



Yeovil Town Council

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Planning and Licensing Committee

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

The Time... **7.00pm**

The Date... **Monday 17 February 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

11 February 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 3 February 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 30)

5. PLANNING DECISIONS (Pages 31 to 32)

6. CORRESPONDENCE

	Application No	Proposal	Address
1	14/00213/FUL	Residential development consisting of 19 dwellings and associated works (GR 355948/116364)	Premises Formerly Known As 16 Goldcroft Yeovil
2	14/00244/FUL	The erection of a single dwelling (Re-Submission) (GR 355855/115784)	2 Woodland Terrace Mill Lane Yeovil
3	14/00080/FUL	Alterations and the conversion of existing single dwellinghouse into 3 No. self contained flats (GR 355239/116233)	27 The Park Yeovil Somerset
4	14/00372/FUL	Alterations and the erection of a single storey side and rear extension to dwellinghouse (Revised application) (GR 355315/117472)	45 Chilton Grove Yeovil Somerset
5	14/00390/FUL	The erection of a two storey side extension to dwellinghouse (GR 356179/117157)	15 Wingate Avenue Yeovil Somerset
6	14/00440/COU	The change of use of premises from B1/B8 (Industrial/Storage and Distribution) to D2 (Assembly and Leisure) (GR 353931/115325)	3A and 3B Kingfisher Close Gazelle Road Lynx Trading Estate Yeovil
7	14/00573/FUL	The erection of a single storey and two storey extensions to dwellinghouse (GR 354674/115845)	111 Seaton Road Yeovil Somerset
8	14/00463/DPO	Application to modify S 106 agreement relating to affordable housing dated 11th May 2007 and varied 21st October 2013 and S 106 agreement relating to public opens space, play, sport and leisure provisions and education dated 11th May 2007 (GR 357652/117726)	Land At Lufton Lufton Yeovil

PLANNING MEETING
MONDAY 17 February 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: 14/00213/FUL

Site Address:	Premises Formerly Known As 16 Goldcroft Yeovil
Ward :	Yeovil (Central)
Proposal :	Residential development consisting of 19 dwellings and associated works (GR 355948/116364)
Recommending Case Officer:	Simon Fox
Target date :	30th April 2014
Applicant :	Hammonds Yates Ltd
Type :	Major Dwlg's 10 or more or site 0.5ha+

SITE DESCRIPTION AND PROPOSAL



The application site comprises a 0.2 hectare vacant employment site located off Goldcroft. To the south and west are residential properties and to the north and east is a public car park.

The site is rectangular in shape with a short side adjacent to Goldcroft where vehicular access is achieved. The site has been cleared of buildings and is secured by hoardings.

The prevailing character of residential properties in the area is red brick terraces, with Victorian examples to the west and modern infill to the south. The site is generally raised relative to those properties to the south but has been partially excavated.

This application seeks to develop the site for residential purposes for 19 dwellings.

In detail the scheme seeks:

- to erect a three-storey comprising 12 apartments (6 x 1bed and 6x 2bed),
- to erect a terrace of 3 two-storey 2-bed dwellings,
- to erect a terrace of dwellings comprising 2 two-storey 3beds, 1 two-storey 2bed and 1 three-storey 5-bed,
- to form a vehicular access from Goldcroft,
- to provide 23 parking spaces,
- provision of bike and bin store, and
- associated landscaping.

The proposed materials are red brick walls under a slate roof.

The applicant has also submitted the following documentation in support of the application:

- Design and Access Statement
- Site Survey
- Ground Investigation Report/Correspondence

The planning history shows consent for development from 2006. Here planning permission was granted for the demolition of the existing commercial/industrial buildings and the erection of two three-storey buildings of white render and flat roofs. To the front of the site adjacent to Goldcroft, a building comprising two office units (Use Class B1) with a total floor space of 279 sq m and fourteen residential units, together with a three-storey building to the rear of the site comprising ten residential units.

In 2009 a Certificate of Lawfulness established that pre-commencement conditions had been complied with and the development permitted by the said permission has been lawfully initiated and begun within the time limit referred to in condition 1 of such permission. The 2006 consent therefore remains extant capable of implementation.

HISTORY

09/01366/COL: Application for certificate of lawfulness for the erection of 2 No blocks comprising 24 No apartments and 2 No class B1 offices pursuant to planning permission 06/02121/FUL: Application permitted with conditions: 22/05/2009.

06/02121/FUL: Demolition of existing buildings and the erection of 2 No. blocks comprising 24 No. apartments and 2 No. Class B1 offices: Application permitted with conditions: 22/11/2006

05/00670/FUL: Demolition of existing buildings and the erection of a building comprising commercial/industrial units (use class B1) and six flats and a block of twelve flats to the rear: Application permitted with conditions: 16/09/2005.

03/00309/COU: Change of use of premises from vehicle repair garage to retail (use Class A1): Refused: 02/04/2003 - Appeal Dismissed.

97/01209/OUT: Residential development for 49 units, creation of open space and the construction of an estate road: Refused: 08/11/1999.

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.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

National Planning Policy Framework - March 2012

Core Planning Principles

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 11 - Conserving and Enhancing the Natural Environment

The Secretary of State confirmed The Regional Strategy for the South West (Revocation) Order 2013 on 20 May 2013. This had the effect of revoking the Regional Strategy for the South West and the partial revocation of the Somerset and Exmoor National Park Joint Structure Plan (all policies except policy 6 - Bristol/Bath Green Belt).

The development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

ST10 - Planning Obligations

HG7 - Site Targets and Thresholds

TP1 - New Development and Pedestrian Provision

TP3 - Cycle Parking

TP4 - Safer Environments for New Developments and Existing Residential Areas

TP7 - Residential Parking Provision

EU4 - Water Services

CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development

CR3 - Off-site Provision

CR4 - Amenity Open Space

Other

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

No consultations had been received at the time of submitting this report.

Bodies consulted:

Highways Authority (Somerset CC)
SSDC Ecologist
SSDC Strategic Housing
SSDC Play Officer
SSDC Open Spaces Officer
SSDC Environmental Protection Team
SCC Education
Wessex Water
SSDC Technical Services
Somerset Waste Partnership
Police Architectural Liaison Officer
Yeovil Chamber of Commerce
Yeovil Vision Board

REPRESENTATIONS

40 Neighbouring properties to the site have been notified. A press advert has been placed and site notices have also been displayed (Major Development). No representations had been received at the time of submitting this report.

