



Appeal Decision

Inquiry held on 04 July 2006

Site visit made on 04 July 2006

by Elizabeth Fieldhouse DipTP DipUD MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

S.SOM.D.C.

28 JUL 2006

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Date

24 JUL 2006

Appeal Ref: APP/R3325/A/05/1193782

Land between Victoria Road, Lyde Road and Cromwell Road, Yeovil, Somerset BA21 5AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Thos S Penny Limited against the decision of South Somerset District Council.
- The application Ref 04/03599/OUT, dated 17 December 2004, was refused by notice dated 12 May 2005.
- The development proposed is to erect 24 self-contained residential flats.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. At the Inquiry an application for costs was made by Thos S Penny Limited against South Somerset District Council. This application is the subject of a separate Decision.
2. In this outline proposal, all matters other than the means of access are reserved.

Main Issue

3. I consider the main issue is the effect of the displacement of existing off-street parking on conditions of highway safety and neighbouring occupiers' amenities.

Planning Policy

4. The relevant development plan is the Regional Spatial Strategy (Regional Planning Guidance Note 10), the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 adopted in 2000 and the South Somerset Local Plan 2006 (LP). The recently adopted LP has superseded the Yeovil Area Local Plan that was part of the development plan at the time the proposal was considered by the Council.
5. Of the policies to which I have been referred, LP policy ST6 (policy ST5 in the emerging plan) sets design criteria to be met in proposals for new development that are otherwise acceptable and, among other points, provides that proposal should not unacceptably harm residential amenity by disturbing, interfering with or overlooking. LP policy TP7 (policy TP8 in the emerging plan) provides maximum levels of off-street parking for new residential developments. Policy H2 of the superseded LP provides criteria for new residential development within the town limits that include the need to respect the amenity of adjacent property and not create significant highway problems.

Reasons

6. The appeal site is currently developed with 55 lock up garages and hard surfacing and has an area of some 0.358ha. It is previously-developed land within the definition in Planning Policy Guidance Note 3 *Housing*. From the illustrative details, the main parties consider that the potential exists for a development of 24 flats on the appeal site without harm in terms of design and the relationship with neighbouring properties. From my inspection of the site and surroundings and consideration of the relationship to neighbouring dwellings, with care in the detailed design, I find no reason to take a different view.
7. The appellants indicate that many of the garages are nearing the end of their useful life and replacement would be uneconomic. I saw that some of the garages are in need of repair and, although between the rear gardens of properties fronting surrounding roads, the area lacked any form of lighting with limited or no surveillance at night and subsequent security problems. From the surveys, it would appear that of the 55 garages, only 39 are currently let. Of these only 26 are let to people living within 500m of the appeal site with only 17 of those used for the housing of cars, 12 of which are in use for cars of residents in the immediate surrounding roads. Residents indicate that there is also informal parking on the hard surfaced parts of the appeal site and I saw such parking at my visit, but this is private land.
8. Local residents indicate that the surrounding roads are heavily parked with little space outside the working day. I saw on my visits to the site that, although the area was well parked with some cars on double yellow lines, apart from much of Cromwell Road there were generally some spaces available. The three car parking surveys, two before 07.30 hours and one after 18.00 hours carried out on different days demonstrate that there was an average of just over 40 spaces available in Victoria Road, Cromwell Road and St Michael's Road (just north of the appeal site), with Lyde Road discounted as it is all subject to parking restrictions.
9. I consider therefore that there would be sufficient spaces to provide a degree of flexibility in parking in the area that would allow the limited number of displaced vehicles belonging to people in the vicinity to be parked on the roadside although such parking could push other cars of residents further from the appeal site further away but still within a reasonable distance of their property. I do not consider that the amenities of the occupiers would be unacceptably changed by the limited number of cars that would be displaced into the neighbouring roads. In addition, subject to satisfactory site levels, the proposal would provide the potential for improved rear access to some 16 or 17 dwellings with correspondence from Somerset County Council Transport Development Team dated 31 May 2006 indicating that, if designed to appropriate standards, the access road could be adopted. In such a situation there would not be a site owner's premium on any new rear access to existing properties from the access road. Although roadside spaces would be lost in Victoria Road at the point of access and visibility splays, I do not find this would significantly affect the availability of parking, having regard to the level of spaces found on surveys.
10. The proposal would provide on-site parking on the basis of one space per unit as well as secure cycle storage per unit. This is below the maximum 1.5 spaces per dwelling in LP policy TP7 and residential parking in the area is at a premium. Nevertheless, the

appeal site is easily accessible to local services, there are two bus routes in the vicinity although one is more distant than the other and the width of the access road would allow for on-street parking if necessary. I therefore consider that the provision of one space per unit would be not cause harm to highway safety.

11. Residents point out that service and emergency vehicles are liable to have difficulty negotiating the residential roads particularly Cromwell Road. In my opinion, if the displaced cars from the existing garages are parked in spaces on the roadsides, the existing conditions for service vehicles would not change nor be worsened, but there may be delays while spaces are taken up nearest the drivers' destination. The proposed development would be accessed off Victoria Road via a new access. I consider that this would obviate the necessity for vehicles to enter and leave the appeal site by the inadequate accesses over which there is an existing informal one way system and in that respect the proposal would improve highway safety.

