



Yeovil Town Council

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Somerset
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Planning and Licensing Committee

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

The Time... **7.30pm**

Please note change to usual time

The Date... **Monday 28 April 2014**

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

22 April 2014

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

To: All Members of the Planning and Licensing Committee

Darren Shutler (Chairman)
Peter Brock
Kris Castle
J Vincent Chainey
Philip Chandler (Vice-Chairman)
Dave Greene
Andrew Kendall
Mike Lock (Ex-officio)
Wes Read
Manny Roper (Ex-officio)

Equality Act 2010

The *general* public sector equality duty places an obligation on a wide range of public bodies (including town and parish councils) in the exercise of their functions to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

The protected characteristics are:

Age

Race

Disability

Religion or Belief

Gender Reassignment

Sex

Marriage and Civil Partnership

Sexual Orientation

Pregnancy and Maternity

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 confirm as a correct record the Minutes of the previous meeting held on 14 April 2014.

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 13)

5. PARISH/TOWN COUNCIL CONSULTATION

Application No. 14/01606/TPO

Applicant: Mrs Louise Whitney

Proposal: Application to carry out tree surgery works to 2 No. Beech trees known as T.1 and T.2 in the South Somerset District Council (Yeovil No.2) Tree Preservation Order 2005 (GR 355041/114886)

Location: Beech House Dorchester Road Yeovil Somerset BA20 2RW

To consider the above application attached at pages 14 to 15 and copy site map at page 16.

6. PLANNING DECISIONS (Page 17 and 18)

7. CORRESPONDENCE

	Application No	Proposal	Address
1	14/01533/FUL	Alterations, the erection of a two storey and single storey rear extension and the erection of an extension to existing garage to form store. (GR 354729/117256)	159 Ilchester Road Yeovil Somerset
2	14/01623/FUL	Alterations and the conversion of ground floor of premises from Use Class A1 (retail) to Use Class C3 (residential unit) (GR 356040/115930)	86 Middle Street Yeovil Somerset
3	14/01699/P3JPA	Prior approval for proposed change of use from Use Class B1(a) (office) to Use Class C3 (residential - indicative 11 units). (GR 355992/115913)	72-74 Middle Street Yeovil Somerset

PLANNING MEETING
MONDAY 28 April 2014

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
4. 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: 14/01533/FUL**

Site Address:	159 Ilchester Road Yeovil Somerset
Ward :	Yeovil (West)
Proposal :	Alterations, the erection of a two storey and single storey rear extension and the erection of an extension to existing garage to form store. (GR 354729/117256)
Recommending Case Officer:	Andrew Collins
Target date :	29th May 2014
Applicant :	Mr & Mrs Bruno Nardiello
Type :	Other Householder - not a Change of Use

SITE DESCRIPTION AND PROPOSAL



This detached property is located within a residential area of Yeovil. It is located in a predominantly residential area on the A37. The area has a mixed character of built form with bungalows opposite the application site, detached 2 storeys and semi detached north and to the south. Immediately adjoining the property to the North is a block of 2 flats within the same ownership as the application site.

Planning permission is sought to erect a first floor extension over an existing flat roof extension of 4m. This would have a roof that ties in with the existing hipped roof. Also it is proposed to erect an additional further flat roof extension of a further 4m with a balcony area over. High level screens are proposed adjacent to the dwelling but lower level away from the dwelling.

In the rear garden is an existing 8.9m long garage along the side boundary. It is proposed to erect a store and garden store at right angles along the rear boundary. This would measure 14.8m by 3.6m in width.

Along the rear boundary are high conifer trees but it is not clear if these are to be retained. The agent has been contacted for this to be clarified.

HISTORY

Of relevance to this application;

07/05365/FUL - Erection of 2 no. 2 bedroom apartments - Application permitted with conditions - 28/01/08

790555 - The erection of an extension to dwelling house and a garage - Conditionally approved - 26/4/79

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.

For the purposes of determining current applications the local planning authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.