CONSIDERATIONS

The Town Council may wish to take into account the following matters:

- the principle of development taking into account the extant consent,
- the non-provision of the previously permitted B1 units,
- a scheme of 19 dwellings would require 35% affordable housing and financial contributions towards local/strategic sport and play recreation infrastructure,
- site levels, design quality, materials, mix of dwelling types, density,
- residential amenity, and
- the proposed vehicular access, traffic impact and parking.

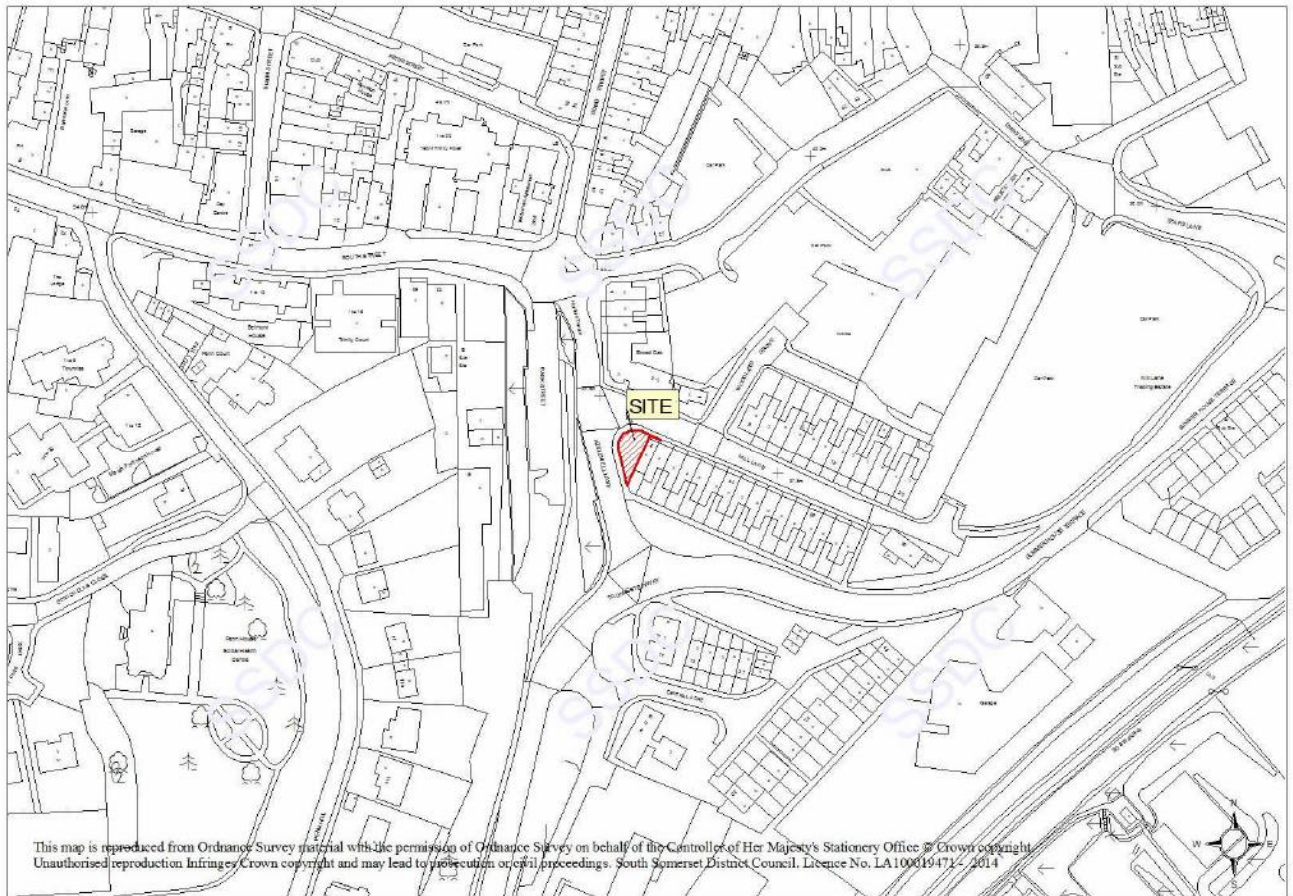
RECOMMENDATION

That Yeovil Town Council be invited to comment on this application.

2. Officer Report On Planning Application: 14/00244/FUL

Site Address:	2 Woodland Terrace Mill Lane Yeovil
Ward :	Yeovil (Central)
Proposal :	The erection of a single dwelling (Re-Submission) (GR 355855/115784)
Recommending Case Officer:	Simon Fox
Target date :	17th March 2014
Applicant :	Mr I White
Type :	Minor Dwellings 1-9 site less than 1ha

SITE DESCRIPTION AND PROPOSAL



The application site is located on the junction of Mill Lane and Addlewell Lane and comprises a two-storey, end of terrace property (No.2 Woodland Terrace) with surfaced parking area (for at least two cars) contained behind a 2m curved brick wall flanking Addlewell Lane. A two-storey flat roof extension projects to the rear of the dwelling. The property is conspicuous in the street, being open to view from the busy South Street and from the higher ground and public car park opposite. The area is characterised by similar two-storey Victorian brick terraced properties, and a recent development immediately opposite which includes a corner property designed with a curved façade.

A planning permission obtained in 2006 (06/01580/FUL) allowed the total demolition of the dwelling and the erection in its place of a four-storey high new building comprising 8 flats erected of a contemporary design to curve and sweep around the corner in a cam shape.

A subsequent application in 2010 (10/00088/FUL) sought to alter parts of the contemporary design and reduce the number of flats from 8 to 6. Neither the 2006 nor the 2010 scheme proposed any off-street parking. In 2012 an application sought to extend the time limit for implementation. This application failed due to changes to policy that had increased parking requirements since the original permissions, demands that could not be met within the proposed design. The 2010 permission expired on 25th February 2013. The permission has not commenced and cannot now be implemented.

Last year an application sought to retain No.2 Woodland Terrace and erect a three-bed two storey dwelling alongside in the parking area. There was no proposed parking for the new unit and the proposal would have also left No.2 without any parking. The application was eventually withdrawn because concerns were raised concerning the elevation design and the lack of car parking.

This application is effectively a resubmission of the withdrawn application, the agent having taken advice regarding the elevation design. The elevation design would reflect the general character of Mill Lane. The parking situation remains unchanged.

