

## **Officer Report On Planning Application: 19/02080/FUL**

<b>Proposal :</b>	The change of use of existing dwelling into a HMO, the erection of a new dwelling and conversion of existing garage into a new dwelling.
<b>Site Address:</b>	41 Percy Road Yeovil BA21 5AJ
<b>Parish:</b>	Yeovil
<b>YEOVIL LYDE Ward (SSDC Member)</b>	Cllr D Recardo Cllr T Lock
<b>Recommending Case Officer:</b>	Linda Hayden – Specialist (Planning)
<b>Target date :</b>	29th October 2019
<b>Applicant :</b>	RPS Asset Management Ltd
<b>Agent: (no agent if blank)</b>	Mr Drummond Craggs Melbury Road Yetminster DT9 6LY
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### **REASON FOR REFERRAL TO COMMITTEE**

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman in order to allow the planning issues to be debated.

### **SITE DESCRIPTION AND PROPOSAL**





The site lies on the west side of Percy Road, a densely developed residential street comprising terraced or semi-detached houses. No. 41 Percy Road is unique as the largest detached house in the road. The largest of the outbuildings to the rear has been used for a commercial motor repair business.

The application proposes the change of use of No. 41 Percy Road into a six person HMO (House of Multiple Occupation), a new 3 bedroom dwelling fronting onto Percy Road (to be attached to No. 37 Percy Road) and the conversion of the single storey workshop at the rear of the site into a one-bedroom property. Each unit would be provided with a small area of outdoor space and 6 parking spaces are proposed on the site to serve the units. Access would be via the existing entrance to the side of No. 41.

## HISTORY

07/04548/FUL - Demolition of existing buildings and the erection of 5 No. two bed roomed flats and 1 No. studio flat. Refused, but subsequently allowed on appeal (27/2/2009)

852313 - Use of workshop/garage for the carrying out of light mechanical repairs. Approved 1985.

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise  
South Somerset Local Plan (2006 - 2028)

On the 5th March 2015 this new local plan was adopted and constitutes the development plan. The most relevant policies are:-

Policy SD1 - Sustainable Development



Policy SS1 - Settlement Strategy, Yeovil is defined as a Strategically Significant Town and the prime focus for development in South Somerset.

Policy SS4 - District Wide Housing Provision

Policy HG5 - Achieving a Mix of Market Housing

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA3 - Sustainable Travel at Chard and Yeovil

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework

4. Decision-making

5. Delivering a sufficient supply of homes

8. Promoting healthy and safe communities

9. Promoting sustainable transport

11. Making effective use of land

12. Achieving well-designed places

14. Meeting the challenge of climate change, flooding and coastal change

National Design Guide - September 2019

National Planning Practice Guidance

Climate change

Design

Somerset County Council Parking Strategy (March 2012)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

## **CONSULTATIONS**

Yeovil Town Council:

Recommend approval

County Highway Authority:

Confirm that the parking provision is in general accordance with the Parking Strategy and do not consider that the proposed level of development is such that there would be a significant or severe impact on the highway network. They recommend the levels of visibility that should be provided at the site.

Environmental Protection Officer:

Advises that as the development is within a residential area and therefore there is the potential for significant disturbance to neighbours during the construction and demolition phase that conditions should be attached regarding hours of construction etc.

## **REPRESENTATIONS**

Five letters of objection have been received raising the following concerns (summarised):

- On-street parking is already problem in the area and the proposals will exacerbate the situation

- There is a well in the rear of the property which is not shown on the plans
- Impact of development upon No.37 Percy Road
- Level of development should be reduced
- Concerned if there are overlooking windows
- No development should be allowed in the rear
- Impact of construction traffic
- Concerned about disturbance from HMO

## **CONSIDERATIONS**

### Principle

The site is located within an established residential area and within the development area and is therefore considered to be, in principle, a sustainable location for new development.

### Visual Impact

It is considered that this proposal would result in a development in keeping with the streetscene by respecting the proportions, form and design of existing buildings in the road. In particular, the front elevation would be sympathetic to the character and appearance of the existing houses. The ridge height would be higher than no. 37, Percy Road but lower than no.41 to follow the slightly sloping nature of the road.

The proposed conversion of the rear would allow for visual improvement of the current ramshackle appearance of the outbuildings.

