

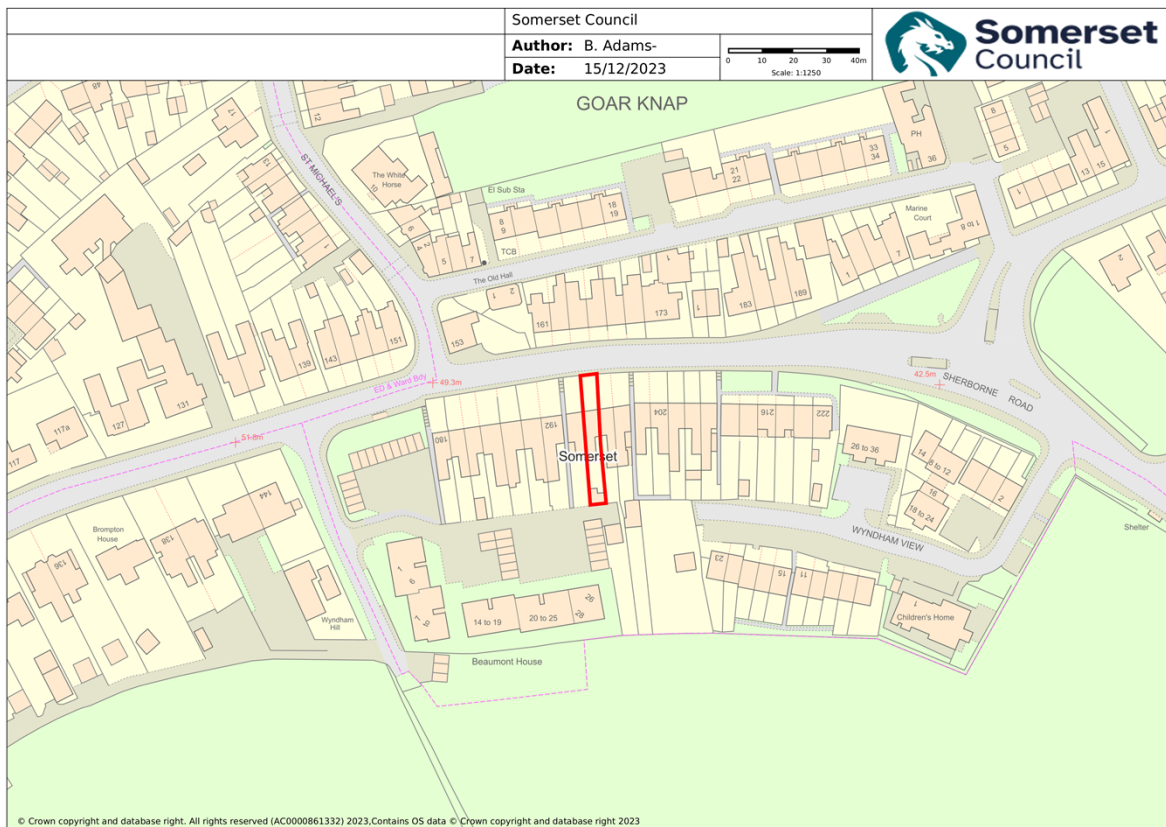
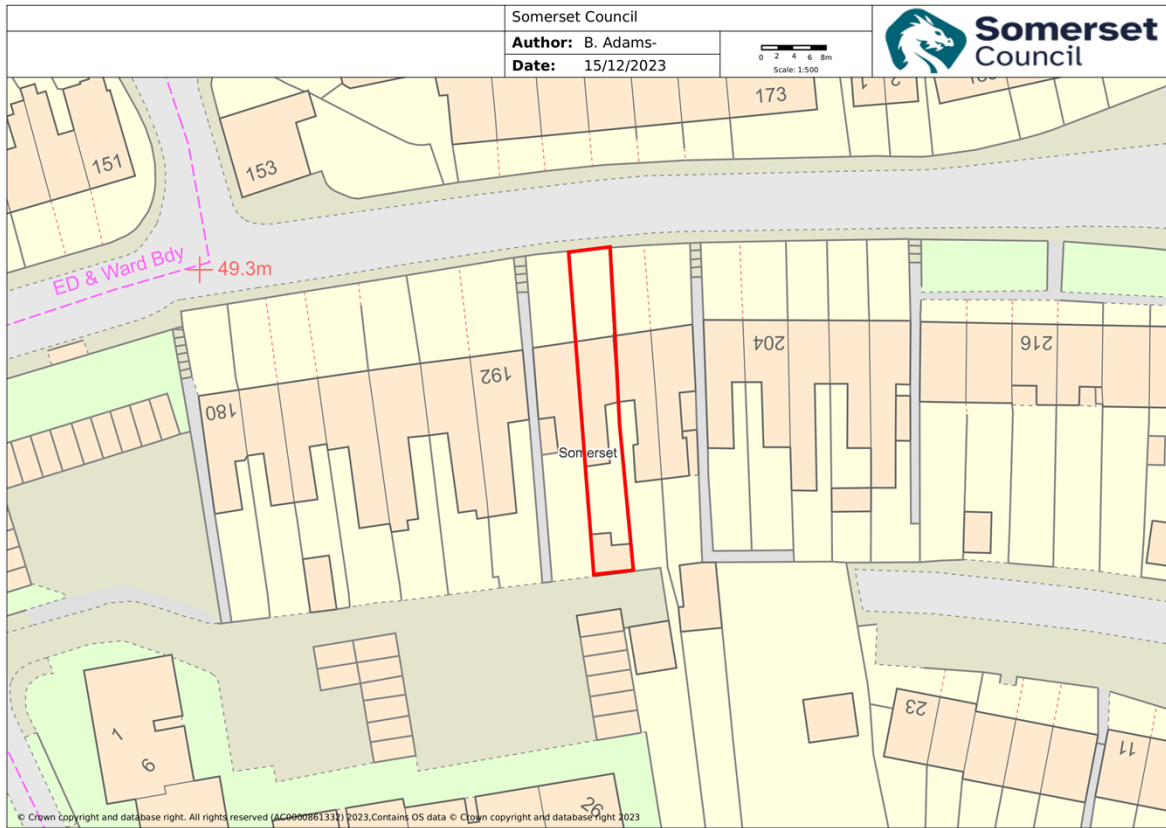
Officer Report On Planning Application: 23/02163/COU