HISTORY

13/02554/FUL: Erection of a single dwelling: Withdrawn: 30/07/2013

12/04857/FUL: Application for the erection of a block of 6 flats to replace extent permission 10/00088/FUL to extend the time limit for implementation: Refused: 21/02/2013

10/00088/FUL: The erection of a block of flats: Approved: 25/02/2010

06/01580/FUL: Demolition of dwelling and erection of block of flats: Approved: 10/07/2006

05/01348/FUL: Conversion of offices into 2 self-contained flats: Approved: 06/07/2005

04/01122/FUL: Conversion of office to dwellinghouse: Approved: 14/07/2004

POLICY

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

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

The Secretary of State confirmed The Regional Strategy for the South West (Revocation) Order 2013 on 20 May 2013. This had the effect of revoking the Regional Strategy for the South West and the partial revocation of the Somerset and Exmoor National Park Joint Structure Plan (all policies except policy 6 - Bristol/Bath Green Belt).

The development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

TP7 - Car Parking

EP5 - Contaminated Land

Other

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

No consultations had been received at the time of submitting this report.

Bodies consulted:

Highways Authority (Somerset CC)

SSDC Environmental Protection

SSDC Technical Services

REPRESENTATIONS

10 neighbouring properties to the site have been notified in writing. A site notice has also been displayed (General Interest). No representations had been received at the time of writing this report.

CONSIDERATIONS

The Town Council may wish to consider the following matters:

- Is the principle of a dwelling here acceptable?
- Is the scale, form and design of the proposed dwelling acceptable?
- Is there any harm to the character and appearance of the streetscene
- Are there any residential amenity concerns?
- The loss of off-street parking
- Is the lack of any off-street parking acceptable?

RECOMMENDATION

That Yeovil Town Council be invited to comment on this application.

3. Officer Report On Planning Application: 14/00080/FUL

Site Address:	27 The Park Yeovil Somerset
Ward :	Yeovil (West)
Proposal :	Alterations and the conversion of existing single dwellinghouse into 3 No. self contained flats (GR 355239/116233)
Recommending Case Officer:	Mrs Jennie Roberts
Target date :	25th March 2014
Applicant :	Mr Simon Taylor
Type :	Minor Dwellings 1-9 site less than 1ha

SITE DESCRIPTION AND PROPOSAL



The site is located within a conservation area in a residential area of Yeovil. It comprises a three-storey semi-detached dwelling house constructed of red brick under a slate roof. Either side of the property are residential properties, whilst to the rear is a doctors' surgery.

This application proposes the conversion of the dwellinghouse into 3no. two-bedroom flats. There will be no change to the overall footprint of the building. No significant external changes are proposed, although the agent states that the property will be completely restored and refurbished, as it is in a neglected state. A galvanised steel external staircase will be erected on the east elevation to provide external access to Flat 3.

The agent states that no landscaping changes are proposed within the site, and that occupants of the flat will have access to the public amenity facilities offered by the council-owned Sidney Gardens to the north.

The application proposes the provision of 4no. off-road car parking spaces.

HISTORY

882843 - Conversion of dwellinghouse into office accommodation - refused - 7/12/88

881638 - Conversion of premises to 9 flats and the erection of a doctor's surgery - conditional approval - 03/08/88

841361 - The relocation of external staircase to flats - approved - 16/08/84

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.

Following the recent revocation of the Regional Spatial Strategy and the Somerset and Exmoor National Park Joint Structure Plan Review regard needs to be had to the development plan policies of 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)

EH1 (Conservation Areas)

Regard must also be had to:

National Planning Policy Framework - March 2012

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 12 - Conserving and enhancing the historic environment

Somerset Parking Strategy (2012)

CONSULTATIONS

COUNTY HIGHWAY AUTHORITY - Awaiting response

ENVIRONMENTAL PROTECTION - Awaiting response

REPRESENTATIONS

None received at time of writing this report

CONSIDERATIONS

The main considerations of this application are:

- Does the proposal have an acceptable impact on the residential amenity of neighbouring properties, eg in terms of potential for overlooking
- Does the proposal conserve or enhance the character and appearance of the conservation area?
- Is the proposed parking provision in line with the requirements of the Somerset Parking Strategy (2012)?

RECOMMENDATION

The view of the Town Council is invited.

4. **Officer Report On Planning Application: 14/00372/FUL**

Site Address:	45 Chilton Grove Yeovil Somerset
Ward :	Yeovil (West)
Proposal :	Alterations and the erection of a single storey side and rear extension to dwellinghouse (Revised application) (GR 355315/117472)
Recommending Case Officer:	Jane Green
Target date :	26th March 2014
Applicant :	Mr Martin Nardiello
Type :	Other Householder - not a Change of Use

SITE DESCRIPTION AND PROPOSAL



45 Chilton Grove is a two storey detached dwellinghouse constructed of red brick under a concrete plain tiled roof. The property is set back from the neighbouring properties to the south and is located towards to the end of the cul-de-sac. The property benefits from a large front and rear garden with parking for several cars on the drive which leads to a single garage. The road is characterised by similar designed properties some of which are semi-detached and others detached.

The proposal seeks planning permission for the erection of a single side and rear extension to the dwellinghouse. The proposal replaces an existing rear conservatory and would measure over the full width of the rear of the property and extend down the south side elevation of the property wrapping around the property. The form of the extension will be two gables extending from the rear of the property. It would measure 4.3 metres at its deepest from the original rear wall of the dwellinghouse and 1.9 metres wide at the side. It would measure 3.6 metres at its highest. All materials are proposed to match the existing property.

The proposal will see the removal of the existing garage to make way for the proposal. 3 car park spaces (2.4 by 4.8 metres) are proposed at the front of the property with a new soakaway provided and, a drainage channel and permeable paving/finish proposed. It is noted as per the Somerset County Council Parking Strategy a 3 bedroom property in this location would require 2 car park spaces.

The application requires planning permission as the proposal forms a side extension that extends more than half the width of the original dwellinghouse.

The application follows the withdrawal of a two storey scheme by the planning agent with no particular reason given.