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

National Planning Policy Framework - March 2012
Chapter 7 - Requiring good design

Other Relevant Documents
Somerset Parking Strategy (2012)

CONSULTATIONS

COUNTY HIGHWAY AUTHORITY -

REPRESENTATIONS

None received at time of writing report

CONSIDERATIONS

The main considerations of this application are:

- Does the proposal have an acceptable impact on the residential amenity of neighbouring properties, e.g. in terms of potential for overlooking especially from the proposed balcony?
- Is the proposal an overdevelopment of the site?
- Does the proposal have an acceptable impact upon visual amenity of the surrounding area?

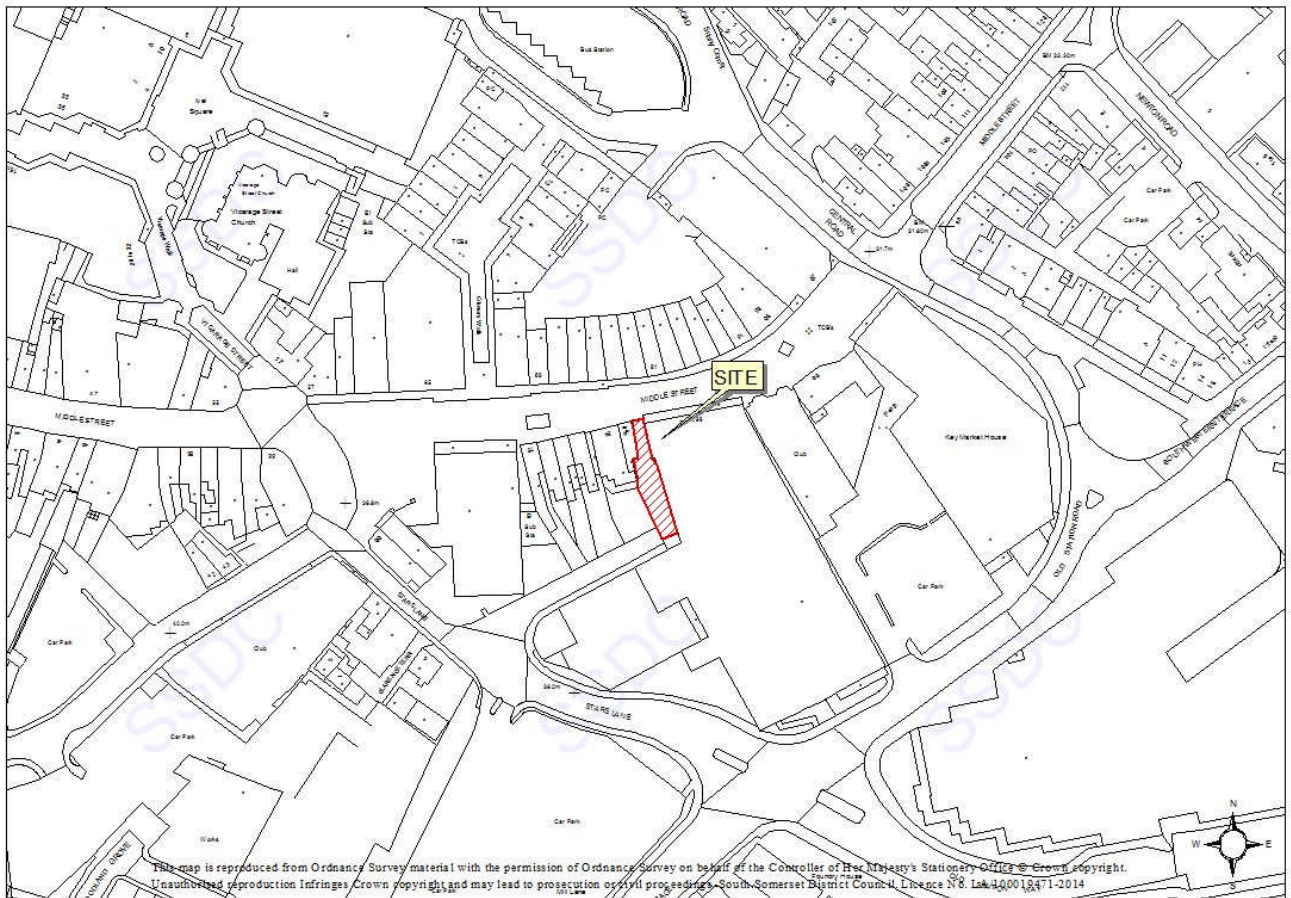
RECOMMENDATION

The views of the Town Council are invited.

