



Yeovil Town Council

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Please note change to usual day

Planning and Licensing Committee

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

The Time... **7.00pm**

The Date... **Tuesday 26 April 2011**

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

18 April 2011

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

To: All Members of the Planning and Licensing
Committee

J Vincent Chainey (Chairman)

Philip Chandler (Ex-officio)

Clive Davis (Ex-officio) (Vice-Chairman)

Julian Freke

Pete Goodman

John Grana

John Hann

Simon Hester

Andrew Kendall

David Recardo

A G E N D A

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

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

1. MINUTES

To approve the Minutes of the previous meeting held on 11 April 2011.

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 25)

5. REPORT TABLE (Page 26)

6. PLANNING DECISIONS (Pages 27 to 29)

7. CORRESPONDENCE

	Application No	Proposal	Address
1	10/05115/OUT	The erection of a new dwelling (GR 354494/115067)	Land Adjoining 1 Ivy Walk Yeovil
2	11/00977/COU	The change of use of premises from a window company (Use Class B1) to a gymnasium (Use Class D2) (Revised Application)(GR 353972/115323)	2A & 2B Kingfisher Close Gazelle Road Lynx Trading Estate
3	11/01173/FUL	The erection of 7 dwellinghouses with associated highways, parking and landscaping (Revised Application) (GR 354623/116011)	Land Rear Of 55 - 67 Preston Grove Yeovil Somerset
4	11/01286/FUL	The erection of an extension to existing assembly hall (GR 354145/114998)	Holy Trinity Church Of England Va Primary School Lime Tree Avenue Yeovil
5	11/01327/FUL	Alterations and the erection of a replacement single storey rear extension to dwellinghouse (GR 356503/116686)	62 St Michaels Avenue Yeov Somerset
6	11/01338/COU	The change of use of premises from storage and distribution (Use Class B8) to retail (Use Class A1)(Retrospective)(GR 357144/116623)	Tri UK 76 Lyde Road Yeovil

PLANNING MEETING
TUESDAY 26 APRIL 2011

PLANS LIST

The schedule of planning applications is attached.

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

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

BACKGROUND PAPERS

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

HUMAN RIGHTS ACT 1998 ISSUES

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

1. Articles 8: Right to respect for private and family life
 - i) Everyone has the right to respect for his private and family life, his/her home and his/her correspondence.
 - ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.
3. The First Protocol

Article 1: Protection of property

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

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

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

LEVEL 1 APPLICATIONS

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

1. Dwellings

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

2. Offices/R&D/Light Industry

3. Heavy Industry/Storage/Warehousing

4. Retail/Distribution/Servicing

5. All Other Minor Developments

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

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

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

1. Householder

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

2. Adverts

3. Listed Building Consents (Alterations)

4. **Listed Building Consents (Demolitions)**
5. **Conservation Area Consents**
6. **Demolition of unlisted buildings in Con. Areas**
7. **Others** This category includes all decisions relating to:
 - applications for Lawful Development Certificates for existing use (from July 1992); (**CLUEDs**)
 - applications for Lawful Development Certificates for proposed use (from July 1992); (**CLOPUDs**)
 - applications for Certificates of **Appropriate Alternative Development**;
 - notifications under:
 - **Circular 18/84** (Development by Government Departments); and
 - **Circular 14/90** (Overhead electric lines).
 - applications by the **British Coal Corporation** under Class A, Part 21 of the General Permitted Development Order 1995.
 - Telecom Notifications, any Tree Application, Agricultural Notifications, County Matters, Demolition Prior Approvals.

LEVEL 2 APPLICATIONS

1. **Dwellings**
 - More than 2 units (full) and more than 0.1 hectare (outline)
2. **Offices/R&D/Light Industry**
3. **Heavy Industry/Storage/Warehousing**
4. **Retail/Distribution/Servicing**
5. **All Other Minor Developments**
 - Floorspace is more than 500 square metres and the site is more than a half hectare (applies to 1-5)
6. **Change of Use**