HISTORY

13/04982/FUL - Alterations and the erection of a two storey side extension and a single storey rear extension to dwellinghouse - Application withdrawn January 2014

Original consent for the property in the 1950's

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 policies of most relevance to the proposal are:

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

South Somerset District Council Supplementary Guidance - Extensions and Alterations to Houses - A Design Guide

National Planning Policy Framework (March 2012)
Chapter 7 (Requiring Good Design)

Somerset County Council Parking Strategy (March 2012) and Standing Advice (June 2013)

CONSULTATIONS

Highways Authority - Observations sought

Yeovil Town Council - Observations sought

REPRESENTATIONS

2 neighbours have been notified, no representations received at time of writing this report

CONSIDERATIONS

This is an extension to a domestic property and therefore the principle of development is acceptable. The main consideration of the application lies with policy ST5 and ST6 of the Local Plan, namely:

- Is the design and scale of the extension subservient and in keeping with the existing and neighbouring houses and surrounding area?
- Does the extension cause demonstrable harm to the residential amenities of the existing or neighbouring householders?

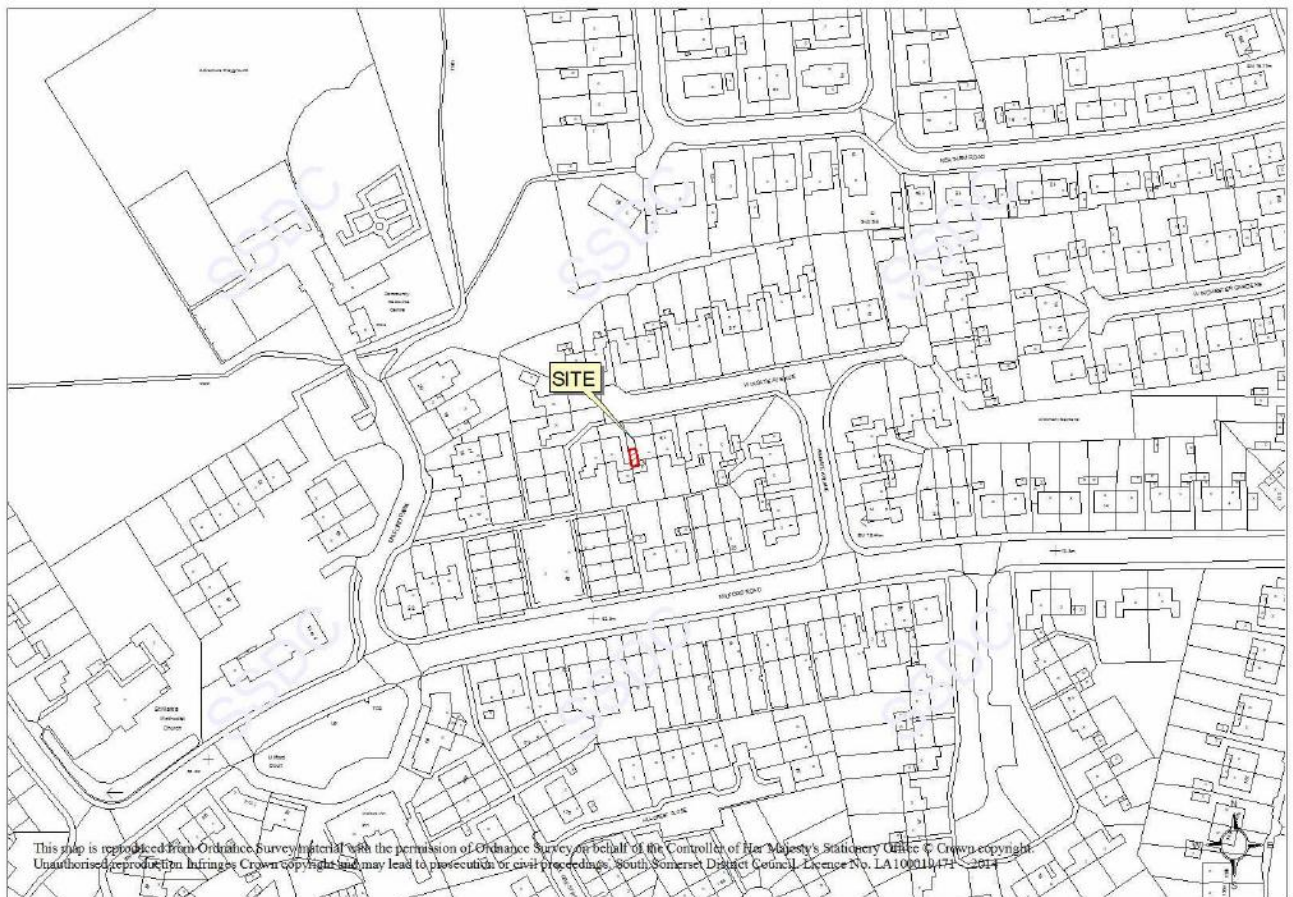
RECOMMENDATION

The views of the Town Council are invited.

5. Officer Report On Planning Application: 14/00390/FUL

Site Address:	15 Wingate Avenue Yeovil Somerset
Ward :	Yeovil (Central)
Proposal :	The erection of a two storey side extension to dwellinghouse (GR 356179/117157)
Recommending Case Officer:	Jane Green
Target date :	24th March 2014
Applicant :	Mr And Mrs D Passmore
Type :	Other Householder - not a Change of Use

SITE DESCRIPTION AND PROPOSAL



15 Wingate Avenue is a two storey semi-detached dwellinghouse constructed of red brick under a concrete plain tiled roof. The property is located in a residential area off Milford Road. The area is characterised by similarly designed 1950's properties. The road rises towards the west and therefore the neighbouring property to the west is just over a metre higher than the application property.

The application seeks planning permission for the erection of a two storey side extension to the dwellinghouse. It would measure 2.1 metres wide, 4.9 metres deep which would be flush with the original rear elevation of the dwellinghouse. The extension would sit approximately 1 metre below the original ridgeline of the property. Materials are proposed to match. The proposal would facilitate a workshop at ground level with a study room over.

The property has 3 bedrooms and 2 off road parking spaces which meets the Somerset County Council Parking Strategy requirements for this area.

HISTORY

3746 - Erection of thirty four dwellinghouses - Approved June 1949

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 policies of most relevance to the proposal are:

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

South Somerset District Council Supplementary Guidance - Extensions and Alterations to Houses - A Design Guide

National Planning Policy Framework (March 2012)
Chapter 7 (Requiring Good Design)

Somerset County Council Parking Strategy (March 2012) and Standing Advice (June 2013)

CONSULTATIONS

Highways Authority - Observations sought

Yeovil Town Council - Observations sought

REPRESENTATIONS

4 neighbours notified, no representations received at time of writing this report

CONSIDERATIONS

This is an extension to a domestic property and therefore the principle of development is acceptable. The main consideration of the application lies with policy ST5 and ST6 of the Local Plan, namely:

- Is the design and scale of the extension subservient and in keeping with the existing and neighbouring houses and surrounding area?
- Does the extension cause demonstrable harm to the residential amenities of the existing or neighbouring householders?

