

Officer Report On Planning Application: 18/01122/FUL

Proposal :	Change of use of former public house to 8no flats with associated internal, external works and parking.
Site Address:	Great Western Hotel 47 Camborne Grove Yeovil
Parish:	Yeovil
Yeovil (East) Ward (SSDC Member)	Cllr David Recardo Cllr Rob Stickland Cllr Tony Lock
Recommending Case Officer:	Neale Hall Tel: 01935 462363 Email: neale.hall@southsomerset.gov.uk
Target date :	4th June 2018
Applicant :	Kenika Properties
Agent: (no agent if blank)	Mr Andrew Tregay Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type :	Minor Dwellings 1-9 site less than 1ha

Reason for Referral to Committee

The report is being brought back to committee following deferral by Members to allow negotiations to take place in respect of the parking provision associated with the proposal.

AMENDED PLANS

Following the committee decision to defer the application to allow for negotiations to take place, the applicant submitted amended plans for the proposal.

The amended plans show the removal of the 4 bedrooms on the second floor, leaving a unit mix of 7X1 bed flats and 1X2 bed flat.

A fourth parking space has been created next to unit 3 where there is an existing drop curb access point.

There has been a change from a door to a window in bedroom 1 of unit 3.

The bin store has been moved to the rear of unit 4.

The amendments reduce the parking provision requirements by one space.

Consultation

Following receipt of the amended proposals, a further period of consultation was undertaken.

Representation

One further letter has been received stating there is not enough parking for the proposal or residents.

Yeovil Town Council -The Council maintain an objection on the grounds of overdevelopment of the site the proposals do not meet the requirements of the County Parking Strategy; the potential for increased problems associated with on-street parking which will adversely impact on road safety for the community; and, the adverse impact on residential amenity.

The Town Council would also make the point that it was unfortunate that the developers did not seek pre-application advice before starting the development.

SCC Highways - to be considered further.

Consideration

The amended proposal has reduced the mix and number of units and provided one more parking space. Whilst it is appreciated that the parking still falls short of the optimum recommended requirement it is still considered that the proposals sustainable location is sufficient to invoke the exception to policy TA 6 as previously stated. i.e. It is acknowledged that the proposed level of car parking is below the optimum one space per dwelling ratio for Zone A set out in the Somerset Parking Strategy and replicated in Local Plan Policy TA6, but reference is made to this paragraph which sits alongside the Zone A ratio: "The car parking standards set out here are optimum standards; the level of parking they specify should be provided unless specific local circumstances can justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision.

This approach is reinforced in Chapter 2 and Chapter 9 of the NPPF with specific regard being given to paragraphs 109 and 110 a) that state; development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts would be severe. Within this context proposals should give priority first to pedestrian and cycle movements and second - facilitate access to public transport.

The proposals as stated in the original report are fully supported by the policies of South Somerset District Councils Local plan and are reinforced by that of the National Planning Policy Framework.