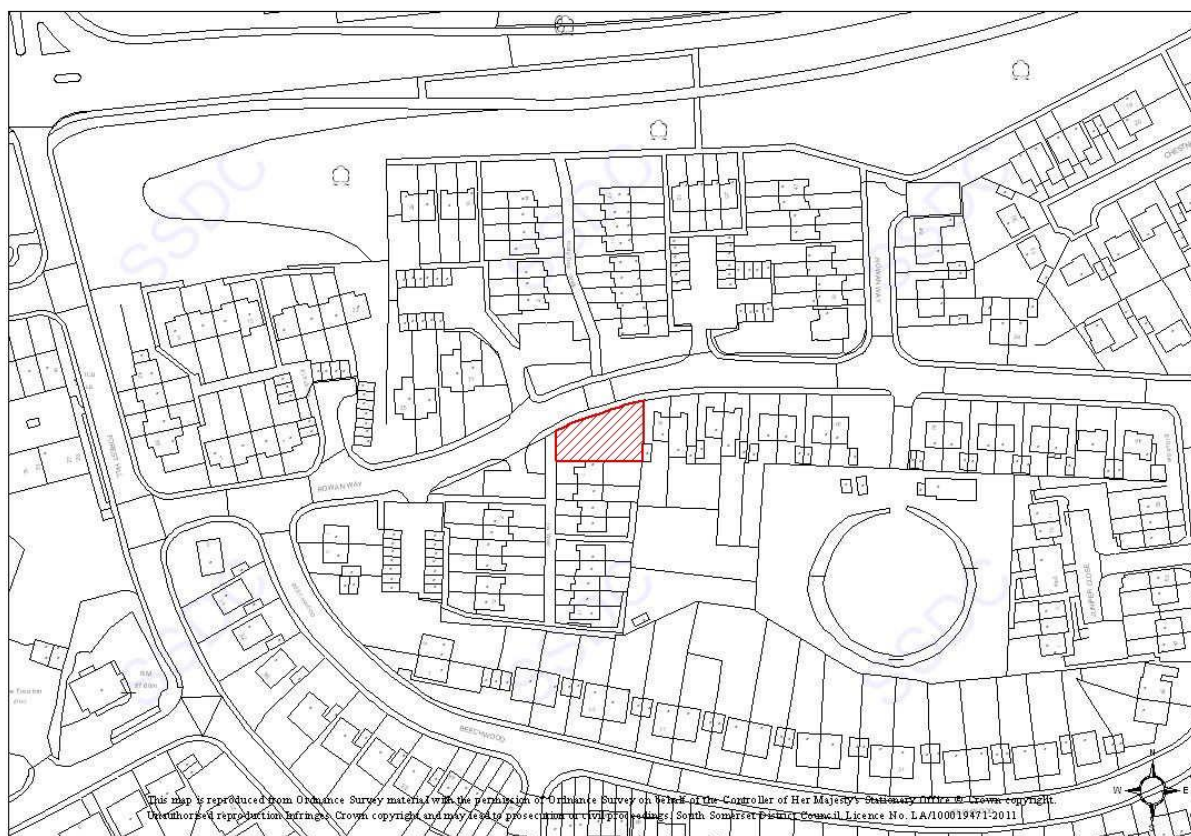
LEVEL 3 APPLICATIONS

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

1. Officer Report On Planning Application: 10/05115/OUT

Site Address:	Land Adjoining 1 Ivy Walk Yeovil
Ward :	Yeovil (South)
Proposal :	The erection of a new dwelling (GR 354494/115067)
Recommending Case Officer:	Simon Fox
Target date :	31st May 2011
Applicant :	Ms Lynn Smith
Type :	Minor Dwellings 1-9 site less than 1ha

SITE DESCRIPTION AND PROPOSAL



The application site is formed by the side garden to No.1 Ivy Walk and the current driveway and garage thereto. The plot is situated at the end of a terrace adjoining Rowan Way.

The proposal, in outline with all matters reserved, seeks to erect a detached dwelling within the garden plot to be served by the existing driveway and garage. Two existing frontage parking spaces would be retained for the existing property. A side extension to No.1 Ivy Walk would also be demolished to facilitate the development. The Design and Access Statement states that the ridge height will be the same as No.1 Ivy Walk and will be built of matching materials.

The site is within the development area as defined in the South Somerset Local Plan.

HISTORY

801285: The erection of an extension: Approved: 10.07.1980

Other relevant history:

No.33 Rowan Way:

07/00399/FUL: The erection of a detached house with garage: 01.03.2007

POLICY

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

The development plan comprises the Regional Spatial Strategy, The Somerset and Exmoor National Park Joint Structure Plan Review, and the 'saved' policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

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

STR1 - Sustainable Development

STR2 - Towns

STR4 - Development in Towns

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

TP7 - Car Parking

National Guidance

PPS1 - Sustainable Development

PPS3 - Housing

PPG13 - Transport

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 8 - High Quality Homes

Goal 9 - A Balanced housing Market

CONSULTATIONS

Highways Authority (Somerset CC):

No objections in principle however there are some concerns about the long-term retention of the frontage parking spaces as one space and the access to the other are on land under the control of the highway authority where it may be undesirable to permanently provide parking. The applicant is advised to revise the scheme to provide parking spaces for the existing house elsewhere.

SSDC Technical Services:

Surface water disposal via soakaways.

REPRESENTATIONS

Neighbouring properties to the site have been notified. No representations had been received at the time of submitting this report.

CONSIDERATIONS

The key matters to consider in this case are:

- The site is located within the development boundary where the local plan states development is acceptable in principle.
 - The revisions to PPS3 and the definition of 'previously developed land'.
- The applicant has drawn attention to the approved application at No.33 Rowan Way, which is considered to set a precedent. Here a detached dwelling was erected at the end of a terrace in a side garden plot.

Site specific matters:

- Is the form of development characteristic of the area?
- Does the development enhance the streetscene?
- Will the proposed dwelling have an overbearing effect on adjacent properties?
- Will there be overlooking of adjacent properties?
- Does the scheme provide sufficient, useable and safe on-site parking that can be retained in perpetuity?

RECOMMENDATION

The views of Yeovil Town Council are invited.

2. **Officer Report On Planning Application: 11/00977/COU**

Site Address:	2A & 2B Kingfisher Close Gazelle Road Lynx Trading Estate
Ward :	Yeovil (South)
Proposal :	The change of use of premises from a window company (Use Class B1) to a gymnasium (Use Class D2) (Revised Application)(GR 353972/115323)
Recommending Case Officer:	Simon Fox
Target date :	25th May 2011
Applicant :	Mr Christopher Rogers
Type :	Other Change Of Use

SITE DESCRIPTION AND PROPOSAL



The site is located within the development area of Yeovil, forming part of the Lynx Trading Estate and comprises two adjoining industrial buildings (360sqm) last used by a window company (Use Class B1). The building backs onto the Augusta Westlands car park and is within a small close of two other units used for automobile repairs. The application site has 13 car parking spaces within the forecourt.

The application seeks to change the use of the buildings to a school of gymnastics (Use Class D2).

HISTORY

10/04199/COU: The change of use of premises from a window company (Use Class B1) to a gymnasium (Use Class D2): Withdrawn: 11/01/2011

POLICY

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

The development plan comprises The Somerset and Exmoor National Park Joint Structure Plan Review, and the 'saved' policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

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

STR1 - Sustainable Development
STR4 - Development in Towns
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006)
ST5 - General Principles of Development
ST6 - Quality of Development
ME6 - Retention of Land and Premises
TP6 - Non-Residential Parking Provision

National Guidance
PPS1 - Sustainable Development
PPS4 - Planning for Sustainable Economic Growth
PPS23 - Planning and Pollution Control

South Somerset Sustainable Community Strategy
Goals 1, 2 and 5.