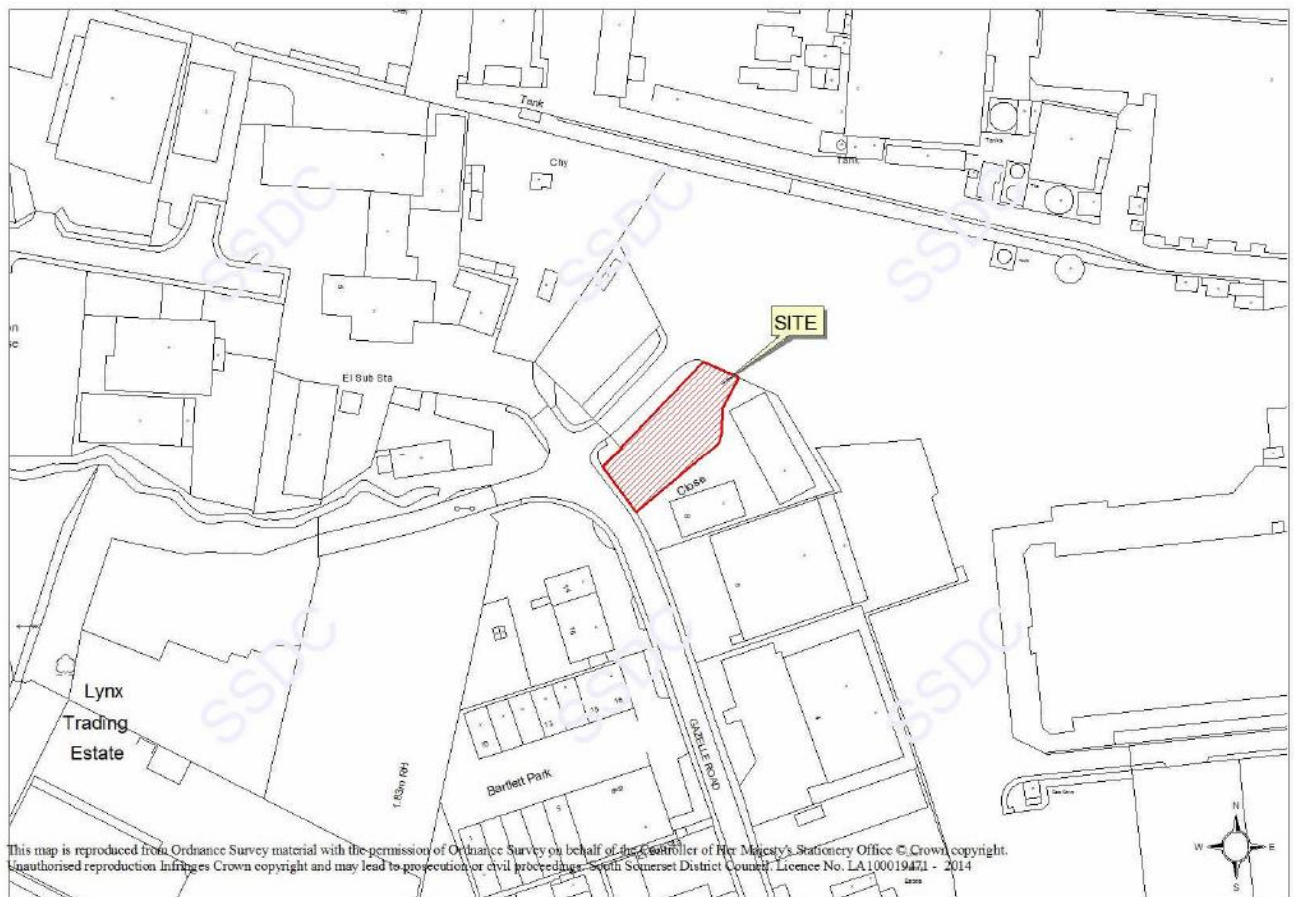
RECOMMENDATION

The views of the Town Council are invited.

6. Officer Report On Planning Application: 14/00440/COU

Site Address:	3A and 3B Kingfisher Close Gazelle Road Lynx Trading Estate Yeovil
Ward :	Yeovil (South)
Proposal :	The change of use of premises from B1/B8 (Industrial/Storage and Distribution) to D2 (Assembly and Leisure) (GR 353931/115325)
Recommending Case Officer:	Mrs Jennie Roberts
Target date :	1st April 2014
Applicant :	Progress Gym Ltd
Type :	Other Change Of Use

SITE DESCRIPTION AND PROPOSAL



The site is located on the Lynx West Trading Estate, within the development area in Yeovil. The applicant states that the building was last occupied by a company running a car parts supply and automotive modification business, but has now been vacant for nearly two years. Planning permission to change its use to a Community Resource

Centre was granted in 2012, but was never implemented. A letter and copies of the marketing particulars have been provided by the estate agent to demonstrate how the property has been marketed for business purposes.

This application proposes the change of use of the property from B1/B8 to D2. The building would be used as a gym. The applicant currently owns a gym located in Brympton Way, but he states that the business has now outgrown the existing premises.

It is proposed that five full-time and five part-time staff be employed at the site.

9no. on-site car parking spaces are proposed, along with a covered store to the rear of the premises to accommodate 1no. motorcycle and 2no. bicycles. This is in line with the requirements of the Somerset parking Strategy (2012).

HISTORY

12/02274/COU - COU of premises from motor trade (mixed use) to a Community Resource Centre (sui generis) - conditional approval - 25/07/2012

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.