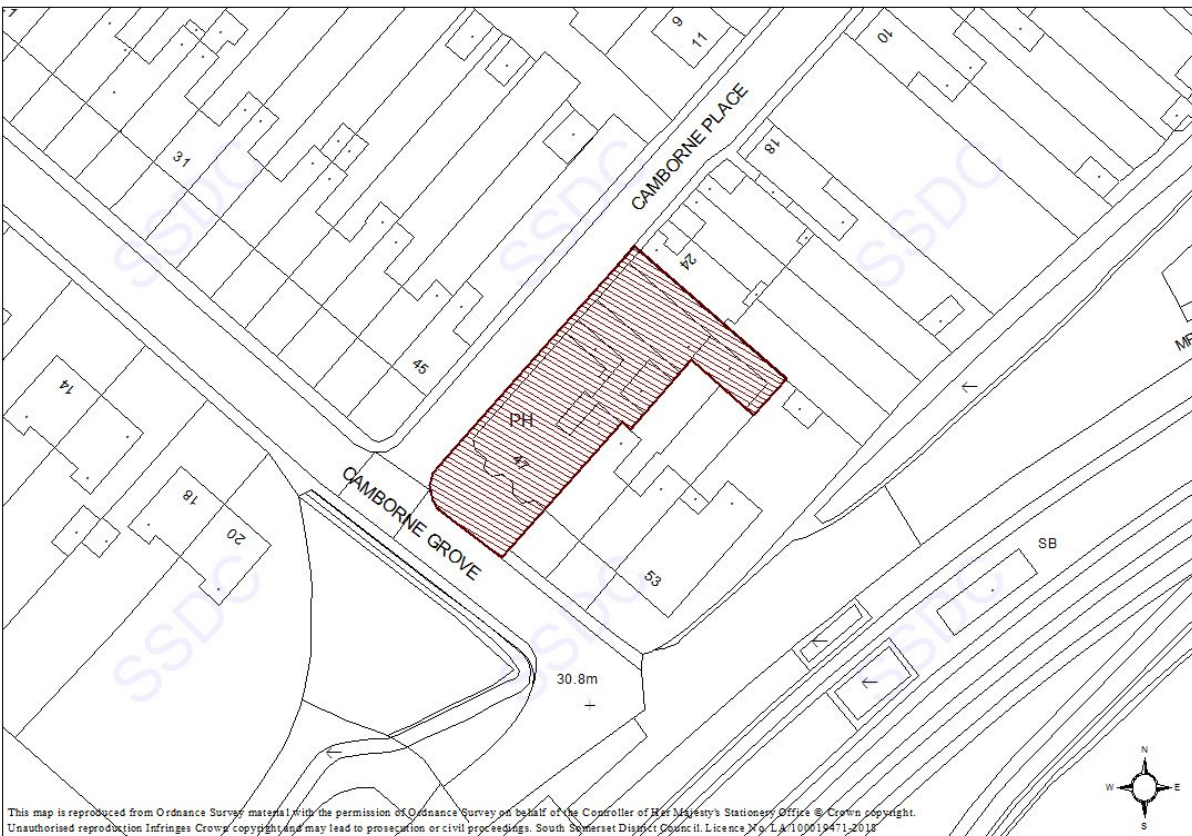
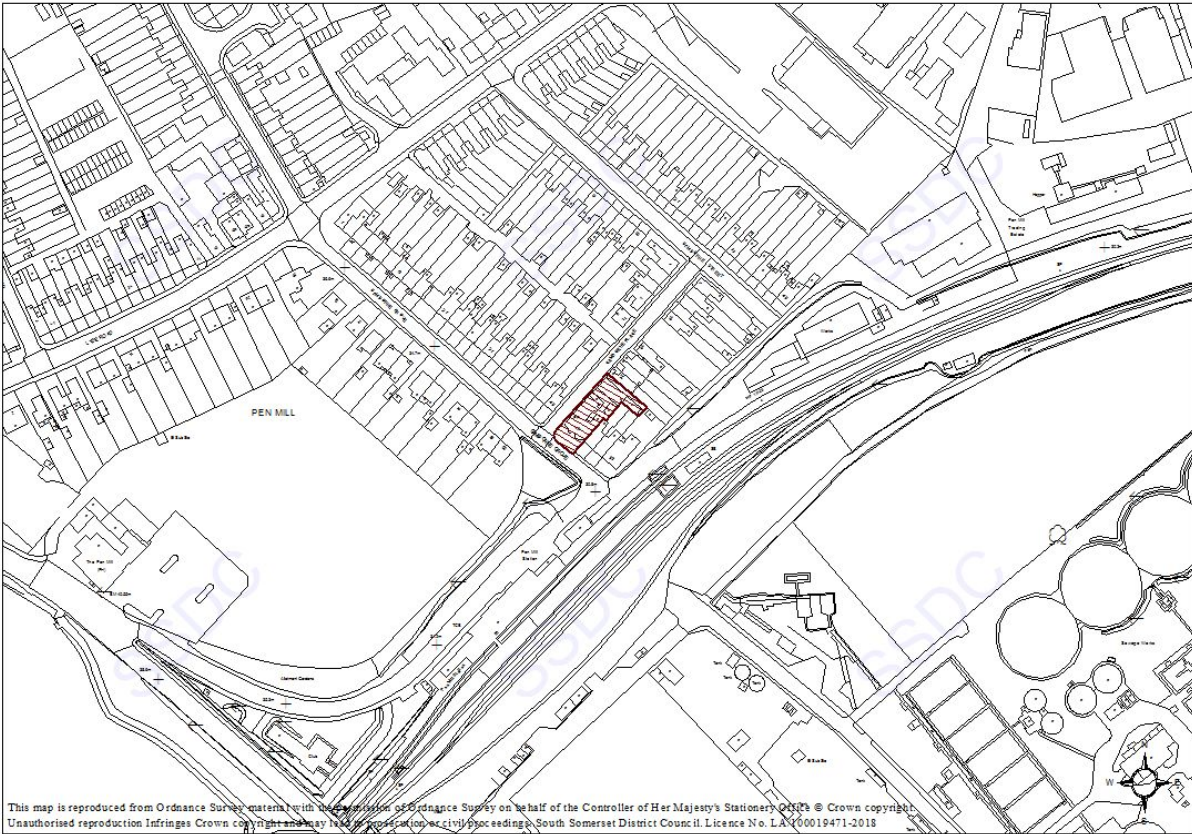
It is therefore considered the original considerations and recommendation are fundamentally the same and are sound and still valid as set out below in the original report.