Other relevant documents:
South Somerset Employment Land Review
South Somerset Business Perspectives on Property Workspace Survey and Review

CONSULTATIONS

SSDC Environmental Protection Unit- No comments.

SSDC Technical Services- No comments

Comments awaited from:
West Coker PC (Adjoining PC)
SSDC Planning Policy
SSDC Economic Development Manager
Highways Authority (Somerset CC)
Environment Agency

REPRESENTATIONS

Neighbouring properties to the site have been notified, and a site notice has been displayed. No representations were received.

CONSIDERATIONS

The premises have been marketed since August 2009 and have been vacant since 2008.

The previous application was withdrawn, as it did not contain a sequential test and evidence of marketing. This has been submitted with this application.

Under PPS4 the development constitutes economic development, in that it provides employment opportunities - the gym is said to employ 2 full-time staff, 8 part-time, and 6 full-time equivalents. Staff levels are also said to likely increase over time.

The school of gymnastics already has a base at 16 Oxford Road on the Pen Mill Trading Estate but wishes to move to downsize slightly and due to the presence of another gymnasium that is affecting business.

Is the loss of this traditional industrial unit a concern? Unless a change of use of applied for and implemented at the current unit at Oxford Road that unit would remain in D2 use as well.

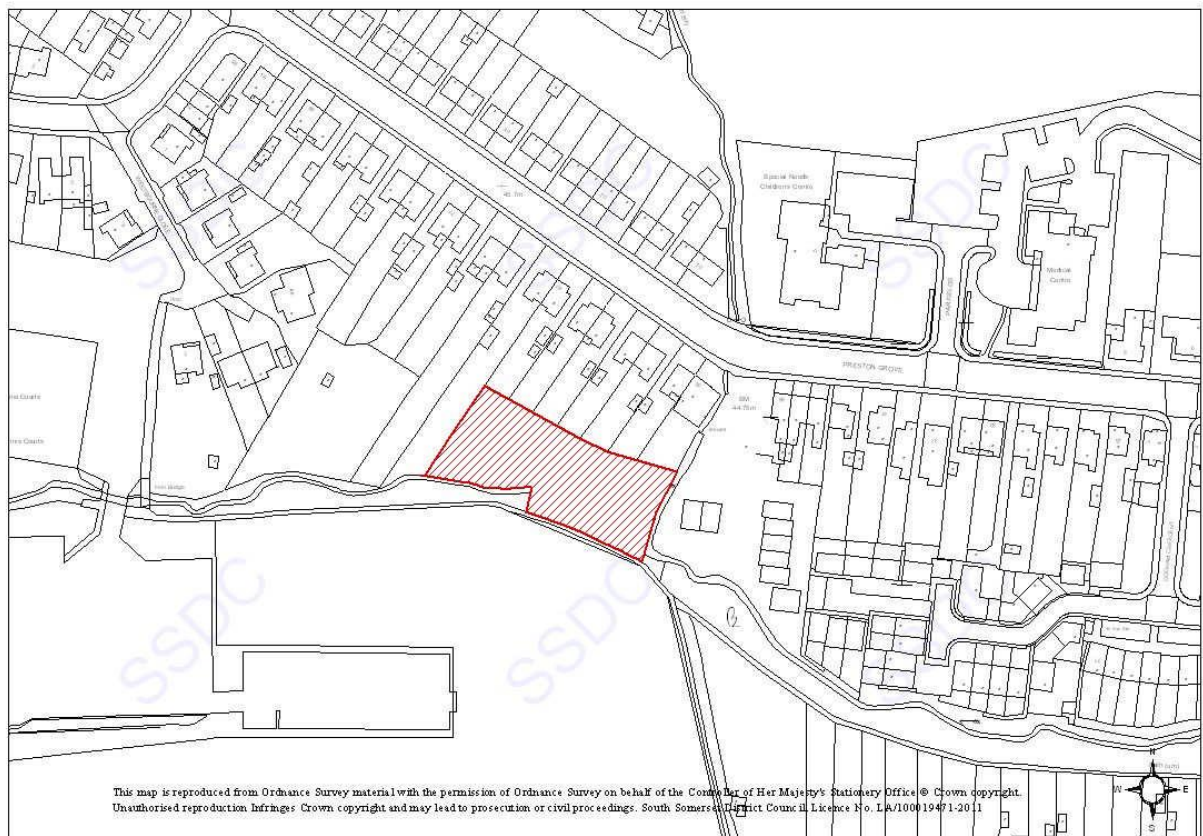
RECOMMENDATION

The views of Yeovil Town Council are invited.

3. **Officer Report On Planning Application: 11/01173/FUL**

Site Address:	Land Rear Of 55 - 67 Preston Grove Yeovil Somerset
Ward :	Yeovil (South)
Proposal :	The erection of 7 dwellinghouses with associated highways, parking and landscaping (Revised Application) (GR 354623/116011)
Recommending Case Officer:	Andy Cato
Target date :	26th May 2011
Applicant :	Brookvale Homes (SW) Ltd
Type :	Minor Dwellings 1-9 site less than 1ha

SITE DESCRIPTION AND PROPOSAL



The properties along Preston Grove, in the vicinity of the application site, benefit from long rear south facing gardens backing onto Dodham Brook. A series of planning approvals commencing in 1997 has resulted in a piece-meal residential creep of mainly new terraced housing in the gardens to the rear of 17 - 43 Preston Grove all served off one new access road known as Dodham Crescent. Permission was then sought and obtained in 2007 to erect 9 new houses to the rear of 49 Preston Grove served by a new estate road (Cooksons Orchard) formed between 55 and 49 Preston Grove. Permission more recently gained allows a further 3 terraced dwellings in the rear garden areas of 61 - 55 Preston Grove served by the new Cooksons Orchard estate road. A wedge of land to the south of the proposed 3 dwellings running either side Dodham Brook was to be retained as a planted buffer - this wedge of land includes trees subject of a Tree Preservation Order made in November 2009.