Following the recent revocation of the Regional Spatial Strategy and the Somerset and Exmoor National Park Joint Structure Plan Review regard needs to be had to the development plan policies of 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)
MC6 (Location of Non-Shopping Key Town Centre Uses)
ME6 (Retention of Land and Premises)

Regard must also be had to:

National Planning Policy Framework - March 2012
Chapter 1 - Building a strong, competitive economy
Chapter 2 - Ensuring the vitality of town centres
Chapter 8 - Promoting healthy communities
Somerset Parking Strategy (2012)

CONSULTATIONS

COUNTY HIGHWAY AUTHORITY - Awaiting response
ENVIRONMENTAL PROTECTION - Awaiting response
PLANNING POLICY - Awaiting response
ECONOMIC DEVELOPMENT - Awaiting response
TECHNICAL ENGINEER - Awaiting response

REPRESENTATIONS

None received at time of writing report

CONSIDERATIONS

- Is the loss of employment land considered acceptable? The proposal states that 7.5 full time equivalent staff will be employed at the site.
- Is the parking provision acceptable? The applicant states that the provision has been calculated in accordance with the requirements of the Somerset Parking Strategy (2012).
- Would the business have an acceptable impact on the occupiers of neighbouring units?

RECOMMENDATION

The view of the Town Council is invited.

7. Officer Report On Planning Application: 14/00573/FUL

Site Address:	111 Seaton Road Yeovil Somerset
Ward :	Yeovil (South)
Proposal :	The erection of a single storey and two storey extensions to dwellinghouse (GR 354674/115845)
Recommending Case Officer:	Jane Green
Target date :	3rd April 2014
Applicant :	Mr And Mrs L J Delany
Type :	Other Householder - not a Change of Use

SITE DESCRIPTION AND PROPOSAL



The application property, a semi-detached two-storey 3-bed house, lies on the south side of Seaton Road. The property is finished in brick and fitted with a clay tiled hipped roof and shows very little external changes since its original construction.

A two-storey and linked single storey extension is proposed to be finished in matching brick.

The two storey element, measuring 5.2m deep x 4.6m wide x 7m (to ridge), extends as a projecting wing on the rear east side and is to be fitted with a hipped roof to match that of the main dwelling: this is set at a lower ridge height. This provides a new first floor bedroom with shower and WC. and ground floor lounge.

On the west wall (facing the neighbouring house) the lounge will have twin casement window and the new bedroom will have a single casement window with obscure glass to a height of 1.7m to serve the shower room.

In addition a new triple casement window is to be provided on the gable wall of the existing dwelling to serve an existing bedroom; this also is to be fitted with obscured glazing to a height of 1.7m.

The proposed single storey element will provide a playroom and sits alongside the two-storey projection and extends across the remainder of the rear of the house, measuring

3m deep x 4.9m wide x 3.0m and is to be fitted with a flat roof incorporating two raised rooflights.

The wall facing the neighbouring attached property contains no openings and is set some 0.3m from the party boundary fence.

The plans show that space is available for three cars to park within the front garden area.

HISTORY

None.

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.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

National Planning Policy Framework (March 2012):

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

The Secretary of State confirmed The Regional Strategy for the South West (Revocation) Order 2013 on 20 May 2013. This had the effect of revoking the Regional Strategy for the South West and the partial revocation of the Somerset and Exmoor National Park Joint Structure Plan (all policies except policy 6 - Bristol/Bath Green Belt).

The development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

TP7 - Car Parking

Other

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

No consultations had been received at the time of submitting this report.

Bodies consulted:

Highways Authority (Somerset CC)

SSDC Environmental Protection Unit

SSDC Technical Services

REPRESENTATIONS

7 neighbouring properties to the site have been notified in writing. No representations had been received at the time of writing this report.

CONSIDERATIONS

The Town Council may wish to consider the following matters:

- Is the design acceptable?
- Are there any residential amenity concerns?
- Is there adequate parking available?

