

Yeovil Town Council



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Planning and Licensing Committee

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

The Time... **7.00pm**

The Date... **Monday 3 March 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

25 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 17 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 13)

5. PLANNING DECISIONS (Pages 14 to 15)

6. CORRESPONDENCE

	Application No	Proposal	Address
1	14/00663/FUL	External alterations and the change of use from Use Class B2 (office) to 7 No. additional residential apartments (flats 26-32) (GR 356187/116052)	Former Western Gazette Sherborne Road Yeovil
2	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)	Mole Valley Farmers Ltd Sherborne Road Yeovil
3	14/00806/COL	Application for a certificate of lawfulness for the existing use of premises as two flats (GR 355344/115825)	39 West Hendford Yeovil Somerset

PLANNING MEETING
MONDAY 3 March 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: 14/00663/FUL**

Site Address:	Former Western Gazette Sherborne Road Yeovil
Ward :	Yeovil (East)
Proposal :	External alterations and the change of use from Use Class B2 (office) to 7 No. additional residential apartments (flats 26-32) (GR 356187/116052)
Recommending Case Officer:	Simon Fox
Target date :	14th April 2014
Applicant :	Western Gazette Building Ltd
Type :	Minor Dwellings 1-9 site less than 1ha

SITE DESCRIPTION AND PROPOSAL



The application site comprises a three-storey office building dating from 1906, formally the headquarters of a local newspaper. It is located on the junction of Sherborne Rd with Newton Rd, and opposite the junction of Middle St with Wyndham St.

The building is predominately red brick with cut stone detailing in the form of window dressings, quoins and pediments.

There is no on-site parking. The site lies on the edge of the town centre as designated in the Local Plan. The area is characterised by a mixture of retail, restaurant/takeaway outlets and residential mostly apartments. Immediately to the side of the property on Sherborne Rd (north-east) is a Grade 2 listed building, 10 Sherborne Rd.

This application follows a notification of intent by the applicant to exercise 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 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 notification established 25 one and two bedroom apartments.

The notifications are to be judged by specific criteria which relate only to flooding, transport and highway matters and contaminated land. As such matters such as the loss of employment land and residential amenity are not allowed to form part of the determination. The notification does not allow external alterations to be made and neither offices nor apartments enjoy permitted development right for such, so hence this application.

Areas of the building on the ground floor not served by openings shown within the notification and annotated as stores are now proposed to be used for 7 No. further apartments with external openings created to serve them.

This application seeks external alterations to the building, including:

- Introduction of openings (doors and windows/rooflights);
- Adaption and rendering of existing lean-to structure to create balconies over;
- Creation of landscaped garden/amenity space within existing external yard adjacent to Newton Road;
- Erection of cycle store (for 40 No. cycles) and ramped side access within the existing external yard;
- Erection of walling along Newton Road elevation to secure existing external yard;
- Refurbishment and replacement where necessary of windows, doors and rainwater goods; and
- Insertion of balcony type rooflights to allow previously annotated loft storage areas to be used as second bedrooms to six individual apartments on Second Floor.

HISTORY

13/04291/P3JPA: Prior approval for the proposed change of use of former offices to 25 residential units: Prior Approval Not Required: 16/12/2013

02/00383/FUL: Internal alterations and the erection of an external ramp to existing reception: Application permitted with conditions: 20/03/2002

98/00030/FUL: The erection of a porch to rear escape staircase: Application permitted with conditions: 12/02/1998

96/00327/COU: Demolition of building and change of use of land to form a car park:
Application Refused: 27/03/1996

Pre-1996 exists.

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

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 - Parking

EP1 - Pollution and Noise

EP5 - Contaminated Land

ME6 - Retention of Land and Premises

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

CR3 - Off-Site Provision

Other

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Comments awaited from:

Highways Authority (Somerset CC)

SSDC Conservation Officer

SSDC Environmental Protection

SSDC Community, Health and Leisure

SSDC Open Spaces Officer
Somerset Waste Partnership

REPRESENTATIONS

Neighbouring properties to the site have been notified and a site notice has been displayed. No representations had been received at the time of submitting this report.

CONSIDERATIONS

The Town Council may wish to consider the following matters:

- The use of the building as residential has been established for 25 apartments with no dedicated parking.
- Do the 7 additional apartments raise significant issues?
- The majority of external alterations proposed have been encouraged by the Development Management team to seek visual enhancements and maintain a practical and rounded development.
- Does the proposal represent good design?
- Based on this application only are there any residential amenity concerns for existing residents and future residents of the proposed apartments?
- The payment of off-site Community, Health and Leisure contributions.
- The provision of no on-site parking.

