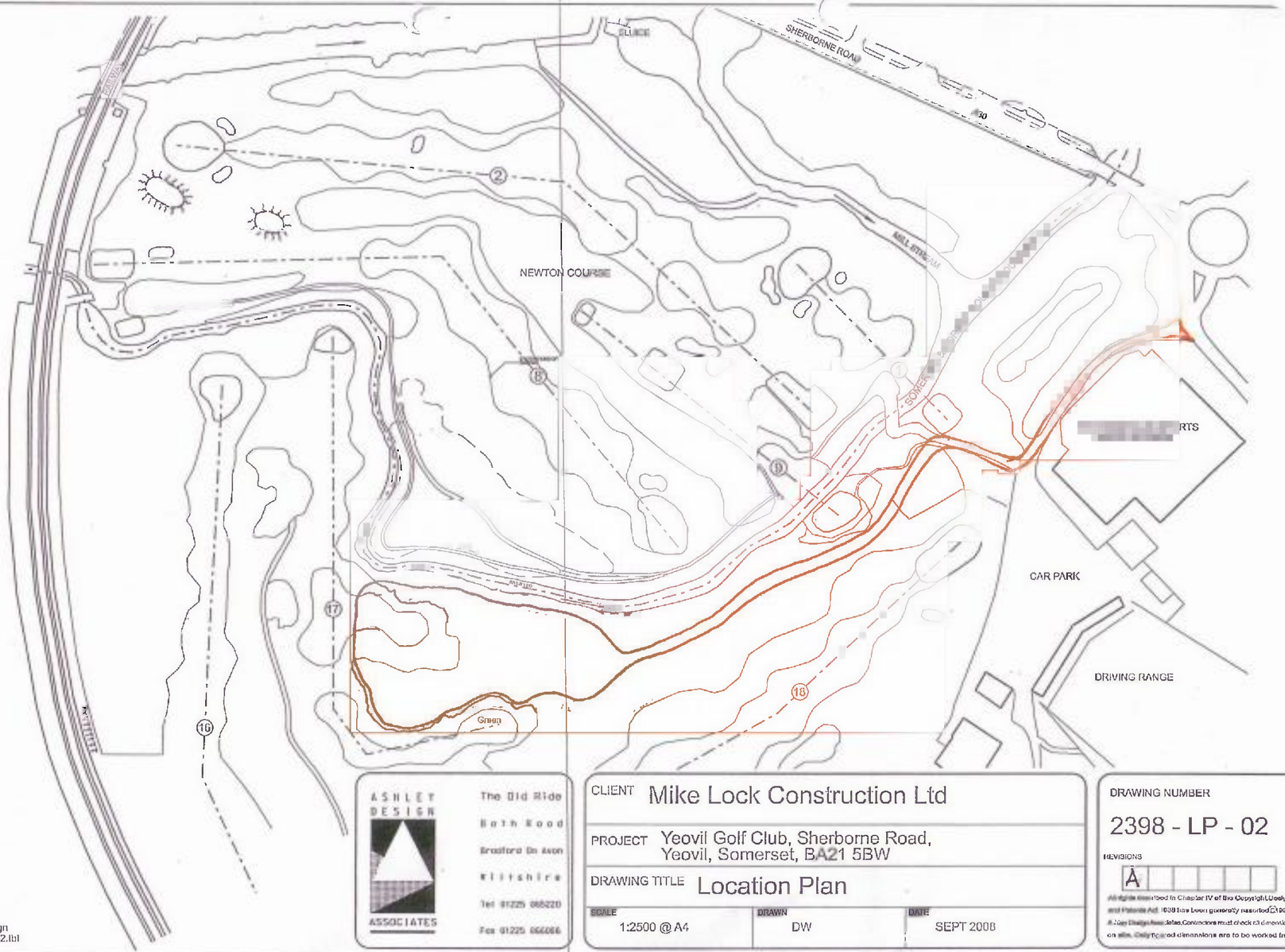
Access into the new building will be via a ramp complying with Part M of the Building Regulations.

The proposed unit will have stonetex on the external walls, colour: Red/Brown The roof is a flat construction in mineral felt finish:colour grey.

It is hoped that the application will be supported to replace a poor condition temporary unit with a new temporary unit.

Bill Foote  
Property Services.  
Somerset County council.  
Taunton  
Somerset.

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Proposed Trees.dgn  
 2398 - SP - 01 & 02.tbl  
 17/09/2008

**ASHLEY DESIGN ASSOCIATES**

The Old Ride  
 Bath Road  
 Bradford On Avon  
 Wiltshire  
 Tel 01225 66220  
 Fax 01225 664066

CLIENT	Mike Lock Construction Ltd		
PROJECT	Yeovil Golf Club, Sherborne Road, Yeovil, Somerset, BA21 5BW		
DRAWING TITLE	Location Plan		
SCALE	1:2500 @ A4	DRAWN	DW
DATE	SEPT 2008		

DRAWING NUMBER  
**2398 - LP - 02**

REVISIONS

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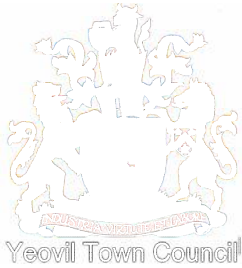
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
STREET TRADING**

**Summary Report of Application to Trade**

Name of applicant	Trading Name
Mrs Malee Nevill	Malee Home Thai
Details of the goods, produce or food applicant proposing to sell	
Thai Food	
Type and size of stall	
3m x 3m Trading Unit	
Dates and times proposing to operate stall	
Saturday 9am – 5pm	
Location requested (plan attached)	
Pitch 1, 3 or 4 King George Street. Pitch 5,6,7,8 Middle Street	
Comments/Observations from Assistant Town Clerk	
Pitch 1 is currently available on Saturdays  Pitch 4 is currently available – this would be immediately adjacent to Churtopia who will be licensed to trade from pitch 3.	