In allowing the two more recent Cooksons Orchard schemes a Planning Obligation secured a financial contribution towards the provision of a new foot/cycle bridge over Dodham Brook connecting with the established foot/cycleway, which runs on the other side of the Brook.

The applicant has now secured additional rear garden land and this latest submission looks to develop 7 new dwellings within the larger available site area in place of the 3 approved last year. Members may recall that a similar scheme to build 8 new dwellings (10/04491/FUL) was withdrawn due to the objections raised by the Environment Agency. In more detail this current, revised scheme entails:

Cooksons Orchard, the new and adopted estate road, is to be extended to provide access to seven two-storey, two bedroom houses (in place of the 3 dwellings allowed previously). A short section of open water course connecting with the Brook will be covered-over in the form of a culvert to accommodate the new section of road (as applies with the extant permission for 3 dwellings here) The proposed houses are arranged with a pair of semi-detached houses sited to the rear of 59 and 61 Preston Grove (plots 37-36) and the remaining five (semi and terrace of 3) positioned at the end of the new estate road and extending from the rear of 65 and 67 Preston Grove towards the Brook (plots 38-41). Eleven open car parking spaces are to be formed to serve the new dwellings (a similar ratio as applied with the approval of the 9 dwellings forming the adjacent Cooksons Orchard scheme). In terms of finishing materials 3 dwellings will be finished in painted render and plain roof tiles (plots 38 - 40). The remaining 4 are to be finished in brick and double roman roof tiles. All built development, including the new estate road and the parking spaces are contained within the area of former rear garden land to the north of the Brook.

A number of established trees adjacent to the Brook are subject of a Tree Preservation Order. The approved scheme for 3 dwellings here retained those trees and others and also provided new planting to provide a landscaped amenity buffer. This current scheme differs inasfaras the planted/buffer area extends further along the north side of the Brook.

In making this application the agent advises that a further additional financial contribution will be made towards the provision of a new cycle/foot bridge as applied

with the two previous Cooksons Orchard approved schemes and, in addition, an undertaking, that should further applications be proposed in the future, these 7 houses can be included in the calculation to assess the requirement for affordable houses - this will need to be subject of a planning obligation under Section 106 of the Planning Act.

The site lies within Yeovil's designated development limits.

The application is supported by a Design and Access Statement, an Ecological Report, a flood Risk Assessment and a Unilateral Undertakeing (Section 106 Agreement). The Flood Risk Assessment supplied advises that pre-application negotiations have been held with the Environment Agency and confirms that the proposed dwellings lie outside of the Flood Zone 2 designation and, on the basis the minimum finished floor level should be 41.97m, the development is "considered to have an acceptable flood risk". (the floor level for the 3 dwellings approved here previously ranged from 42 - 43m).

HISTORY

Tree Preservation Order 2854 confirmed 03.11.2009.

10/01268/FUL - Erection of 3 dwellings with associated access and parking - approved 13. 07.10.

07/03834/FUL allowed the erection of 9 dwellings on the adjoining site; this includes a new access onto Preston Grove (Cooksons Orchard), which is now proposed to also serve as the access for these 8 new dwellings.

10/04491/FUL - Erection of 8 houses - Withdrawn.

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.

Regional Spatial Strategy (RSS)

Whilst the Localism Bill has indicated that it is intended to abolish the RSS, it remains a material consideration until the Bill is agreed and therefore regard should be had to the draft policies. The RSS vision is to deliver sustainable communities and a more sustainable future for the region. The spatial strategy focuses most new development in a limited number of Strategic Significant Cities and Towns (SSCT - Development Policy A). Below these places, locally significant development will be appropriate in settlements with a range of existing services and facilities and the potential for sustainable development (Development Policy B). The RSS identified that these SSCTs should take the bulk of new development. Yeovil is included in the Strategically Significant Cities and Towns.

The development plan comprises the Somerset and Exmoor National Park Joint Structure Plan Review, and the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

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

- STR1 - Sustainable Development
- STR2 - Towns
- STR4 - Development in Towns
- Policy 39 - Transport and Development
- Policy 40 - Town Strategies
- Policy 42 - Walking
- Policy 44 - Cycling
- Policy 48 - Access and Parking
- Policy 49 - Transport Requirements of New Development
- Policy 60 - Floodplain Protection

South Somerset Local Plan (adopted April 2006):

- ST5 - General Principles of Development
- ST6 - The Quality of Development
- ST10 - Planning Obligations
- EC3 - Landscape Character
- EC8 - Protected Species
- EU4 - Drainage
- EU5 - Flooding
- TP1 - New Development and Pedestrian Movement
- TP4 - Road Design
- TP7 - Car Parking
- HG4 - Density

National Guidance

Statements on Government planning policy and associated guidance can provide material considerations in the determination of a development proposal. This can be particularly relevant where the adopted development plan document pre-dates the most up to date Government policy. In this case the following policy documents are relevant:

- PPS1 - Delivering Sustainable Communities (2005) and the accompanying policy document "The Planning System - General Principles."
- PPS3 - Housing
- PPS9 - Ecology
- PPG13 - Transport
- PPS25 - Development and Flood risk.

South Somerset Sustainable Community Strategy

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

CONSULTATIONS

Yeovil Town Council - Observations sought.

SCC Highways - Comments awaited - raised no objections to the earlier scheme for 3 dwellings here pointing out that a reduction in off road parking spaces is acceptable given the sites location and also confirming that a planning obligation will be required to concern the proposed footbridge/cycleway.

SSDC Tree Officer - Comments awaited - raised no objections to the previous scheme here.

SSDC Environmental Protection - Comments awaited - on the earlier scheme advises that sound insulation will be necessary due to noise from aircraft associated with RNAS Yeovilton.

Environment Agency - Comments awaited - raised no objections to the earlier scheme subject to the imposition of conditions.

Consortium of Drainage Boards - Comments awaited - made no comments on the earlier scheme.