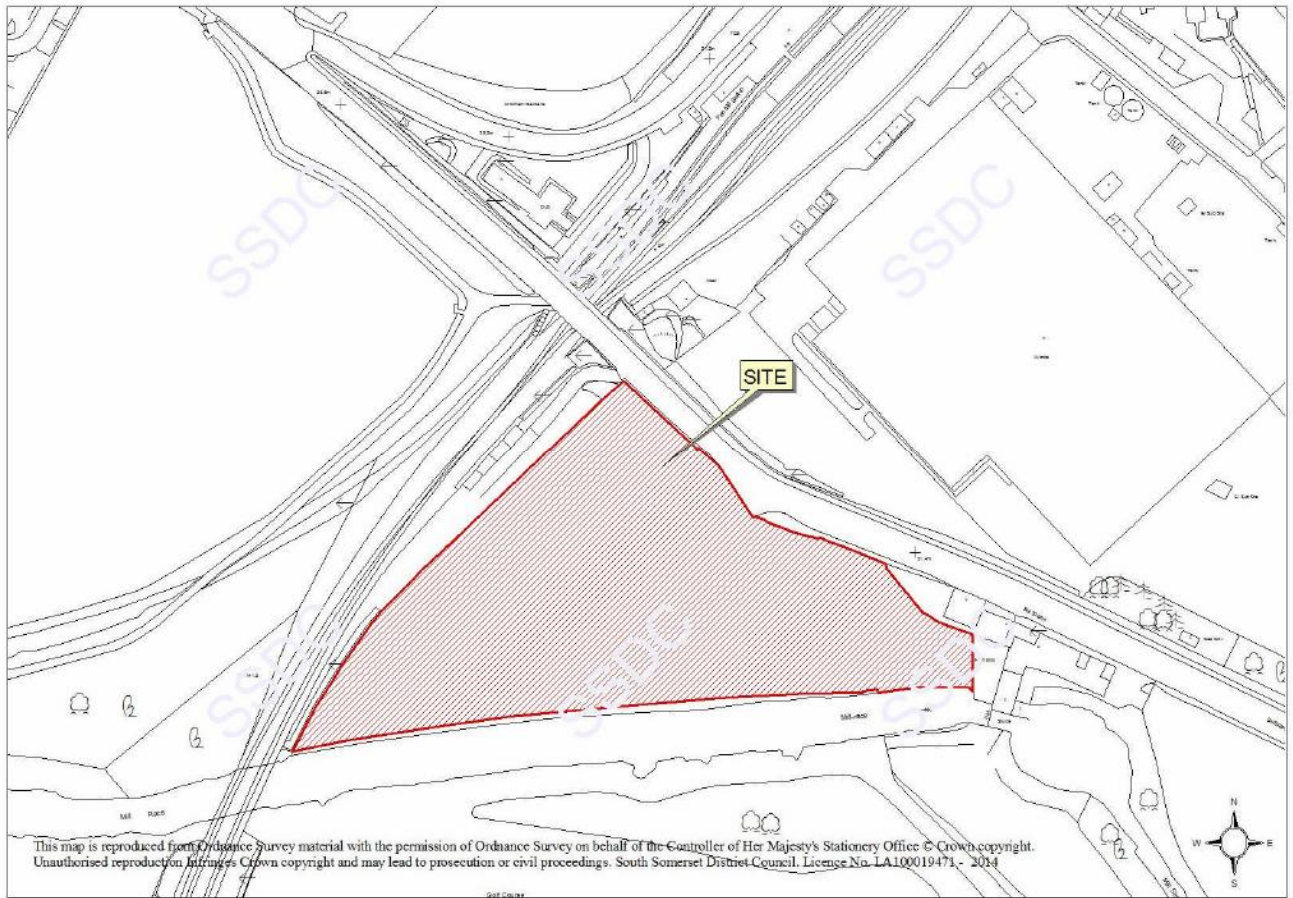
RECOMMENDATION

That the views of Yeovil Town Council be invited.

2. Officer Report On Planning Application: 14/00443/FUL

Site Address:	Mole Valley Farmers Ltd Sherborne Road Yeovil
Ward :	Yeovil (East)
Proposal :	The carrying out of external alterations to retail and bulk store buildings and changes to site layout and fencing (GR 357015/116127)
Recommending Case Officer:	Andrew Collins
Target date :	7th April 2014
Applicant :	Mole Valley Farmers Ltd
Type :	Minor Retail less than 1,000 sq.m or 1ha

SITE DESCRIPTION AND PROPOSAL



Mole Valley Farmers is located on the A30 Sherborne Road at the Eastern end of Yeovil. Opposite the site is the Pittards factory.