The Committee is **RECOMMENDED** to

1. Consider the above application for a new Street Trading Consent in line with the policy; and
2. Consider locating the unit at pitch 1 on the available days



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
STREET TRADING**

**Summary Report of Application to Trade**

Name of applicant	Trading Name
Mr F Brown	Fred the Fruit
Details of the goods, produce or food applicant proposing to sell	
Fruit and Vegetables	
Type and size of stall	
3m x 3m One gazebo with green and white canopy	
Dates and times proposing to operate stall	
Every Thursday and Friday	
Location requested (plan attached)	
Pitch 8	
Comments/Observations from Assistant Town Clerk	
<p>An application for this fruit and vegetable seller to trade was considered at the Planning and Licensing Committee in November 2008. The application was approved, however the trader declined to take the pitch as he felt that the footfall in that location was not high enough.</p> <p>Pitch has now become a viable location for a gazebo style pith due to the removal of one of the telephone boxes.</p>	

The Committee is **RECOMMENDED** to

1. Consider the above application for a new Street Trading Consent in line with the policy; and
2. Consider locating the unit at pitch 8



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
STREET TRADING**

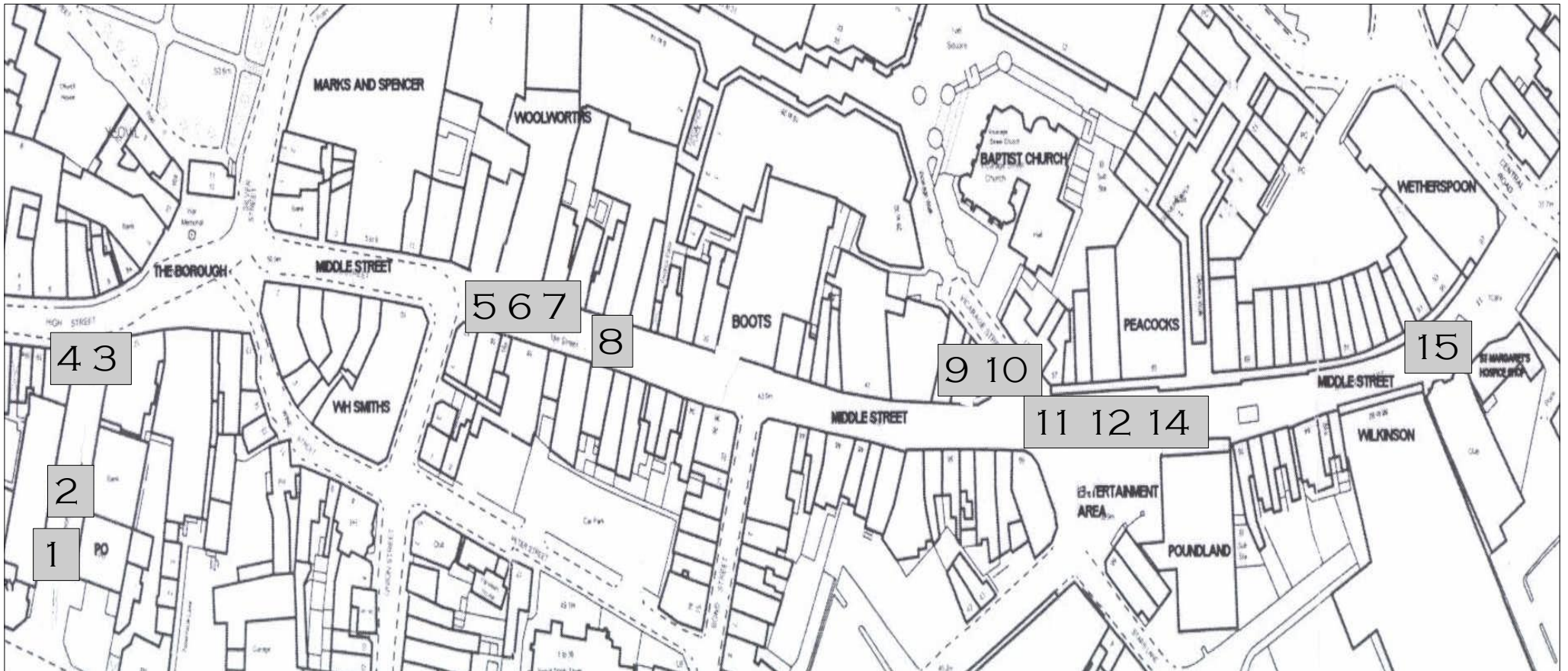
**Summary Report of Application to Trade**

Name of applicant	Trading Name
Mr B Boyton	Oddments Theatre Company
Details of the goods, produce or food applicant proposing to sell	
Charity Oddments Theatre Charity Number 1107195	
Type and size of stall	
Two Trestle tables (6ft) under a gazebo if possible but not essential	
Dates and times proposing to operate stall	
One Saturday in May and One in June 9am – 5.30pm	
Location requested (plan attached)	
15	
Comments/Observations from Assistant Town Clerk	
This is an application for only two dates.	

The Committee is **RECOMMENDED** to

1. Consider the above application for a new Street Trading Consent in line with the policy; and
2. Consider locating the unit at pitch 15

# YEOVIL TOWN COUNCIL DESIGNATED STREET TRADING AREAS



King George Street

Upper Middle Street

Lower Middle Street