SSDC Drainage Engineer - Comments awaited - supported the views of the Environment Agency on the earlier scheme- no objections subject to conditions.

MOD - No objections

Neighbours: 22 neighbouring households have been consulted and invited to comment on the application. There have been no responses to date (reply date = 22.04.2011)

CONSIDERATIONS

The site falls within the defined development area of Yeovil and therefore the principle of the development is accepted. The key considerations in this case can be identified as:

1. Is this an appropriate form and scale of development that respects the character of the locality and results in no harm to residential amenity? In this connection the form, scale, finish and density of the dwellings closely mirrors that allowed on the adjoining site. In terms of residential amenity whilst the inter-relationship/layout of the proposed dwellings also follows the pattern and grain of development of the neighbouring new houses at Cooksons Orchard and Dodham Crescent regard needs to be had to the relationship with the existing houses off Preston Grove. In this connection, the 2 storey gable end wall of plot 38 stands at a distance of just over a metre from the rear garden party boundary of no 65 Preston Grove. The gable end wall contains no windows at the first floor and lies at a distance of some 22m from the rear wall of the dwelling at 65 Preston Road. At its closest the angled rear wall of plot 36 stands some 2.5m from the party rear boundary of 59 Preston Road; at the first level these two properties have 3 "arrow - slit" type windows to serve a bathroom and bedroom for one house and a window for the other house. The rear wall containing these 3 windows lies at a distance of some 22m from the rear wall of 59 Preston Grove.
2. Does the proposal make adequate provision for access and parking? The proposed access arrangements to the site are the same as applied with the earlier permission; namely via the new estate road off Preston Grove. Eleven open parking spaces are to be formed to serve the 7 dwellings now proposed. A similar ratio applied with the previous permission for 3 dwellings and the Highway Authority advised in this regard that further to policy TP7 of the Local Plan, subject to the provision of the foot/cycle bridge and having regard to accessible/sustainable location of the site, that such a lower ratio of on-site parking facilities was acceptable at this site (they have not commented on this current application to date).
3. Is the development of the site likely to result in or exacerbate any known flood

related issue? The application is accompanied by a Flood Risk Assessment report commissioned by the applicants - this concludes that the proposal poses no flood related threats/issues. This also advises that the applicant undertook pre-application discussion on this proposal with the Environment Agency.

RECOMMENDATION

The views of the Town Council are invited.

4. **Officer Report On Planning Application: 11/01286/FUL**

Site Address:	Holy Trinity Church Of England Va Primary School Lime Tree Avenue Yeovil
Ward :	Yeovil (South)
Proposal :	The erection of an extension to existing assembly hall (GR 354145/114998)
Recommending Case Officer:	Jane Green
Target date :	31st May 2011
Applicant :	The Board Of Governors
Type :	Minor Other less than 1,000 sq.m or 1ha

SITE DESCRIPTION AND PROPOSAL



Holy Trinity Church of England Primary School is situated on the north side of Lime Tree Avenue in a predominately residential area. The school grounds are surrounded

by residential properties with Holy Trinity Church located to the north. The application site comprises of classrooms, assembly hall, school offices, other associated rooms, hard surfaced playground and school playing fields. The main school building is relatively large but occupies a lower position than the road and with its single storey nature and shallow pitched roof occupies a relatively unobtrusive position in the road.

The application seeks planning permission for the extension of the school assembly hall. The existing assembly hall is located in the centre of the main school building to the rear and the proposal will see this room extended to the north where part of the existing playground is located. The extension will project just over 7.5 metres and produce an increase of 80 square metres. The proposal will match the same architectural style of the existing building and materials for the roof and walls are proposed to match also. The Design and Access Statement states the new hall is required to provide space for gymnasium equipment and ball games. Hence the windows have been designed at high positions for safety reasons. There are no implications for highway or parking with the proposal, the reason for the application is to remedy a perceived deficient in the current provision, and according to the Design and Access Statement, not an increase in the numbers attending at the school.

HISTORY

Most recently:

09/00708/FUL - Demolition of existing temporary classroom and the erection of a classroom extension - Permitted with conditions April 2009

05/00400/FUL - The erection of an extension to existing staffroom - Application permitted with conditions March 2005

94/02676/FUL - The erection of a three metre high chain link boundary fence - Application permitted with conditions August 1994

POLICY

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

The development plan comprises the Regional Spatial Strategy, The Somerset and Exmoor National Park Joint Structure Plan Review, and the 'saved' policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan

STR1 (Sustainable Development)

STR2 (Towns)

STR4 (Development in Towns)

South Somerset Local Plan (Adopted April 2006)

ST5 (General Principles of Development)

ST6 (Quality of Development)

CR1 (Existing Playing Fields/Recreation Areas)

Sustainable Community Strategy
Goal 8: Quality Development

CONSULTATIONS

SSDC Technical Services - Surface water disposal via soakaways

SCC Highways - No observations

REPRESENTATIONS

22 neighbours notified and site notice (General interest) erected, one representation received to date summarised as follows:

- The writer refers to an additional 4 classrooms which could mean an additional 120 children at the school and this would increase the strain of parking on the roads around the school at dropping off and picking up time.
Case officer's response to this: It is not clear where the writer has received this information from as the application and additional information provided to support the application does not mention additional classrooms. It is not discounted that this may be proposed in the future but this application does not propose additional accommodation for an increase in pupils and therefore this concern would not form part of the considerations.

CONSIDERATIONS

The main considerations here are:

- Does the proposed extension respect the scale and form of the existing building?
- Does the proposal present any residential amenity issues to the occupants of properties, which abut the site?
- Are there any visual amenity concerns with the proposal?

RECOMMENDATION

The views of the Town Council are invited.

