

**JOINT AREA COMMITTEES IN SOUTH SOMERSET
Officer Report On Planning Application: 09/02146/REM**

Proposal :	The erection of 24 flats. (GR 356831/116518)
Site Address:	Land Between Victoria Road, Cromwell Road And Lyde Road Victoria Road
Parish:	Yeovil
Ward : (SSDC Member)	Yeovil (East) Mr D Recardo (Cllr) Mr Tony Fife (Cllr) Mr Tony Lock (Cllr)
Division (SCC Member)	Mr Tony Lock (Cllr)
Recommending Case Officer:	Simon Fox Tel: 01935 462509 Email: simon.fox@southsomerset.gov.uk
Target date :	7th September 2009
Applicant :	Thos S Penny Ltd
Agent: (no agent if blank)	Mr Nick Forrest Greenslade Taylor Hunt 1 High Street Chard Somerset TA20 1QF United Kingdom
Application Type :	Major Dwellings 10 or more or site 0.5ha+

Reason for Referral to Committee

It was agreed with the Chairman that this application should be referred for the committee's determination due to the number and nature of representations of local people.

Site Description and Proposal



The application site is located in the eastern part of Yeovil, being part of an area of predominately early 20th century terraced housing. The town centre is approximately 1 kilometre to the west. There are a number of schools and workplaces in the immediate area, together with commercial and community uses, principally along Lyde Road, providing a reasonable range of local services and amenities. The site is also within walking distance of Pen Mill Railway Station and bus stops.

The application site borders the back gardens of largely terraced properties on Lyde Road to the south, Cromwell Road to the west and Victoria Road to the east. To the north are private gardens. Roughly rectangular in shape the site extends to approximately 0.358 hectares in total. Currently the site is semi-derelict having been used for domestic parking within the current approx 55 single garages, which are now in a poor state of repair, or have already been cleared.

There are several access points to the site at present, albeit slightly informal; the principle routes are from Lyde Road and Cromwell Road. Both are narrow and afforded poor visibility and serve both the large garage area and individual garages located within many of the rear gardens of properties off Lyde Road and several off Cromwell Road. The route into the site from Cromwell Road is not within the applicant's control. There is a further pedestrian access off Victoria Road.

This is an application for matters reserved from application 04/03599/OUT; an outline application approved by the Planning Inspectorate following refusal by the Local Planning Authority. The agreed matters at that stage, which are approved, were the means of access (off Victoria Road) and the fact the site could accommodate 24 flats. This application seeks agreement to the proposed appearance, landscaping, layout and scale of the development.

Although layout, floor and elevation plans were supplied with the outline application they were merely indicative to show how the site could be developed. This application for reserved matters approval shows a different approach. The southeast corner of the site receives the access road from Victoria Road where 27 parking spaces are laid out (one per dwelling and three visitor spaces), interspersed with landscaping and afforded column lighting.

Moving north is a landscaped communal garden with seating alongside the communal refuse and recycling store and separate cycle store. The north of the site accommodates two separate blocks of 12 flats within a building of 2 and a half storeys (the third floors are contained within the roof spaces), situated across the site with a central semi-closed stairwell and concrete walkways, within another landscaped courtyard. Rear gardens are afforded to the four ground floor flats of the northernmost block. The site layout retains the grassed track to the rear of Cromwell Road as it serves several properties with right of access; this track rises to several metres above the application site on the northern boundary.

The flats are all 2-bedroom with open plan kitchen/living/dining space. The elevation treatment responds to the terrace style appearance in the area with two full storeys' with dormers serving accommodation in the roofs. The palette of materials includes red brick and render with slate effect tiles, which again fits with the general feel of the area.

Some of the information supplied with the application seeks to discharge planning conditions imposed on application 04/03599/OUT, namely 6 (parking for one vehicle per dwelling), 7 (disposal of surface water), 8 (landscaping), 9 (finished floor levels), and 10

(cycle rack). The application is not seeking to discharge conditions 5 (flat top hump at Victoria Rd junction), 11 (bus stop improvements) and 12 (travel plan).