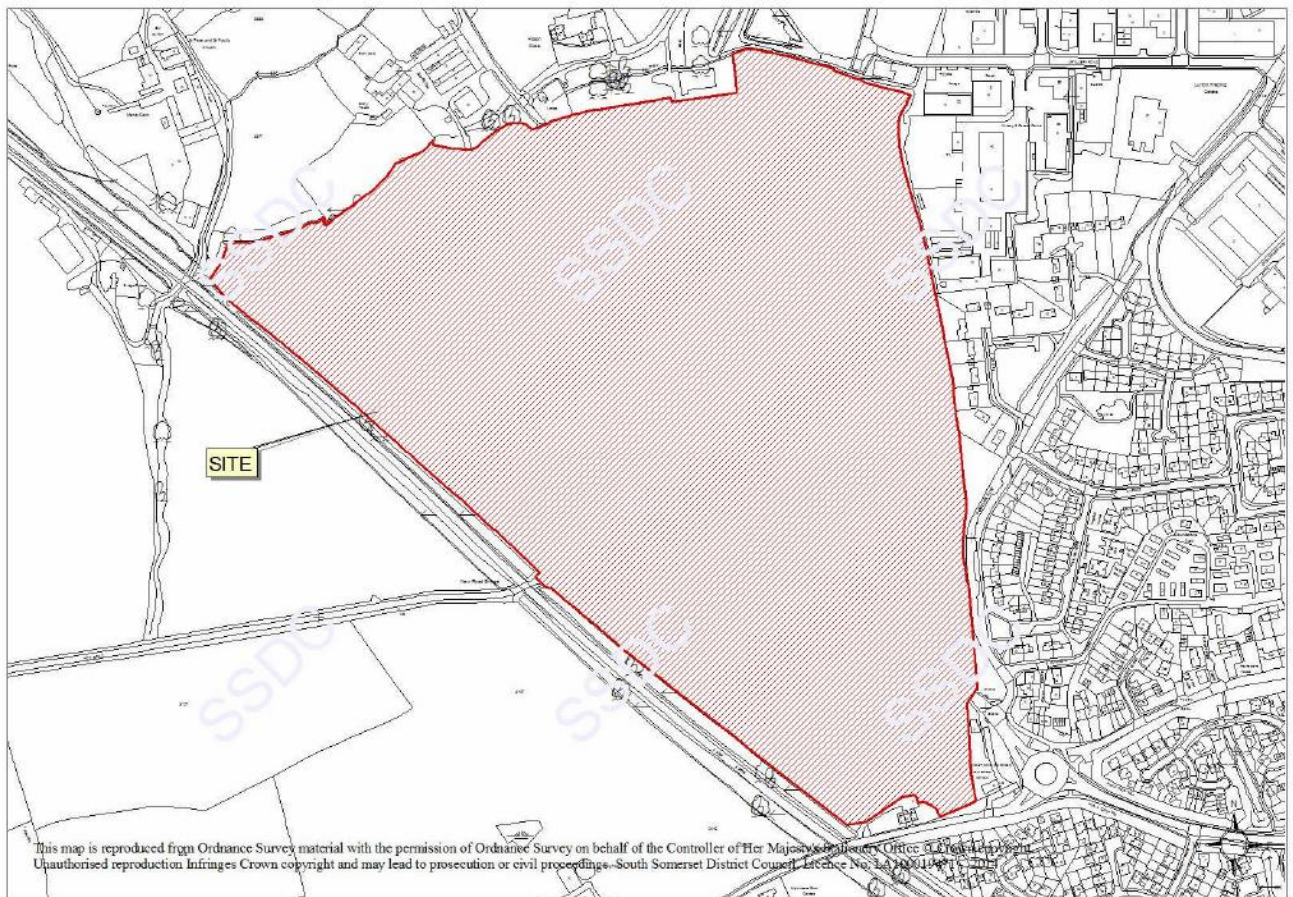
RECOMMENDATION

That Yeovil Town Council be invited to comment on this application.

8. Officer Report On Planning Application: 14/00463/DPO

Site Address:	Land At Lufton Lufton Yeovil
Ward :	BRYMPTON
Proposal :	Application to modify S 106 agreement relating to affordable housing dated 11th May 2007 and varied 21st October 2013 and S 106 agreement relating to public opens space, play, sport and leisure provisions and education dated 11th May 2007 (GR 357652/117726)
Recommending Case Officer:	Simon Fox
Target date :	25th March 2014
Applicant :	Abbotsdale Homes Ltd And Royal Mencap Society
Type :	Non PS1 and PS2 return applications

SITE DESCRIPTION AND PROPOSAL



The application site comprises primarily agricultural land forming the Lufton Key Site. The application site comprises 27.35 hectares of land located on the northwestern edge of Yeovil. To the northeast of the site is the Lufton Trading Estate. To the east is the residential area of Buller Avenue and Boundary Road. To the southeast is the group of residential cottages at Houndstone Corner and beyond that the recently built residential area between the site and the hamlet of Alvington. To the southwest and west, the site is bounded by the A3088 Cartgate Link Road linking Yeovil with the A303 Trunk Road, and agricultural land and the historic park and gardens of Brympton d'Evercy beyond. To the northwest and north of the site lie the hamlet of Lufton and the residential and non-residential Lufton College of Further Education. New Road from Montacute to Yeovil runs through the site in a roughly West-East direction and Lufton Lane runs through the site North-South linking the hamlet of Lufton to the north of the site with New Road.

The site as a whole has outline permission (05/00931/OUT) from May 2007 for residential development, a local neighbourhood centre, a primary school and associated landscaped areas. Alongside the permission three associated S106 planning obligations cover:-

- Affordable Housing, with SSDC as signatory
- Public Open Space, Play and Sport and Education, with SSDC as signatory
- Highway Infrastructure, with SCC as signatory

Approval of reserved matters has now been granted across the whole site via application 10/018756/REM. In total the site has planning permission for 696 residential units. Work has commenced pursuant to the reserved matters approval for an initial phase of 59 units.

This DPO (Discharge of Planning Obligation) application is made to vary the two S106 planning obligations to which SSDC are signatories relating to Affordable Housing and Public Open Space, Play and Sport and Education associated with planning approval (05/00931/OUT) on the grounds of financial viability. The Independent Viability Assessment shows a viability gap of £8,743,908.

The applicant is seeking to reduce/alter the planning contributions in the following manner:

- Reduce affordable housing provision from 35% to 17.5% (244 units to 122 units - 75% for Social Rent, 25% for Intermediate) Represents £6,125,000 reduction in total cost of affordable housing provision. 59 of the total number of units are being built as part of Phase 1 in Parcel 2C as approved by 13/03753/DPO and 13/03501/S73.
- Reduce commuted sums payable for on-going maintenance of on-site open spaces from £627,180 to £173,238.
- Reduce commuted sums payable for on-going maintenance of on-site play areas from £186,770 to £130,739 and for on-going maintenance of the on-site Multi-Use Games Area (MUGA) from £32,000 to £8,000, with indexing thereon £129,855.
- Remove the contribution towards an off-site swimming pool or upgrading of an existing swimming pool in Yeovil (£122,961), and indexing thereon £26,828.
- Adjustment of Pre-School, Primary and Secondary School Education contributions taking into account changes to affordable housing from £3,457,231 to £3,631,139 (indexed) (increase due to effect of greater provision of Social Rent units). Of this £1,746,703 is the Secondary School element which is proposed to be reduced by 50%.

All approval play areas, the MUGA and all open spaces will still be provided on-site. Contributions towards equipping play areas and the provision of community facilities have remained untouched.

A separate request has also been made to Somerset County Council regarding the Highway agreements. For information this request seeks to reduce financial contributions payments towards Bus Services (from £405,000 to £202,500 and the Sustainable Transport Contribution (from £159,083 to £63,633) and indexing thereon (£123,073). All physical highways infrastructure and payment thereto would remain unaffected. A different method of securing highway bonds is being proposed and the application shows money that would otherwise be used for bonding used to close the viability gap. Confirmation of this arrangement will rest with the County Council.

The effect of agreeing these reductions and alterations would be to render the site economically viable.

POLICY AND GUIDANCE

DCLG: The National Planning Policy Framework March 2012) (replaced Circular 5/05 - Planning Obligations)

DCLG: Section 106 affordable housing requirements - Review and appeal (April 2013)

DCLG: Laying the Foundations - A Housing Strategy for England (November 2011)

HISTORY

05/00931/OUT: Housing led mixed use development to provide approx. 620 dwellings, local neighbourhood centre and primary school site reservation on Lufton Key Site, Land West of Boundary Road: Approved: 18 May 2007.

10/01875/REM: The erection of 696 dwellings, a local neighbourhood centre incorporating retail/office space with associated highway, drainage and landscaping (Revised Scheme): Approved: 15 March 2012.

CONSULTATIONS

Brympton Parish Council has been consulted and comments are awaited.

Given the significance of the key residential sites, in addition to Yeovil Town Council the other neighbouring parishes of Montacute, Yeovil Without and Chilthorne Domer have been notified.

CONSIDERATIONS

Development viability has been a material consideration for a number of years, the necessary flexibility to be adopted by local planning authorities has been stressed by central government so as to avoid so-called 'stalled sites'. Guidance advocates a collaborate approach to inform joint working to assist with openness, maintaining viability and delivering development.