5. **Officer Report On Planning Application: 11/01327/FUL**

Site Address:	62 St Michaels Avenue Yeovil Somerset
Ward :	Yeovil (East)
Proposal :	Alterations and the erection of a replacement single storey rear extension to dwellinghouse (GR 356503/116686)
Recommending Case Officer:	Jane Green
Target date :	30th May 2011
Applicant :	Mrs L Hoysted
Type :	Other Householder - not a Change of Use

SITE DESCRIPTION AND PROPOSAL



62 St Michaels Avenue is a two storey end of terrace dwellinghouse constructed of red brick under a profile tiled roof. Located on the east side of the road the property occupies an elevated position set back from the road. 62 St Michael's Avenue is a typical example of a property on this street. Although to the front, most of the properties have similar characteristics, to the rear, many of the properties have extensions of varying sizes and styles.

The application seeks planning permission for the erection of an infill single storey extension to the rear. It will project 5.4 metres at its deepest and measure 3.2 metres in height and will be constructed of materials to match the existing property. The design will see two rooflights inserted into the new roof. Although not shown on the drawings it has been discussed with the applicant that it may be prudent to condition the rooflight on the side, north elevation as obscure glazed to avoid overlooking into the application property from the adjacent property's first floor windows. The works will see the removal of the existing arrangement in the same position, which has only a marginally shorter footprint.

The reason the development requires planning permission is that the proposal projects 5.40 metres from the rear wall of the original dwellinghouse, which is 2.40 metres deeper than allowed as permitted development.

HISTORY

2 neighbours notified, no representations received at time of writing

POLICY

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

The development plan comprises the Regional Spatial Strategy, The Somerset and Exmoor National Park Joint Structure Plan Review, and the 'saved' policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan
STR1 (Sustainable Development)
STR2 (Towns)
STR4 (Development in Towns)

South Somerset Local Plan (Adopted April 2006)
ST5 (General Principles of Development)
ST6 (Quality of Development)

Sustainable Community Strategy
Goal 8: Quality Development

CONSULTATIONS

SSDC Technical Services - No comment
SCC Highways - No observations

REPRESENTATIONS

2 neighbours notified, no representations received to date

CONSIDERATIONS

The main considerations here are:

- Whether the proposal respects the form and scale of the existing dwellinghouse
- Is the proposal in keeping with the established built form of the area?
- Does the proposal introduce any new residential amenity issues in terms of overshadowing or overlooking to the adjacent neighbouring properties?

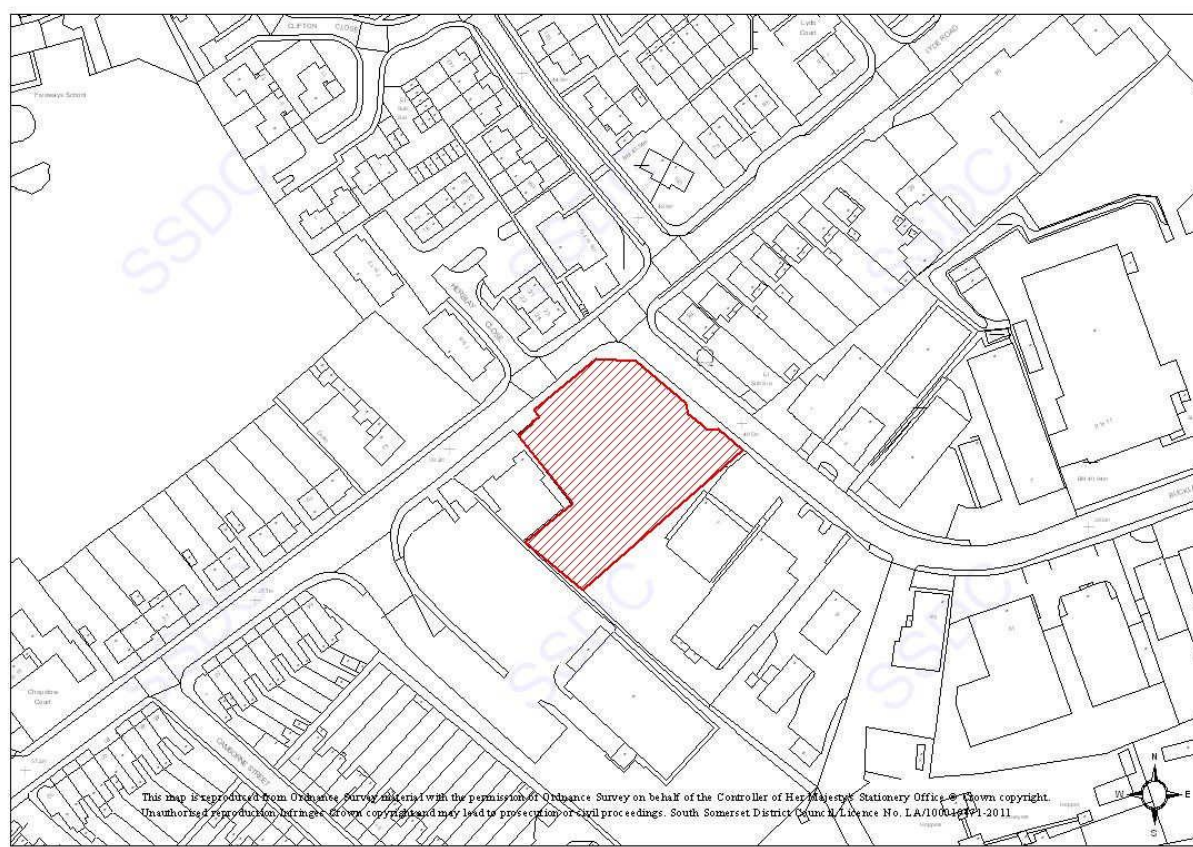
RECOMMENDATION

The views of the Town Council are invited.