History

04/03599/OUT: Alterations to access and the erection of 24 flats: Application Refused: 12/05/2005, Later Allowed on Appeal (See Appendix A)

51995/A: The erection of 89 lock-up garages and forecourt: Conditionally Approved: 31/12/1962

51995: Erection of 32 private lock-up garages, the construction of a forecourt and the improvements of two vehicular accesses: Conditionally Approved: 12/04/1962

51995: Outline-Proposed use of land for light industrial and storage purposes: Application Refused: 30.08.1961

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 decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

Regional Spatial Strategy

Vis1 - Expressing the Vision

Vis2 - Principles for Future Development

SS6 - Other Designated Centres for Growth

EN4 - Quality in the Built Environment

HO5 - Previously Developed Land and Buildings

TRAN1 - Reducing the Need to Travel

TRAN10 - Walking, Cycling and Public Transport

Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000)

STR1 - Sustainable Development

STR2 - Towns

STR4 - Development in Towns

Policy 42 - Walking

Policy 44 - Cycling

Policy 45 - Buses

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006)

ST5 - General Principles of Development

ST6 - The Quality of Development

ST9 - Crime Prevention

EU4 - Water Services

TP7 - Parking Provision in Residential Areas

HG4 - Housing Densities

Advice and guidance contained within:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Guidance Note 13: Transport

Sustainable Community Strategy
Goal 1 - Safe and Inclusive
Goal 3 - Healthy and Active
Goal 8 - Quality Development
Goal 9 - Homes

Consultations

Yeovil Town Council - Recommend Approval. Comments are being sought on the amendments and these will be orally updated.

County Highways - "I understand that all the associated highway matters were dealt with at the outline stage (now covered by a number of separate conditions) and as such there are no outstanding highway matters that need to be dealt with as part of this application - consequently I would raise no highway objection to this particular application".

Tree Officer - No objections but suggests a watering commitment to ensure planting has best chances.

Police Architectural Liaison Officer - "I have viewed this one again but I am still of the belief that there is no natural surveillance regardless of the level of lighting! The parking provision is too remote from the owners for them to have any hope of reacting to protect their cars. When the trees mature it will reduce further any hope of surveillance. There certainly isn't any from the existing dwellings Together with the number of escape route for potential offenders to leave the site there is little to deter vehicle related crime at this site".

Environmental Protection Unit - "This site is over 350 metres from the water treatment works to the east of Sherborne Road. I anticipate that this area will be subject to occasional, mild odours from the treatment works. However the site is in an existing residential area and we have no records of substantiated odour complaints from this area. The garages do not represent a contaminated land area. I have no objections".

Technical Services - Surface water drainage details have been reviewed in line with Condition 07 of the outline consent and deemed to be acceptable, allowing that condition to be discharged in due course.

Wessex Water - There could be an unrecorded sewer crossing the site. The site is located within 456m of the Sewage Treatment Works and occupants could be affected by odours. Connections are possible within the immediate area.

Environment Agency - No comment.

Representations

Site notices have been erected on site, a local press advert placed and local residents notified.

In excess of one-dozen letters have been received from local residents. A summary of comments:

Access to the rear of properties at Cromwell Rd would be improved.

Concerned about extra traffic movements.

Each flat has only been afforded one parking space meaning cars will park on Victoria Rd.

Victoria Rd is already congested and this scheme will make things worse.
 No provision for visitors has been made.
 The scheme represents over occupancy of a small area.
 There will be extra noise from occupants.
 This area could be used in a better way.
 Cromwell Rd will be used as a short cut by cars and motorbikes.
 This scheme does not provide the open vehicular access shown on the outline plans, commented upon by the Inspector.
 Concerns regarding sewage and drainage.
 The existing garages could contain asbestos.
 The refuse collection/storage area will cause smells and rodent infestation.
 A view from 64 Cromwell Rd will be blocked.
 The demolition of the garages will displace cars onto surrounding streets.
 The building would obstruct views of Babylon Hill that residents of Victoria Rd and Cromwell Rd have long enjoyed.
 The application should be evaluated by an independent assessor to consider the social and environmental impact of this development.
 Query access for fire appliances.
 The area has poor air quality and additional traffic will make this worse.

Considerations

The Planning Inspectorate has accepted the principle of locating 24 flats in this location served by the creation of an access via Victoria Rd. This does not include any affordable housing or recreational infrastructure contributions.