Recommendation

To grant planning permission subject to the conditions as set out in the report with plans as amended in condition No. 2.

ORIGINAL REPORT

Site Description and Proposal



The application site comprises a former public house located on the eastern side of Yeovil, known as the Great Western pub, situated on the junction of Camborne Grove and Camborne Place which lies close to Pen Mill station. The surrounding area is predominately residential and most of the properties along the terrace all have two-storey elements of varying sizes and styles. The site frontage is similar in appearance to the adjoining property being two storey bay

windowed rendered properties under tile roof to the principal elevation.

The site is within the development area as defined in the South Somerset Local Plan. The public house is vacant and the application is now part retrospective as internal works have been undertaken together with the replacement of windows with white UPVC units. An element of external demolition has also occurred involving the removal of part of the former skittles alley and some flat roofed connecting areas (kitchen area) between the main building and the rear building.

The pub was subject of a Community Right to Bid - Asset of Community Value Nomination in 2017. Following due process the Council decided not to enter the property onto the list of Assets of Community Value (ACV). The ACV application documentation suggests that the former public house was not a viable business with lack of trade and seeks the change of use from A4 public house to C3 residential dwelling. The supporting documentation to the planning application identifies two other facilities within a 400m radius, one within 500m and others further afield.

A new ACV application was received by the Authority on the 21st August 2018 and will follow due process. Notwithstanding this the planning application must be determined on the basis of the information before members irrespective of the result of the newly submitted` ACV application.

The scheme proposes to change the use and convert to 8no flats, with a mix of 4x one bed flats, 3x two bedroom flats and 1x three bedroom flat. It is stated the first floor was originally occupied by a 5 bedroom flat with office space.

Within the provision for meeting parking needs, three parking spaces are proposed as well as a new secure cycle store.

RELEVANT HISTORY

94/02555/FUL - Internal alterations and the erection of a covered way to skittle way.
18/00236/OPERA - Enforcement file

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 adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028.

An enforcement file has been opened regarding the unauthorised works, however at this time no action is considered appropriate until the outcome of the application has been determined. This decision complies with enforcement protocol as a proportionate approach.

CONSULTATIONS

Yeovil Town Council

Approval subject to adequate parking provision to mitigate the impact on the existing on street parking difficulties.

SSDC Highway Comments

Refer to SCC comments

County Highways

The Highway Authority do not object to the principle of the development. However they have reservations regarding the proposed provision of car parking and potential resultant pressure for on street parking which in turn may impact on the local bus service manoeuvrability.

REPRESENTATIONS

The application was advertised by way of site notice and neighbour notification. As a result 14 letters of objection have been received with one providing a link to a petition with 254 signatures.

Main issues raised:-

- No effort to maintain viability of pub or justification
- Pub to be listed as a ACV was rejected by Council with no clear reason given
- Harmful to pedestrian safety and emergency vehicles unable to get through
- Insufficient parking
- Loss of community asset
- Right of access to rear of 20, 22+24
- Overlooking/privacy
- With the additional parking buses will be unable to get through
- 100+ years as a public house and a hub of community as a venue for events such as christenings, birthdays and weddings
- Little detailing how the proposal will impact on lane serving the rear of properties 20, 22 and 24
- External demolition and internal works have taken place
- Lack of consultation
- Constant disregard to all concerned and the planning system

MAIN CONSIDERATIONS

The main considerations in this case relate to the impact on residential amenity, pedestrian/highway safety and sustainability. The principle of residential development in this location is strongly supported by policy.

Principle Development

Policy SD1 states the Council when considering development proposals will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework and will seek development that improves the economic, social and environmental conditions within the District. Policy SD1 also compels the Council to work with applicants to improve proposals so that they are capable of being approved and to grant permission, without delay, unless material considerations dictate otherwise.

Policies SS4, SS5 and YV1 set out that 15,950 dwellings are required in the plan period (2006-2028) and 5,876, so one third of the district wide requirement, will be located within the Urban Framework (existing built area) of Yeovil.

The site use is currently a class A4 use (public house) and it is proposed to change the use to C3 residential for the development of eight flats.