The proposals are therefore considered to be acceptable in relation to visual impact and in accordance with policy EQ2 of the Local Plan.

### Highways and parking

The neighbours' concerns are appreciated and parking space is clearly at a premium in the area. However, the scheme would provide 6 off street parking bays with ample turning space, and as advised by the Highway Authority, this is in line with the relevant Parking Standards. Given the recent appeal decision at the Great Western public house where the Inspector considered parking provision in locations such as the application site it is not considered that the proposals could reasonably be refused on the grounds of lack of parking provision.

Given that this site would still benefit from a commercial use it is not considered that the proposals are any more harmful in relation to highway safety than the lawful use that exists at the site.

The proposals are therefore considered to accord with policies TA5 and TA6 of the Local Plan.

### Residential Amenity

It is considered that there would be some overlooking towards the rear from the proposed two storey dwelling but bearing in mind the significant distance between the properties in Glenville Road and Percy Road, and the fact that there are existing first floor windows all along the rear of the houses in Percy Road, it is not felt that there would be any significant adverse increase in overlooking resulting from this scheme.

The proposed unit at the rear of the site would be single storey and as such it is not considered that it would result in unacceptable overlooking of adjacent properties.

It is therefore considered that the proposals do not result in demonstrable harm to neighbouring amenity and accord with Policy EQ2 of the Local Plan in this regard.

#### Other issues raised by neighbours

Well in rear - This will be a matter for Building Control when dealing with the Building Regulations for the development.

Disturbance during building work - a condition has been recommended by the Environmental Protection Officer.

Disturbance from HMO - such issues can be addressed through other legislation such environmental protection and it is not considered that planning permission could reasonably be refused on these grounds.

#### Summary

This is a sustainable location for residential development, and the proposal is considered to respect the character of the area that will not result in demonstrable harm to residential amenity or highway safety.

### **RECOMMENDATION**

Approve

01. It is considered that due to their siting, scale, form, design and materials, the proposed development would safeguard the character and appearance of the area and cause no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of policies SD1, SS1, SS4, HG5, EQ1, EQ2, EQ4, TA3, TA5 and TA6 of the South Somerset Local Plan 2006-2028 and advice contained within the NPPF.

#### **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 No.'s:

A801\_00  
A801\_01  
A801\_02  
A801\_03  
A801\_04  
A801\_05  
A801\_06  
A801\_07  
A801\_08  
A801\_09  
A801\_10  
A801\_11

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

03. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Once installed such charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

04. No later than within the first planting season following first occupation of any of the dwelling(s) hereby approved, a hard and soft landscaping scheme shall be carried out and completed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Any trees or plants which within a period of five 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: In the interests of visual amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

05. No building operations above damp proof course level of the dwellings shall take place until details of the materials to be used in the construction of the external surfaces (doors/windows/stonework/render/brick/roof finish) of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy EQ2 of the South Somerset Local Plan.

06. No work shall be carried out to erect any boundary treatment unless full details of the boundary treatments, including walls, fences, railings, gates, gateposts have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and permanently retained and maintained.

Reason: In the interests of visual amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

07. Noise emissions from the site during the development of the site i.e. the demolition, clearance and redevelopment of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

Mon - Fri	08.00 - 18.00
Sat	08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

08. There shall be no burning of materials arising on site during any phase of the demolition, site clearance and redevelopment.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

09. Prior to the development commencing, the applicant shall submit a method statement for written approval by the Local Planning Authority which shall detail the working methods to be employed

on site during the construction (and preparation associated with construction) of the site. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration etc. shall be included in the method statement. Details for the safe disposal of waste materials shall also be included.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

10. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation of dwellings and thereafter maintained at all times.

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

11. The dwellings hereby permitted shall not be occupied until a properly consolidated and surfaced turning space and sufficient parking spaces for vehicles have been constructed within the site in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times and not used other than for the turning of vehicles in connection with the development hereby permitted.

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

12. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

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

13. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.0 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge (24m) either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

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

#### **Informatives:**

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of any highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.
02. The Developer will be held responsible for any damage caused to public highways by construction traffic proceeding to or from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs will be taken by the Developer representative in the presence of the SCC representative showing the condition of the existing public highway adjacent to the site, and a schedule of defects agreed prior to works commencing on site.