In his statement accompanying the Department for Communities and Local Government (DCLG) consultation 'Renegotiation of Section 106 Planning Obligations' on 13 August 2012, the Communities Secretary said *"Tackling problems with stalled development is essential to getting builders back on moth-balled sites and building the homes we need. There is a huge potential in sites to boost local economies and we simply cannot afford to have them lying idle because of earlier agreements that are no longer viable"*.

Paragraphs 203 to 206 of the National Planning Policy Framework (NPPF) deal with planning obligations and conditions. Paragraph 205 states, *"Where obligations are being sought or revised, local planning authorities should take into account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled"*.

Section 106A of the Town and Country Planning Act 1990 allows a developer to submit an application to modify the requirements of a planning application. The LPA must determine:

- a) That the planning obligation shall continue to have effect without modification;
- b) If the obligation no longer serves a useful purpose, that it shall be discharged (cancelled); or
- c) If the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

When modifications are sought on the basis of viability developers are to follow a process devised by SSDC and agreed at District Executive in April 2011. SSDC takes a collaborative approach to reviewing planning obligations when viability is cited, involving all relevant stakeholders in discussions prior to the submission of a formal application.

It should also be noted however that The Government's Growth and Infrastructure Act (2013) inserted new provisions (Section 106BA) into the 1990 Town and Country Planning Act 1990. This section introduces a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable

housing only. In such cases the lack of viability still has to be evidenced but savings to restore viability would mean a reduction in affordable housing only. If this tack was taken by the developer the viable level of affordable housing would be below 10%. In addition upon receipt of such an application the LPA has just 28 days to make a determination under Section 106BA, unless otherwise agreed. If after the 28 days or extended period a decision has not been made the applicant has the right to appeal, which the Planning Inspectorate indicating a quick turnaround. So, given the simplicity and speed this new route offers you would question why the developer simply doesn't take this opportunity.

Importantly this section sits alongside Section 106A which allows a voluntary renegotiation of all aspects of planning gain including affordable housing. During the various discussions with the developer, that have occurred prior to this application being submitted, the LPA has sought to limit the reduction to affordable housing to a more reasonable degree rather than it completely bearing the burden of the viability gap. The provision of affordable housing is a corporate aim. A working party comprising the LPA and relevant stakeholders made the request to the developer that the LPA would rather negotiate all matters of planning gain under Section 106A than sacrifice a greater amount of affordable housing.

The developer, as per this approved process, has supplied a financial viability appraisal of the scheme showing they are unable to fulfil the current obligations. The worst case scenario is that development ceases beyond the current commitment of 59 units until viability is restored. In mitigation the developer points to the deterioration of the housing market since the granting of the outline application and the impact this has had generally on development viability across the country. Rising construction costs are also cited. The developer claims these events could not have been foreseen when the planning obligations were being sought or being agreed in 2007 when economic circumstances were much more favourable.

Although the financial information is largely commercially sensitive, SSDC has instructed the District Valuer to independently assess the developer's case. A preliminary view is that the site is not viable but would be should the requested variations to the obligations be made.

The package of reductions and alterations ensure that cash-flow is maintained and ultimately the development will continue to completion, should market conditions not worsen further. Overall this application and that to be submitted to the County Council seek to reduce the planning obligations package by approx. £8.75m.

The suggested variations are outlined in the opening section of this report. It is clear affordable housing still bears the brunt of the reductions but to a level that still provides many much needed affordable homes. Other reductions could be secured via reducing commuted sums for open space and play area maintenance. Other obligations such as contributing money for a new swimming pool for Yeovil are simply proposed to be omitted. Accrued indexation would also represent a significant saving. Notably the financial sum requested for the provision of secondary school education is proposed to be halved.

If agreed, the revised agreements would include a clause to reappraise viability in the future so in the event economic circumstances improve then increased obligations would be secured and distributed (called overage clauses).

The main question therefore is would the two agreements, inclusive of the modified package of planning gain, continue to serve a useful purpose?

RECOMMENDATION

That Yeovil Town Council, as a neighbouring parish, be invited to comment on this application.

PLANNING DECISIONS

13/05001/FUL Alterations, loft conversion including dormer windows to front and rear dwelling (GR 355310/115756) at 14 Manor Road Yeovil BA20 1UG
Applicant Ash Lettings Yeovil Ltd

APPROVAL subject to conditions

13/04068/FUL The erection of a first floor rear extension to create an additional 3 No. letting rooms and 1 No. bed sitting room in the rood (GR 355754/116303) at Black Horse Inn The Avenue Yeovil BA21 4BJ
Applicant First Court Accommodation

APPROVAL subject to conditions

13/04735/COU Change of use from Hostel (sui generis) to House in Multiple Occupation (Use Class C4) (GR 356147/116081) at Yeovil Night Shelter 13 Wyndham Street Yeovil BA20 1JH
Applicant Peters House Projects

APPROVAL subject to conditions

13/02198/LBC The carrying out of internal alterations to staircase and external alterations to change the colour of paintwork to external joinery (Part implemented) (GR 355724/115922) at 8-9 Wine Street Yeovil BA20 1PW
Applicant T & D Investments Ltd

APPROVAL subject to conditions

13/04885/FUL The erection of a single storey rear extension to dwellinghouse (GR 356664/116714) at 17 Percy Road Yeovil BA21 5AJ
Applicant Ms Caroline Pilling

APPROVAL subject to conditions

13/04915/FUL Demolition of existing garage/outbuilding and the erection of a two storey extension with integral garage and single storey extension (GR 355151/115148) at 18 Southwoods Yeovil BA20 1QG
Applicant Mr & Mrs Grant Christmas

APPROVAL subject to conditions

13/04870/FUL The change of use of 2 No. ground floor office suites into 6 No. garages and 2 No. storage areas, replacement windows and alterations to fenestration (GR 355711/116143) at Court Ash House Court Ash Yeovil BA20 1HG
Applicant Mr Steve Beasant

APPROVAL subject to conditions

13/04976/LBC The carrying out of internal alterations including the removal of stud partition walls (GR 355727/115808) at Penn Hill Dental Surgery 1 Penn Hill Yeovil BA20 1SF
Applicant Mrs Susan Irvine

APPROVAL subject to conditions

Note:

Highlighted Planning Decisions:

Decision of District Council differs from Yeovil Town Council Recommendation.