The reason for refusal given to the previous outline application read:

"The proposal by virtue of its displacement of an existing off-street parking area would lead to increased inconvenience for existing residents and the risk of obstruction, neighbourly disputes and traffic hazard detrimental to the residential amenity of the area such as to amount to a material planning objection contrary to Policy H2 of the Yeovil Area Local Plan and Policy ST5 of the South Somerset Local Plan Deposit Draft 1998 as amended".

This reason could not be substantiated at appeal and outline consent was granted in July 2006. Concerns regarding the capability of the local highway network to serve this development are still keenly felt and parking is a pre-existing issue as little off-road parking is available in this largely terraced area. In allowing the appeal, where parking and access was the main issue, the Inspector discusses the matter of parking at length and concludes by imposing Condition 06 requiring one parking space to be provided per dwelling, Condition 10 requiring a sheltered cycle rack to encourage cycling, Condition 11 requiring the upgrading of a local bus stop, and Condition 12 requiring a Travel Plan to be approved prior to the development taking place. This package of measures is aimed to provide future occupants with alternatives to the car and takes into account the location of the site relative to the town centre and public transport (bus and train). Based on the indicative plans submitted with the outline application showing a large estate road the Inspector gives some weight to the possibility of that road (subject to levels) being able to provide rear accesses to properties on Cromwell Road. Although that road is now not proposed, the matter has also now been complicated by the fact that the Highways Authority do not wish to adopt the road and therefore it would remain private meaning private householders would still need to negotiate with the landowner to secure suitable access rights to the rear of their properties. Access to garages to the rear of Lyde Rd remains unhindered and access to the rear gardens of Cromwell Rd is improved over the existing arrangement meaning private householders could still gain access as envisaged

by the Inspector, but over the grassed track rather than an adoptable highway, subject to suitable access rights being negotiated. There are currently 16 properties on Cromwell Rd, which back onto the grass track and could potentially achieve a rear access.

With regards to the point of access the Inspector was satisfied that access could be achieved and to respond to issues of access, visibility and vehicle speeds imposed Condition 05 requiring a flat top hump (raised table) to be constructed. When constructed this would remove some roadside spaces and further spaces would be lost when 'no waiting' restrictions (yellow lines) are installed, although on the eastern side this would be restricted to daytime weekday hours only. The Highways Authority are satisfied that both refuse lorries and fire appliances can enter the site adequately if the 'no waiting' rules are adhered to.

With the means of access approved by the outline consent and details controlled by condition it is not considered that highway matters should be a matter of objection in this Approval of Reserved Matters application.

The proposal is therefore in accordance with guidance contained within Planning Policy Statements 1, 3 and 13 and fulfils the aims and objectives of The Sustainable Community Strategy; policies Vis1, Vis2, SS6, HO5, TRAN1 and TRAN10 of the Regional Spatial Strategy; policies STR1, STR2, STR4, 42, 44, 45 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000) and policies TP and HG4 of the South Somerset Local Plan (Adopted April 2006).

So, with the principle of development and access thereto established by the outline consent the key considerations in this application for Approval of Reserved Matters are:

*The appearance, landscaping, layout and scale of the development

*Impact on neighbouring amenity

The layout of the scheme seeks to limit the impact of built form on neighbouring properties, restrict overlooking opportunities, keep the level of hardstanding/road construction to a minimum and promote landscaping to improve the general appearance of the area. The site at present is a derelict, unlit and unattractive place, subjected to anti-social behaviour and for these and other reason is obviously not fulfilling its previous role as a place for local people to safely park/garage their vehicles.

The change in form and scale from the indicative plans of the outline application means that the building mass is spread over two blocks connected only by a covered external stairwell and lightweight balcony walkways. Although the blocks will be visible to neighbouring properties it is considered that no demonstrable harm will result from overshadowing given the blocks are located a minimum of 23m from properties at Cromwell Rd, 30m from properties at Victoria Rd and 55-60m from properties on Lyde Rd. The lack of clear glazed windows in gable ends, the incorporation of obscure glass into the decorative metal external walkway balustrades and the semi-enclosure of the external staircase all prevent direct views over neighbouring gardens. The use of a concrete based staircase and walkways, plus its semi-enclosure will also limit foot traffic noise, protecting adjoining neighbours.