The principle of residential use in this area is fully supported and encouraged by the policies of the local plan and NPPF 2018.

Design/Layout/Materials

Policy EQ2 of the Local Plan lays down very clear guidelines for development, in particular that it should be of a high quality, compatible with the setting and local character, and the residential amenity of neighbouring properties should not be harmed.

The proposed materials are of the type commonly used within a predominately residential area and the external appearance is considered to be appropriate and acceptable.

It is considered the proposal blends comfortably within the site and the immediate residential surrounding area and will have a similar appearance to the adjoining residential property.

Visual/Residential Amenity

The existing context of the site and area is typically of two storey terraced and semi detached dwellings and a notable amount have converted the front of the site into off road parking. The proposed design of the units are consider to integrate well into the streetscene and the overall character of the area.

A number of the proposed units of accommodation do not have amenity space although it is proposed that there will be some definition of the rear courtyard area. However within approximately 160m lies Yeovil Country Park. Given the layout the proximity to the town centre and the general parking constraints on site, on balance this is considered acceptable and future occupiers would be fully aware of the parking restrictions.

The materials and design are appropriate in this location and as such the proposals comply with Policies EQ2 and EQ3 and the proposal is well related to existing development and the character of the area.

3no parking spaces are proposed and a new secure cycle store which will be positioned to the rear of the application site to promote the use of cycling which would be a benefit at this location.

The proposed scheme seeks to demolish the old kitchen and the single storey extension and covered walkway (the latter has already taken place and consideration of enforcement is being held in abeyance as enforcement action is discretionary and the authority is required to act proportionately to breaches). Upon investigation of the unauthorised works, the applicant was requested to stop work on site. The applicant complied after having made the site safe and no further works have been undertaken on site since that date.

The proposed flats have been designed to minimise impact upon residential amenity and having regard to the bulk, scale, positioning and fenestration of the proposed, it is considered that it would have an acceptable relationship with the adjacent neighbouring properties, and that it would not give rise to undue overlooking / loss of privacy or an overbearing relationship with nearby neighbours. The proposal does not appear to impact on the access lane to the rear of the adjoining properties and therefore any right of access enjoyed should not be affected by the development.

Therefore the proposal would not harm local residential amenity. The proposal therefore complies with Policy EQ2.

Loss of Public House

Policy EP15 sets out guidance for developments that result in total loss of site and/or premises currently or last used for a local shop, post office, public house, community or cultural facility contributes towards the sustainability of a local settlement and states development will not be permitted except where the applicant demonstrates that:

- *alternative provision of equivalent or better quality, that is accessible to that local community is available within the settlement or will be provided and made available prior to commencement of redevelopment; or*
- *there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment, and all reasonable efforts to secure suitable alternative business or community re-use or social enterprise have been made for a maximum of 18 months or a period agreed by the Local Planning Authority prior to application submission."*

In terms of alternative provision; as already noted the applicant has addressed this issue and it is noted that other establishments exist. On balance it is considered that the proposal complies with Policy EP15 due to the alternative provision that is available within the area.

Highways

It has been suggested by representation and the Highway Authority that the lack of off-street car parking is likely to result in additional pressure for on-street car parking. In addition, the bus service 68 routes via Camborne Grove and emergency vehicle access could be affected by additional on-street car parking. The Highway Authority does not object to the principle of the proposed development. However, the provision of car parking is significantly less than the standards set out in the Somerset County Council Parking Strategy for a site located in Zone A.

It is acknowledged that the proposed level of car parking is below the optimum one space per dwelling ratio for Zone A set out in the Somerset Parking Strategy and replicated in Local Plan Policy TA6, but reference is made to this paragraph which sits alongside the Zone A ratio: "The car parking standards set out here are optimum standards; the level of parking they specify should be provided unless specific local circumstances can justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision.

This approach is reinforced in Chapter 2 and Chapter 9 of the NPPF with specific regard being given to paragraphs 109 and 110 a) that state; development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts would be severe. Within this context proposals should give priority first to pedestrian and cycle movements and second - facilitate access to public transport.

A quality secured and covered means of cycle storage is proposed. Due to the placement of the units of accommodation so close to the town centre, the use of bikes will be enhanced, encouraging cycling and to change their travel habits given the dedicated cycle infrastructure.

The proposed is in a very sustainable location being within a very short distance of the train station (100m), is located on dedicated cycle routes and a bus service route, and is within short distance of services (400m) and the town centre (approx. 1 mile).

The station has a dedicated car park, the proposed is located at the lower end of Camborne Grove and the previous use would have generated some on street parking. If permitted it is considered purchasers of the flats would be aware of the parking provision and the sustainable location of the proposed.