6. Officer Report On Planning Application: 11/01338/COU

Site Address:	Tri UK 76 Lyde Road Yeovil
Ward :	Yeovil (East)
Proposal :	The change of use of premises from storage and distribution (Use Class B8) to retail (Use Class A1)(Retrospective)(GR 357144/116623)
Recommending Case Officer:	Andy Cato
Target date :	30th May 2011
Applicant :	Mr Chris Boon
Type :	Other Change Of Use

SITE DESCRIPTION AND PROPOSAL



This existing retail outlet, occupied by Triuk, lies on the south side of Lyde Road, adjacent to the Lidl store. The supporting information accompanying this current planning application states that Triuk is the UK's leading triathlon retailer specialising in performance swimming, running and cycling equipment and, at 10,000 square feet, this existing store is the largest triathlon store in the world. Triuk first took occupancy of the site - a former bakery building some 7-8 years ago, moving from premises in South Western Terrace opposite the former Somerfield store.

This current application seeks a planning permission to regularise the existing A1

(retail) use carried out. In this connection, a planning permission gained by Triuk in March 2005 authorised a change of use of the former bakery premises to a B8 (warehouse use) with a related trade counter (see planning history).

The application is supported by a planning and retail statement, which includes an impact assessment and sequential test further to the requirements of Planning Policy Statement 4 (see policy). This sets out the bicycle and sportswear market, Triuk's history and the link to the existing store and their operational requirements.

HISTORY

03/01553/COU - Alterations to premises to include new windows, roof and doors and change of use from former Bakery (Use Class B1) to a distribution and storage linked to mail order and internet sales with associated office accommodation, workshops and ancillary retail sales counter (Use Class B8).

By way of background, the 03 application, as originally submitted, sought a change of use from B1 to A1 (as applies with this current application). This application was first reported to the Area South Committee with a recommendation for refusal as contrary to planning policy - reasons related to the loss of an employment site and a failure to establish a need for an out of town store. Members, however, resolved to support the proposal and referred the decision onto the Councils Regulation Committee with a recommendation that it be approved as the proposed use, for a building which had stood empty for 24 years, was considered appropriate and on the basis that a loss of employment had not been demonstrated. The Regulation Committee resolved to approve the application subject to a change of description to a B8 Use with ancillary trade counter

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.

Regional Spatial Strategy (RSS)

Whilst the Localism Bill has indicated that it is intended to abolish the RSS, it remains a material consideration until the Bill is agreed and therefore regard should be had to the draft policies. The RSS vision is to deliver sustainable communities and a more sustainable future for the region. The spatial strategy focuses most new development in a limited number of Strategic Significant Cities and Towns (SSCT - Development Policy A). Below these places, locally significant development will be appropriate in settlements with a range of existing services and facilities and the potential for sustainable development (Development Policy B). The RSS identified that these SSCTs should take the bulk of new development. Yeovil is included in the Strategically Significant Cities and Towns.

The development plan comprises the Somerset and Exmoor National Park Joint Structure Plan Review, and the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

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

STR1 - Sustainable Development

STR2 - Towns

STR4 - Development in Towns

Policy 16 - Provision of Land for Industrial, Warehousing and Business Development.

Policy 17 - Mixed Use Developments

Policy 18 - Location of Land for Industrial, Warehousing and Business Development.

Policy 20 - The Retail Framework.

Policy 21 - Town Centre Uses.

Policy 39 - Transport and Development

Policy 48 - Access and Parking

Policy 49 - Transport Requirements of New Development

Policy 50 - Traffic Management

The Saved Policies of the South Somerset Local Plan:

ST5 - General Principles of Development

ST6 - The Quality of Development

TP1 - New Development and Pedestrian Movement

TP2 - Travel Plans

TP3 - Cycling

TP4 - Road Design

TP5 - Public Transport

TP6 - Parking Provision

MC2 - Location of Shopping Development (Town Centres)

MC3 - Location of Shopping Development (Outside Town Centres)

ME6 - Retention of Employment Land and Premises

NB A number of these policies concern proposals for new developments (this is an existing use/development)

National Guidance

Statements on Government planning policy and associated guidance can provide material considerations in the determination of a development proposal. This can be particularly relevant where the adopted development plan document pre-dates the most up to date Government policy. In this case the following policy documents are relevant:

PPS1 - Delivering Sustainable Communities (2005) and the accompanying policy document "The Planning System - General Principles".

PPS4 - Planning for Sustainable Economic Growth (December 2009):

Policy EC17 of PPS4 sets out the considerations to be taken into account when considering planning applications for main town centre uses (which includes retail/AI Uses) on sites that are not in a centre and not in accordance with an up to date development plan. At paragraph EC17.1 and EC17.2, it states:

"Planning applications for main town centre uses that are not in an existing centre and

not in accordance with an up to date development plan should be refused planning permission where:

- a) The applicant has not demonstrated compliance with the requirements of the sequential approach (policy EC15); or
- b) There is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.

Where no significant adverse impacts have been identified under policy EC10.2 and 16.1 planning applications should normally be determined by taking account of:

- a) The positive and negative impacts of the proposal in terms of policies EC10.2 and 16.1 and any other material consideration; and
- b) The likely cumulative effect of recent permissions, developments under construction and completed developments."

As the application site is in an out of centre location and not in accordance with the development plan, the above provisions apply.

It further states that, in considering sequential approach assessments, local planning authorities should:

- a. Ensure that sites are assessed for their availability, suitability and viability;
- b. Ensure that all in-centre options have been thoroughly assessed before less central sites are considered.
- c. Ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access;
- d. Ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:
 - 1. scale: reducing the floorspace of their development;
 - 2. format: more innovative site layouts and store configurations such as multi-storey development with smaller footprints;
 - 3. car parking provision: reduced or reconfigured car parking areas; and
 - 4. the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals.

Paragraph EC15.2 then notes that flexibility should be adopted in undertaking such an assessment and that:

"In considering whether flexibility has been demonstrated under policy EC15.1d above, local planning authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site, for example where a retailer would be limited to selling a significant reduced range of products. However, evidence which claims that the class of goods proposed to be sold cannot be sold from the town centre should not be accepted".