Planning permission is sought to install 2 lobbies to the existing pedestrian entrance and exits to the store on the Southern elevation. In addition on the South elevation of the building it is proposed to change the fenestration and attach solid panels.

On the bulk store minor external alterations are proposed.

A new 2.4m high Paladin fence and gate is proposed at the entrance and an existing palisade fence is to be relocated further to the East of the site.

The existing parking spaces are to be rearranged, with new disabled spaces, pedestrian crossing and pedestrian walkways marked on the ground.

HISTORY

Originally approved in 1977 under application 770215. Since then there have been numerous erections / extensions / alterations to the buildings on site.

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
Site notice posted on the site (general interest), but none received at time of writing report

CONSIDERATIONS
The main considerations of this application are:

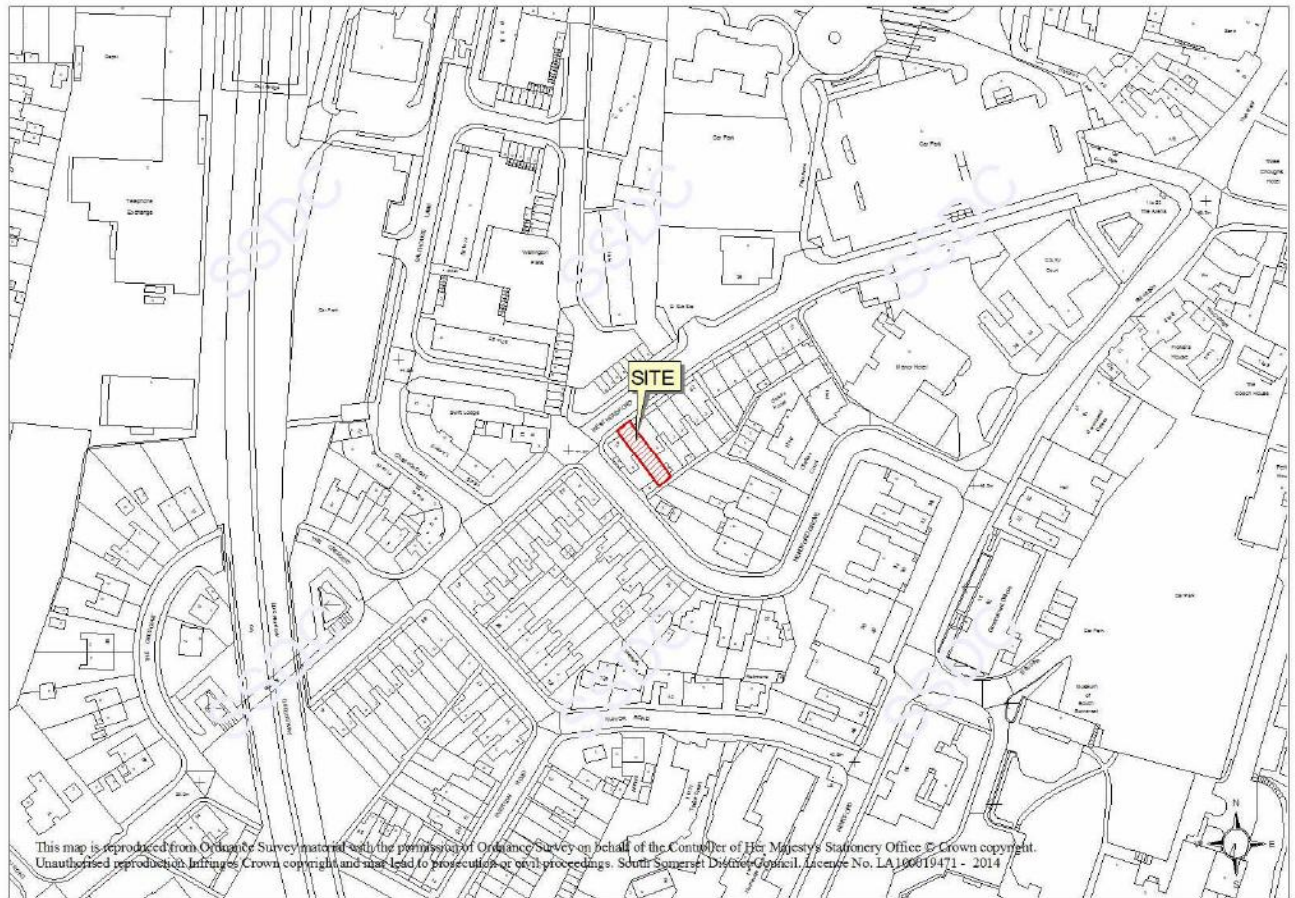
- Impact upon residential amenity
- Impact upon visual amenity

RECOMMENDATION
The views of the Town Council are invited.