2. **Officer Report On Planning Application: 14/01623/FUL**

Site Address:	86 Middle Street Yeovil Somerset
Ward :	Yeovil (Central)
Proposal :	Alterations and the conversion of ground floor of premises from Use Class A1 (retail) to Use Class C3 (residential unit) (GR 356040/115930)
Recommending Case Officer:	Andrew Collins
Target date :	27th May 2014
Applicant :	Mr Erol Sen
Type :	Minor Dwellings 1-9 site less than 1ha

SITE DESCRIPTION AND PROPOSAL



The site is located within the town centre of Yeovil, but outside of the primary shopping frontage. The property is 3 storey and is located between Wilkinsons and a barber shop.

The property is currently vacant with a former cash shop operating from the premises. On the first and second floors are 2 separate flats.

Planning permission is sought to change the use of the shop to a residential unit, with associated external and internal alterations.

In detail a 2 bed flat is proposed with sitting / kitchen at the front, bathroom near the centre and 2 bedrooms to the rear. Access to the flat is via the front and rear of the property. To the rear, off Stars Lane is access to the 2 upper floor flats via a boardwalk. There are various roof slopes that are proposed to be levelled to create a better area for the upper flats and a courtyard for the proposed flat created. Access to the flat proposed would be down a flight of steps from a car park area. The courtyard would be at a lower level and this would be surrounded by timber balustrading. This has two benefits as provides an outside space and allows windows to be inserted to the bedrooms.

There are currently 3 car parking spaces to the rear and 3 are to be retained. However this would create an addition unit of accommodation with 3 in total.

Submitted with the application are details of the marketing of the site and sound attenuation information.

HISTORY

12/03303/FUL - The change of use of premises from Use Class A1 (shop) to Use Class A5 (Hot Food Takeaway) and the installation of extraction equipment / flue - Application refused - 05/11/12

05/02849/FUL - Alterations to include access to first floor flat, revised access and WC to shop on ground floor - Application permitted with conditions - 05/12/05

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.

For the purposes of determining current applications the local planning authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.

The policies of most relevance to the proposal are:
South Somerset Local Plan (adopted 2006)

ST5 (General Principles of Development)
ST6 (Quality of Development)
MC4 (Other uses in Town Centres)
MC7 (Design in Town Centres)

National Guidance
National Planning Policy Framework - March 2012
Chapter 1 - Building a Strong Competitive Economy
Chapter 2 - Ensuring the Vitality of Town Centres

Paragraph 23 - Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.

Other Relevant Considerations
Somerset Parking Strategy

CONSULTATIONS

PLANNING POLICY - No comments received

ENVIRONMENTAL PROTECTION OFFICER - No comments received

ECONOMIC DEVELOPMENT - No comments received
COUNTY HIGHWAYS - No comments received

REPRESENTATIONS

Site notice posted on site. None received at time of writing report

CONSIDERATIONS

- Effect upon residential amenity
- Effect upon visual amenity
- Effect upon Yeovil Town Centre
- Parking