Goal 4 - Services and Facilities
Goal 5 - High Performance Local Economy
Goal 7 - Distinctiveness
Goal 8 - High Quality Developments
Goal 11 - Environment

CONSULTATIONS

Yeovil Town Council: Observations sought.
SCC Highways: Observations awaited.
SSDC Area Development: Observations awaited.
SSDC Economic Development: Observations awaited.
SSDC EPU: Observations awaited.
SSDC Planning Policy: Observations awaited.
Health and Safety Executive: Observations awaited.

Neighbours: Neighbouring properties and premises have been notified and the occupiers invited to comment on the application (reply date = 27.04). There has been one response to date; this objects to the application for reasons relating to:
An increase in noise pollution due to traffic and a greater number of customers (this relates to future expansion plans of the retail unit)
Parking may not be adequate - when busy customers park in Herblay Close.
The opening hours and lighting are imposing on properties opposite.

CONSIDERATIONS

The application seeks to regularise an existing situation for an existing retail (A1) store located in an out of town centre location. Accordingly, with this type of application, particular reference needs to be had to the application submissions further to the requirements of PPS4 (as set-out above). In this connection regard needs to apply to the robustness of the applicants methodology, to include the area of the search undertaken and the flexibility applied and the reasonableness of the applicants conclusions - that this is the most appropriate location for this particular retail outlet store.

RECOMMENDATION

The views of the Town Council are invited.

PLANNING DECISIONS

11/00685/FUL The erection of a shed (Part Retrospective) at 100 Meadow Road Yeovil Somerset BA21 5PD
Applicant Mr Robert Coleman

APPROVAL subject to conditions

10/04022/FUL The erection of a conservatory to the rear of dwellinghouse at 11 Glenthorne Avenue Yeovil Somerset BA21 4PG.
Applicant Mr Stephen Callan

APPROVAL subject to conditions

11/00522/FUL The erection of a single storey sun room extension at Monks Dale Sheltered Scheme Monks Dale Yeovil Somerset BA21 3JA
Applicant Yarlington Housing Group

APPROVAL subject to conditions

11/00561/FUL The carrying out of external remodelling of elevations to include over cladding of elevations and partial reconfiguration in connection with new front office facility at Yeovil Police Station Horsey Lane Yeovil Somerset BA20 1SN
Applicant Avon And Somerset Constabulary

APPROVAL subject to conditions

11/00500/ADV The display of 3 No. externally illuminated fascia signs and 3 No. non illuminated tray panel signs at Yeovil Service Station Sherborne Road Yeovil Somerset BA21 5BQ
Applicant Co-operative Group Ltd

APPROVAL subject to conditions

11/00178/FUL The erection of a timber framed communal bin store at Land Adjoining Flats 5 To 15 St Johns Road Yeovil Somerset
Applicant Yarlington Housing Group

WITHDRAWN

11/00954/ADV The display of 2 No. internally illuminated fascia signs, 2 No. non illuminated fascia sign and 1 No. internally illuminated totem sign at A T S Ltd Lyde Road Yeovil Somerset BA21 5DW
Applicant ATS Euromaster

APPROVAL subject to conditions

11/00753/FUL The use of land for open storage (Use Class B8) and the erection of fenced areas at Plot 33 Oxford Road Pen Mill Trading Estate Yeovil Somerset
Applicant Mr Terry Dyer

WITHDRAWN

11/01093/FUL The erection of a front entrance porch at 26 West Coker Road Yeovil Somerset BA20 2LB
Applicant Mr Simon Pedrick

APPROVAL subject to conditions

11/01155/R3C Extension to existing sports hall building to provide fitness suite and studio, including disabled changing facilities for the both the school and community use at Preston County Comprehensive School Monks Dale Yeovil Somerset BA21 3JD
Applicant Mr Gary French

APPROVAL subject to conditions

11/00863/TPO Application to carry out tree surgery works to a Magnolia tree Known as T1 in the South Somerset District Council (Yeovil No.7) Tree Preservation Order 2000 at Glenthorne House 38 Princes Street Yeovil Somerset BA20 1EQ
Applicant Pardoes Solicitors

APPROVAL subject to conditions

11/00956/TPO Application to carry out tree surgery works to a Beech tree known as T.4 and a Sycamore tree known as T.7 in the South Somerset District Council (Yeovil No.2) Tree Preservation Order 2001 at St Margaret's Hospice Little Tarrat Lane Yeovil Somerset BA20 2HU
Applicant St Margaret's Hospice

APPROVAL subject to conditions

11/01046/TPO Application to carry out tree surgery works to an Oak tree known as T37 and Ash tree known as T7 and a Wellingtonia tree known as T13 in the SSDC (Yeovil No 2) TPO 1997 at Yeovil College Mudford Road Yeovil Somerset BA21 4DR
Applicant Yeovil College

APPROVAL subject to conditions

11/00816/TPO Application to carry out tree surgery works to 2 No. Oak trees known as T1 in the South Somerset District Council (Yeovil No.3) 1997 and T4 in the South Somerset District Council (Yeovil No. 6) 1990 Tree Preservation Order at 1 The Beeches Southway Drive Yeovil Somerset BA21 3QJ
Applicant Mrs Wood

APPROVAL subject to conditions

11/00498/FUL The erection of a conservatory at 42 Grove Avenue Yeovil Somerset BA20 2BD
Applicant Ms Townsend

REFUSAL

Note:

Highlighted Planning Decisions:

Decision of District Council differs from Yeovil Town Council Recommendation.

Report Table for Town Council 26 April 2011

<u>APPLICATION NO.</u>	<u>LOCATION</u>	<u>PROPOSAL</u>	<u>OBJECTIONS</u>	<u>CONSIDERATIONS</u>
11/01373/ADV	Argos Ltd 22 High Street Yeovil	The display of 1 No. externally illuminated fascia sign and 1 No. non illuminated projecting sign (Retrospective)	None received at time of writing.	<ul style="list-style-type: none">• Are the signs in keeping with the character of the area in terms of siting, design, materials, illumination, scale and number?• Do the signs prejudice public safety?