Conditions

12. I have considered the conditions discussed at the inquiry in the light of the advice in Circular 11/95. The application is in outline with all matters other than means of access reserved but the following matters should be included with the reserved matters details. In the interests of highway safety, the access should be adequately detailed and implemented, parking space should be provided and retained and surface water adequately drained. In the interests of the visual amenities, the landscaping scheme should be implemented and replaced if it dies and site levels in relation to adjoining ground levels agreed. In the interests of residents' amenities and sustainability, cycle racks should be provided, the bus stop upgraded on the Lyde Road and a Travel Plan agreed. The upgrading of the bus stop would be to meet the travel needs arising from the proposed residential units. Although the bus stop is outside the appeal site, it is within the public highway/footway and I am satisfied that the upgrading could be covered condition.

Conclusions

13. The proposal would involve the loss of existing off-street parking and thereby create some additional demand for the existing on-street parking spaces potentially affecting neighbouring occupiers' perceived amenity to be able to park outside or near their property. Nevertheless and having regard to the evidence on the availability of spaces, I consider that this would not outweigh the benefit from residential development that I have found could be accommodated on the site without harm to surrounding amenity or highway safety. I consider that the provisions of LP policy ST6 would not be compromised. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

14. I allow the appeal, and grant outline planning permission to erect 24 self-contained residential flats on land between Victoria Road, Lyde Road and Cromwell Road, Yeovil, Somerset BA21 5AY in accordance with the terms of the application, Ref 04/03599/OUT, dated 17 December 2004, and the plans submitted with it, subject to the following conditions:

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- 1) Approval of details of the siting, design, external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
- 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 5) Notwithstanding with submitted details, before the development hereby approved is occupied, a flat top hump (raised table) at the junction of the new estate road with Victoria Road and the proposed access road including footpaths and turning head shall be constructed in accordance with a design and specification to be submitted to and approved in writing by the local planning authority.
- 6) The details pursuant to condition 1 shall include parking for one vehicle per dwelling and turning that shall be drained and surfaced in accordance with details submitted to and approved in writing by the local planning authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
- 7) Provision shall be made within the site in the details pursuant to condition 1 for the disposal of surface water so as to prevent its discharge onto the highway; the details shall be submitted to and approved in writing by the local planning authority. Such drainage shall be provided prior to the development first being brought into use.
- 8) The landscaping details pursuant to condition 1 shall be carried out in the first planting and seeding seasons 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 approval to any variation.
- 9) The details pursuant to condition 1 shall include finished site and building slab levels in relation to surrounding ground levels; details shall be submitted to and approved in writing by the local planning authority. Development shall be carried in accordance with the approved details.
- 10) The details pursuant to condition 1 shall include a sheltered cycle rack facility within the site capable of accommodating one cycle per flat in accordance with design and specification to be approved in writing and such facility shall be provided before any of the development hereby permitted is occupied.



- 11) No dwelling shall be occupied until the bus stop on Lyde Road between Cromwell Road and Victoria Road junctions has been upgraded to accommodate a shelter, high access kerb and any other associated works in accordance with a design and specification to be submitted to and approved in writing by the local planning authority.
- 12) Before the development hereby approved is commenced a Travel Plan shall be submitted to and approved in writing by the local planning authority. Such Travel Plan to include a range of measures to promote use of sustainable modes of transport together with a timetable for the implementation of each such measure.

Elizabeth Fieldhouse

INSPECTOR

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APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Nicholas Whitsun-Jones (EnvLaw) FInstLEx	MA	Principal Legal Executive Advocate, South Somerset District Council
He called Michael J Muston (Hons) MPhil MRTPI	BA	Muston Planning, c/o Council Offices Brympton Way, Yeovil, Somerset BA20 2HT
Peter L S Finlayson CEng MICE MCIWEM	BSc MIHT	Managing Director PFA Consulting Limited, Stratton Park House, Wanborough Road, Swindon SN3 4HG

FOR THE APPELLANT:

Tony Mason		Partner, Ashfords, 41 St James Street, Taunton
He called Andrew Preston MRICS	BSc(Hons)	Greenslade Taylor Hunt, 1 High Street, Chard, Somerset TA20 1QF
Peter L Evans CEng MICE MICT	BEng MSc	Director, Peter Evans Partnership, 21 Richmond Hill, Clifton, Bristol BS8 1BA

INTERESTED PERSONS:

Cllr David Gladding	Ward Councillor, c/o Council Offices Brympton Way, Yeovil, Somerset BA20 2HT
Cllr Tony Lock	Ward Councillor, c/o Council Offices Brympton Way, Yeovil, Somerset BA20 2HT
Cllr Tony Fife	Ward Councillor, c/o Council Offices Brympton Way, Yeovil, Somerset BA20 2HT
Ruth Packer	4 Victoria Close, Yeovil
Paula Hadfield	18 Cromwell Road, Yeovil
George Hillier	22 Cromwell Road, Yeovil

DOCUMENTS RECEIVED AT THE INQUIRY

Document 1	Lists of persons at the inquiry wishing a copy of the Inspector's Decision
Document 2	List of suggested conditions
Document 3	Statement by Ward Councillors

PLANS

Plan A Application Plans