The central green space provides a decent amenity space for inhabitants, whilst the inner courtyard also promotes greenery in-and-around the development promoting well-being. Four flats are provided with their own gardens. Waste and recycling will be managed and a cycle store is provided.

To the south of the site the parking area receives the access road from Victoria Rd. 24 resident parking spaces are provided as per Condition 06 of the outline consent. In

response to local comments an additional 3 visitor spaces have been provided. The south boundary is mostly raised kerb with some bollards to stop vehicles cutting through the site to Cromwell Rd, also included as a direct result of concerns from residents. This kerb does not however hinder access to garages associated to properties on Lyde Rd, in fact access is marginally improved. Access is also improved for those entering the Lyde Rd entrance and accessing the rear of properties on Cromwell Rd. Similarly those with access rights over the grass track will find the 90-degree turn improved allowing access out onto Cromwell Rd. Gaps are provided for pedestrians to access out to Cromwell Rd and to Lyde Rd and the upgraded bus stop. A pavement is provided along the access road for easier and safer access into the site from Victoria Rd.

Hard and soft landscaping combines to provide a high quality scheme with trees species and underplanting agreed with the Council's Tree Officer. The car parking area will be afforded column lighting to improve surveillance and a safer environment. The Police Architectural Liaison Officer (PALO) has expressed a concern regarding the layout of the scheme and in particular the location of the car park relative to the flats which is considered too remote from the owners for them to have any hope of reacting to protect their cars. The distance from the furthest flat in Block B to the furthest parking space (1 of 3 visitor spaces) is approx 85m. However the façade of Block A is situated within 13 m of the parking area and this façade contains windows to 12 flats, and therefore it is felt there is very good surveillance of the car park which will be lit with column lighting. The landscaping scheme was amended to reduce the number of trees in the communal garden area in order the maximum visibility is afforded without compromising the quality of the landscaping. Whilst the views of the PALO are noted there is a bigger gain in regenerating this derelict site and it should not be forgotten that the whole area was previous used for the parking of many more vehicles where no surveillance or lighting was afforded. The very nature of the wider area means residents do park further away from their property, and at least the proposed car park will have natural surveillance from residents coming and going, plus neighbours using their rear garages and pedestrians cutting through the site to Lyde Rd and Cromwell Rd. The re-ordering of the parking would potentially increase the size and dominance of the estate road and lead to a reduction in the green spaces.

The Home Office website includes tips on how to keep you vehicle safe. Whilst the design of car parks is very important there are also practical measures suggested including: avoid keeping valuable possessions in a vehicle or if they are kept in a car, to keep them out of sight; also to fit an immobiliser and alarms; use a steering wheel lock; fit locking wheel nuts; to mark equipment like stereos and etching the Vehicle Identification Number (VIN) onto all windows, both windscreens and the headlamps. The website also advises that "when parking outside, always try and park your car in an attended car park. Try to look for a public car park which is part of the police approved Safer Parking scheme and displays the Park Mark® brand". "When parking at home, always use a garage if you have one, and lock both your vehicle and your garage. If you don't have a garage, try to park in a well-lit, open place". The proposed car park in this scheme is considered a well-lit, open space and a report has been submitted with the application from 'Lighting Reality' giving the specification for the lighting scheme. The Design and Access statement outlines how a Management Company would help ensure this development remains clean, managed, safe, secure, and monitored. On balance it is considered that a reason for refusal on crime prevention measures could not be substantiated.

The comments of the Environmental Protection Officer and those of Wessex Water and the Council's Engineer are noted.

The proposal is therefore in accordance with guidance contained within Planning Policy Statements 1 and 3 and fulfils the aims and objectives of The Sustainable Community Strategy; policy EN4 of the Regional Spatial Strategy; and policies ST5, ST6, ST9, TP7 and EU4 of the South Somerset Local Plan (Adopted April 2006).

In summary, despite the continued concerns of local residents regarding the parking and access situation these matter have already been fully considered by the Inspector in granting outline consent and therefore against the more-limited scope of consideration in this application for approval of reserved matters it is concluded that the layout, appearance, scale and landscaping of the proposal is acceptable.