Given the location and accessibility of the proposed, it is not considered the proposal will contribute to the hindrance of emergency vehicles or buses due to inconsiderate on street parking. Any additional vehicle/pedestrian conflict arising as a result of the development is considered to be unlikely.

Overall it is considered the reduced provision of parking coupled with the sustainable transport network in the immediate proximity will not give rise to any significant adverse impacts in relation to parking and the sustainable approach is fully supported by policy.

CIL

This development is CIL liable at £40 per m² and in this respect Form 0 has been filled in.

Conclusion

Overall, the main negative material consideration resulting from the proposal is that of the perceived associated consequences due to the lack of parking provision not in accordance with standards. In all other respects the proposal is considered to have minimal if any adverse impacts, being an appropriate residential development located in a very sustainable location and in accordance with the policies of the development plan and NPPF. On balance it is considered the potential impacts resulting from the reduced parking are outweighed by the considerations of encouraging sustainable development and there are no justifiable reasons not to grant permission.

If Members are minded to refuse permission, then sound reasons for refusal would need to be formulated and consideration given to any enforcement action considered appropriate in line with government guidance.

Recommendation

Grant planning permission for the following reason:

01. The proposal is supported by policy of the South Somerset Local Plan and NPPF18 and will not give rise to any significant adverse effects as the proposed change of use is considered to be appropriate in this location and has no detrimental impact on assets, residential amenity or highway safety. As such, represents appropriate development which is carefully designed to respect the character of the area, causes no demonstrable harm to residential amenity, provides balanced parking provision and does not foster the need to travel in accordance with the aims and objectives of the National Planning Policy Framework; the SCC Parking Strategy and policies SD1, SS1, SS5, SS6, YV1, EQ2, EQ7, TA5, TA6, HG3, HG5 and HW1 of the South Somerset Local Plan (adopted March 2015) and NPPF 2018.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

DRAWING PROPOSED GROUND FLOOR PLAN 3825_BB-XX-001-DR-A-100 RevC received 27 September 2018

DRAWING PROPOSED FIRST FLOOR 3825_BB-XX-002-DR-A-101_RevC received 27 September 2018

DRAWING PROPOSED ROOF PLAN 3825-BB-XX-004-DR-A-103-RevC received 27 September 2018

DRAWING PROPOSED ELEVATIONS 3825-BB-XX -XXX-DR-A 104_RevC received 27 September 2018
DRAWING PROPOSED SECTIONS C&D 3825BB-XX -XXX-DR-A _105 RevB received 27 September 2018
DRAWING PROPOSED SECTIONS A&B 3825BB-XX -XXX-DR-A _106 RevC received 27 September 2018
DRAWING PROPOSED SECTIONS C 3825BB-XX -XXX-DR-A _107 RevB received 27 September 2018
DRAWING PROPOSED SITE PLAN 3825BB-XX -XXX-DR-A-108-RevC received 27 September 2018
DRAWING PROPOSED VISIBILITY SPLAY 3825-BB-XX -XXX-DR-A-112 received June 2018

Reason: For the avoidance of doubt and in the interests of proper planning

03. No works shall commence on site unless details for the disposal of surface water from the site, so as to prevent its discharge onto the highway, have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to the occupation of the dwelling hereby permitted, in strict accordance with the approved details and thereafter maintained at all times.

Reason: In the interest of Highway Safety in accordance with policy TA5 of the South Somerset Local Plan (2006-2028).

04. The areas allocated for parking shown on DRAWING PROPOSED GROUND FLOOR 3825_BB-XX -002-DR-A-100_RevC received 27 September 2018 shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with policy TA5 of the South Somerset Local Plan (2006-2028).

Informatives:

01. Informative for CIL Liable approvals

Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk.

02. The applicant's attention is drawn to the following:-

Section 171 Licence-

(minor works such as tree works, installation of private street furniture, building/re-building walls on or adjacent to the highway)

The applicant will be required to secure a licence from the Highway Authority for works on or adjacent to the highway necessary as part of this development, and they are advised to

contract Somerset County Council at least four weeks before starting such works.

Section 184 Agreement-

(the construction of, or alterations to, any site access or accesses where these are the only highway works required to be executed to enable the development or if they need to be constructed in advance of the main works under a Section 38 or 278 Agreement).

The applicant will be required to enter into a suitable legal agreement with the Highway Authority for the highway works that will be carried out as part of this development, and they are advised to contact Somerset County Council to progress this agreement well in advance of the development starting.