3. Officer Report On Planning Application: 14/00806/COL

Site Address:	39 West Hendford Yeovil Somerset
Ward :	Yeovil (Central)
Proposal :	Application for a certificate of lawfulness for the existing use of premises as two flats (GR 355344/115825)
Recommending Case Officer:	Mrs Jennie Roberts
Target date :	16th April 2014
Applicant :	Mr And Mrs SH & JM Jenkins
Type :	Other

SITE DESCRIPTION AND PROPOSAL



This is an application for a Certificate of Lawfulness (Existing) for the use of the premises as 2no. flats. The applicants' grounds for the application for a lawful development certificate is that the use began more than 10 years before the date of the application.

Evidence put forward includes:

- A copy of the sales instruction sheet dated 29 April 2002 showing that the property was to be sold (subject to contract) to the applicant
- A copy of the council tax bill for 2002/2003 referring to the 'Ground Floor Flat' at 39 West Hendford, Yeovil
- A copy of the council tax bill for 2002/2003 referring to the 'First Floor Flat' at 39 West Hendford, Yeovil

A supporting statement states that at the time the property was acquired by the applicants, it had already been converted to 2no. self-contained flats for c.10 years. It also states that the 2no. apartments have mostly been occupied since their purchase in 2002, and lists the tenants to whom they were let. It concludes by stating that at no time in the last 12 years has 39 West Hendford been used as a single two storey dwellinghouse.

HISTORY

No property history available

POLICY

The Town and Country Planning Act 1990

CONSIDERATIONS

This certificate of lawfulness seeks confirmation as to whether the building has a lawful use as two separate flats. The main consideration of this application is whether the evidence put forward is sufficient to confirm that the building does have this use.

RECOMMENDATION

The view of the Town Council is invited.

PLANNING DECISIONS

13/04831/FUL Alterations and the erection of two storey rear extension and alterations and relocation of garage (GR 355476/117404) at 115 Mudford Road Yeovil Somerset BA21 4AQ
Applicant Mr & Mrs Harry Sayers

REFUSAL

13/05097/LBC The carrying out of alterations to boundary wall to form new vehicular access and closing up of existing access and raising the height of wall (GR 356578/116655) at St Michaels Vicarage 25 St Michaels Avenue Yeovil BA21 4LH
Applicant Mr F Falbo

APPROVAL subject to conditions

13/04426/ADV The display of 5 No. internally illuminated fascia signs (GR 355908/116067) at New Look 14 Ivel Square Yeovil BA20 1EY
Applicant New Look Plc

APPROVAL subject to conditions

13/05090/FUL The erection of a rear conservatory (GR 355102/115933) at 6 Richmond Road Yeovil BA20 1BA
Applicant Mr Chainey

APPROVAL subject to conditions

13/05123/FUL The erection of two storey side extensions to dwelling house (GR 353147/116407) at 35 Long Close Yeovil BA21 3SE
Applicant Miss Amy Jones

APPROVAL subject to conditions

13/05011/ADV The display of 1 No. part internally and part externally illuminated fascia sign, and 1 No. non illuminated fascia sign (GR 356745/116896) at Rosebery Stores 69 Rosebery Avenue Yeovil BA21 5LQ
Applicant One Stop Convenience Stores

APPROVAL subject to conditions

13/05096/FUL The carrying out of alterations including a new windows/doors, alterations to existing windows, changes to boundary fencing, alterations to boundary fencing, alterations to parking and provision of landscaping/bin store (GR 355912/116291) at 1 Goldcroft Yeovil BA21 4DX
Applicant Mr Paul Hamblin

APPROVAL subject to conditions

13/05059/FUL The extension, alterations and conversion of existing dwelling into two dwellings (GR 356349/116421) at 2 Matthews Road Yeovil BA21 4JG
Applicant Mr Phillip Perry

APPROVAL subject to conditions

Note:

Highlighted Planning Decisions:

Decision of District Council differs from Yeovil Town Council Recommendation.