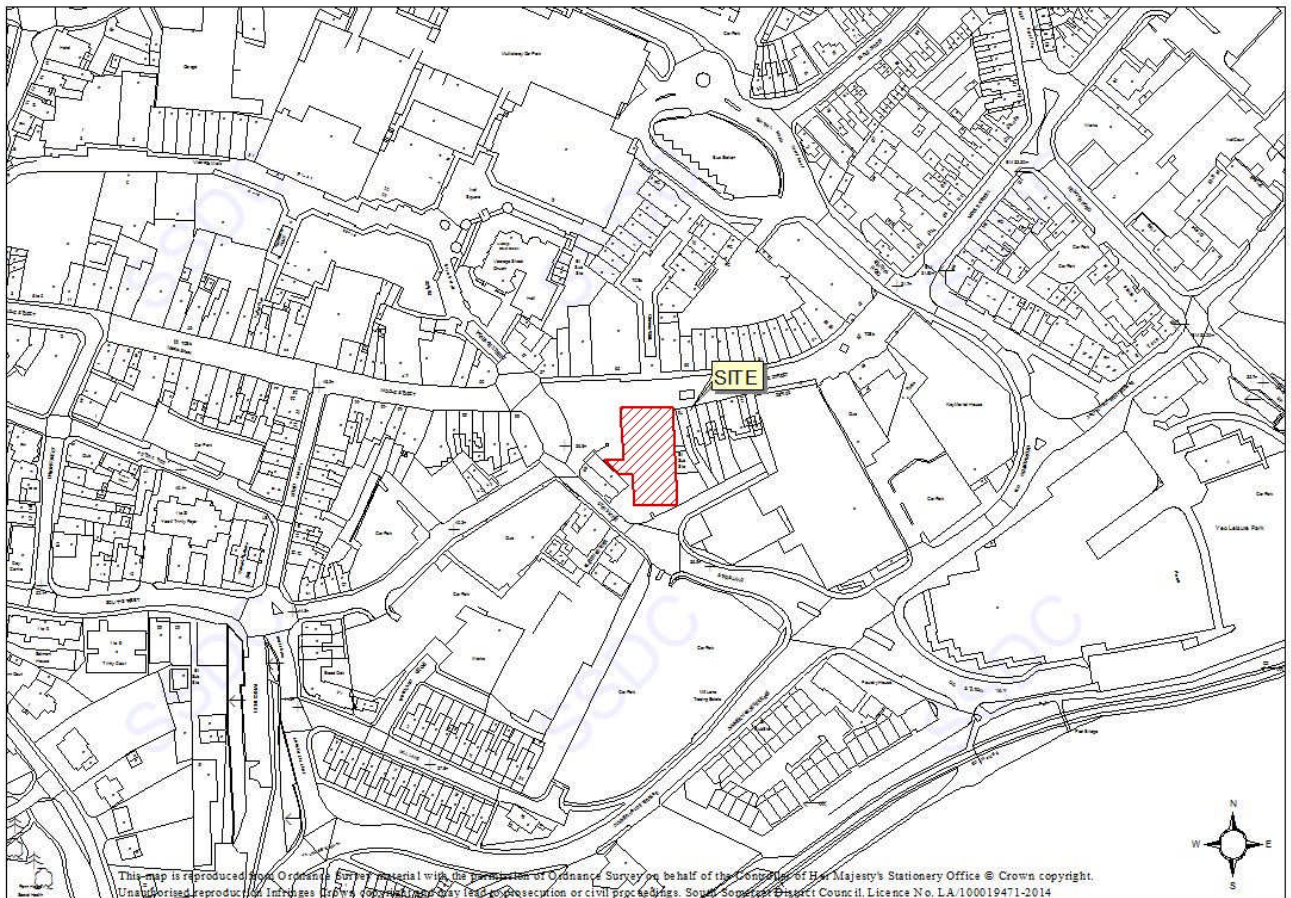
RECOMMENDATION

The view of the Town Council is invited.

3. Officer Report On Planning Application: 14/01699/P3JPA

Site Address:	72-74 Middle Street Yeovil Somerset
Ward :	Yeovil (Central)
Proposal :	Prior approval for proposed change of use from Use Class B1(a) (office) to Use Class C3 (residential - indicative 11 units). (GR 355992/115913)
Recommending Case Officer:	Simon Fox
Target date :	6th June 2014
Applicant :	Intercounty Properties Ltd
Type :	Part 3 Prior Approvals

SITE DESCRIPTION AND PROPOSAL



The application site comprises a mixed use building within the town centre fronting onto both Middle Street and Stars Lane. Due to a difference in levels the building presents three storeys to Middle Street and two storeys onto Stars Lane.

On the lower ground floor accessed via Middle Street is a retail outlet (Use Class A1, currently trading as Poundland), on the upper ground floor is a bar/restaurant with outside terraced/decked area (Use Class A3/A4, currently trading as Chicago Rock Cafe) accessed from Stars Lane and on the first floor are office suites (all currently vacant). To the east is a loading bay which serves the bar/restaurant and the shop and to the west is a stairwell/lift access from Middle Street serving the office suites.