Recommendation

Grant permission for the following reason:

01. Following Outline approval the proposal for approval of Reserved Matters, by reason of its appearance, scale, design, layout, siting and landscaping respects the character of the area and causes no demonstrable harm to residential amenity whilst representing appropriate infill within the defined development area. The proposal is therefore in accordance with guidance contained within Planning Policy Statements 1, 3 and 13 and fulfils the aims and objectives of The Sustainable Community Strategy; policies Vis1, Vis2, SS6, EN4, HO5, TRAN1 and TRAN10 of the Regional Spatial Strategy; policies STR1, STR2, STR4, 42, 44, 45 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000) and policies ST5, ST6, ST9, TP7, HG4 and EU4 of the South Somerset Local Plan (Adopted April 2006).

Subject to the following:

01. The development hereby permitted shall not be carried out otherwise than in complete accordance with the originally submitted details/supporting information to include the following submitted plans (some amended);
 - a) Location Plan - 1575-1
 - b) Site Plan - 1575-2A
 - c) Block and Landscaping Plan - 1575-3A
 - d) Floor Plans - 1575-5A, 1575-6A, 1575-7A
 - e) Elevation Plans - 1575-8, 1575-9A, 1575-10A, 1575-11, 1575-12A, 1575-13A
 - f) Sections - 1575-4, 1575-14
 - g) Details - 1575-15
 - h) Refuse and Recycling Store - 1575-16

Reason: For the avoidance of doubt to accord with policies ST5, ST6, ST9, TP7, HG4 and EU4 of the South Somerset Local Plan (Adopted April 2006).

02. The development hereby permitted shall not be commenced until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
 - a) specific details of materials (including the provision of samples where appropriate) to be used for external walls and roofs (no slate hooks to be used), chimneys and porches,
 - b) material and external finish of all doors and windows;
 - c) details of the external stairs and balconies (to include obscure glazing where indicated on the approved plans);

- d) details of the dormers;
- e) details of all internal and external boundary treatments;
- f) design and location of all external vents, flues and meter boxes; and
- g) details of the roof lights (unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering).

Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

03. Prior to the development hereby approved being first brought into use the four windows shown on the gable ends (northeast and southwest elevations) of Blocks A and B (serving the third floor) shall be fitted with obscure glass (and restricted to top opening fanlights only with a method of restriction to be agreed with the Local Planning Authority) and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity to accord with policy ST6 of the South Somerset Local Plan (Adopted April 2006).

04. The development hereby permitted shall not be commenced until design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and all new guttering, down pipes, other rainwater goods, and external plumbing has been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

05. The development hereby permitted shall not be commenced until details of the internal ground floor levels of the buildings to be erected on the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties and in the interests of visual amenity to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

06. No works shall commence unless foul and surface water drainage details to serve the development, have been submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure the development is assured proper drainage to accord with policies EU3 and EU4 of the South Somerset Local Plan (Adopted April 2006).

07. The development hereby permitted shall not be commenced until the surfacing materials of the access road and all turning and parking areas have been submitted to and approved by the Local Planning Authority and such areas shall be properly drained, consolidated and surfaced in accordance with those approved

details prior to the first occupation of the dwellings hereby permitted. Following approval of such details the surfacing of the turning head and central parking and turning area shall not be changed without the prior express grant of planning permission.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000) and in the interests of visual amenity to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

08. The development hereby permitted shall not be commenced until a scheme of external lighting has been submitted to and approved by the Local Planning Authority. The scheme shall include the design and location of individual fittings/columns shall avoid lighting that causes sky glow, is located and directed sensitively and includes adequate shielding and timing controls. The scheme shall thereafter be implemented prior to the first occupation of the development hereby approved in accordance with the approved scheme and thereafter maintained in working order and not subsequently altered with the prior written consent of the Local Planning Authority.

Reason: In the interests of neighbouring amenity to accord with policies ST5, ST6 and ST9 of the South Somerset Local Plan (Adopted April 2006).

09. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, to include a watering commitment to encourage establishment of the scheme. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the character and appearance of the area to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

10. The areas allocated for parking and turning on the submitted plans shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000).

Informatives:

01. The applicant is reminded of the remaining conditions imposed on the outline consent.