The property is of typical 1970s design comprising reconstructed stone and infill panels beneath a flat roof. The site is bordered to the east by retail outlets with residential above, and to the west by several drinking establishments, a take-away and a nightclub.

The site has no dedicated off-street parking but is within close proximity to the Stars Lane and Box Factory public car parks.

Middle Street is the primary shopping street in the town but the part of the street on which the site sits is not designated as the Primary Shopping Frontage in the Local Plan like the eastern half of Middle Street. The site is however within an environmental enhancement area; policy MC/YEOV/8 of the local plan.

This application is a notification of intent by the applicant to exercise their permitted development rights under Part 3 of Schedule 2 (Class J) of the Town and Country Planning (General Permitted Development) (England) Order 2013 to change the use of part of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes order from a use falling within Class B1(a) (offices) of that Schedule.

The proposal seeks the change of use of the first floor from Class B1(a) office to Class C3 apartments. The notification does not require the applicant to disclose the nature of accommodation sought, however submitted plans indicate 7 No. 1-bed apartments and 4 No. 2-bed apartments.

HISTORY

13/00900/FUL: The change of use of upper ground floor bar (Use Class A3) to apartments (Use Class C3), first floor offices (Use Class B1) to apartments and the erection of a second floor extension to be used for apartments (Totalling 35 apartments): Withdrawn: 02/07/2013

Various consents relating to shopfronts, change of use and advertisements, none particularly of relevance to this proposal and none refer to residential use.

POLICY

Part 3 of Schedule 2 (Class J) of the Town and Country Planning (General Permitted Development) (England) Order 2013.

REPRESENTATIONS

Neighbouring properties to the site have been notified in writing and two site notices have been displayed. No representations have been received to date.

CONSIDERATIONS

Class J, J.1.(b) requires the building to fall within Class B1(a) to be considered permitted development.

In considering the criteria of Class J:

- The building is not within a safety hazard area
- The site is not part of a military explosives storage area
- The building is not listed nor a scheduled monument

The LPA has to consider whether prior approval is required as to:

- Transport and highways impacts of the development
- Contamination risks on the site
- Flooding risks on the site

RECOMMENDATION

That Yeovil Town Council note the notification and comment on the criteria to be assessed.

PLANNING DECISIONS

14/00443/FUL The carrying out of external alterations to retail and bulk store buildings and changes to site layout and fencing (GR 357015/116127) at Mole Valley Farmers Ltd Sherborne Road Yeovil Somerset BA21 5BJ
Applicant: Mole Valley Farmers Ltd

APPROVAL subject to conditions

14/00705/COU The change of use of premises for Use Class A1 (hairdressers) to a tattoo studio (GR 355686/115935) at 13 Wine Street Yeovil Somerset BA20 1PW
Applicant: Mr Damian Cain

APPROVAL subject to conditions

14/01006/TPO Application to carry out tree surgery works to Yew tree known as T.1 in the South Somerset District Council (Yeovil No.2) Tree Preservation Order 2009 (GR 3545333/115031) at Land Adjoining The Yew Tree Inn Forest Hill Yeovil Somerset BA20 2PG
Applicant: Mr John Bishop

APPROVAL subject to conditions

14/01261/TPO Application to fell a Wild Cherry tree known as T32 in the South Somerset District Council (Yeovil No.1) Tree Preservation Order 1991 (GR 355165/116727) at 1 Oakridge Park Yeovil Somerset BA21 3JY
Applicant: Cdr Michael Norman

APPROVAL subject to conditions

14/01446/R3C Retention of a temporary Elliott classroom building and ancillary works, paving, ramps and platforms (GR: 355693/117239) at Milford Junior And Infant School
Glenthorne Avenue Yeovil Somerset BA21 4PG
Applicant: Director Of Children & Young People

NO OBJECTION

Note:

Highlighted Planning Decisions:

Decision of District Council differs from Yeovil Town Council Recommendation.