Proposal:	Change of Use from C3 Residential to C4 HMO (no external changes).
Site Address:	196 Sherborne Road, Yeovil, Somerset, BA21 4HL
Parish:	Yeovil
YEOVIL EAST Division	Cllr Tony Lock, Cllr Graham Oakes
Recommending Case Officer:	Debbie Redding (Specialist)
Target date:	13th December 2023
Applicant:	Mr Max Rowswell
Agent: (no agent if blank)	Mr Thomas Maunder, 40 Hawks Rise, Yeovil BA22 8XT
Application Type:	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

In line with the adopted scheme of delegation, this application was referred to the Chair and Vice Chair of Planning Committee South as Yeovil Town Council objected to the proposal which is contrary to the officer recommendation. After consideration by the Chair and Vice Chair, it was decided that the application be referred to the Planning Committee to discuss the relevance of the HMO Article 4 Direction, parking standards and impact on residential amenity.

SITE DESCRIPTION AND PROPOSAL



196 Sherborne Rd is located within the Development Area of Yeovil, Flood zone 1 and the catchment area of the Somerset Levels and Moors. Sherborne Road is an A class road (A30) being a main route into the town centre. The site is also covered by an Article 4 Direction for Houses in Multiple Occupation which removes permitted development rights and therefore requires the submission of a planning application for a change of use.

The existing property comprises a 3 storey, 4-bedroom terraced dwelling. This application seeks to change the use of the property to a House in Multiple Occupation with 6 bedrooms. This would consist of 4 large rooms with en-suites on the ground and first floors and a further 2 rooms on the Second Floor with a shared bathroom. On the ground floor is a Kitchen / Dining / Living Space. The area of each room would be in accordance with the Somerset HMO regulations. Work to provide this accommodation would be internal only being the installation of en-suites on the ground floor and removal of an internal wall to create the kitchen/dining/living space.

Externally the property is set back and raised above the road level, with a front garden accessed via steps from the pavement. To the rear the property borders the access and car park of a flat development known as Beaumont House. The Beaumont House access is used by several properties in Sherborne Road to gain access to the rear, including car parking. No 196 has one existing car parking space at the rear and access to the rear garden, which also includes a cycle store. No external changes to the building, access or garden are proposed.

The agent has provided the following information in support of the application:
Historically this property has been used as temporary housing accommodation and has also struggled with squatters using the property for unlawful activities. Generally, the property was in very poor condition when purchased by my client and had been having a poor impact on the surrounding area and community. To clarify, these rooms will be marketed without parking and aimed at young professionals working in the town centre and hospital, both of which are within walking distance of the property. It is intended that most of the HMO rooms will be provided with their own En Suite, and the rooms will also come newly decorated and furnished. I believe this shows the intent to provide a high level of renovation and associated rooms to market. My client intends to let these rooms himself and retain ownership of the property. As such, the tenants these rooms will be let to will be vetted to ensure there is no detrimental impact either to the local area, or to my clients' hard work in renovating this property.

RECENT HISTORY

None.

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.

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 (adopted March 2015).

SD1 Sustainable Development
SS1 Settlement Strategy
TA5 Transport Impact of new Development
TA6 Parking Standards
EQ1 Addressing Climate Change in South Somerset
EQ2 General Development
EQ4 Biodiversity

National Planning Policy Framework 2019

Chapter 2 Achieving Sustainable Development
Chapter 4 Decision Making
Chapter 5 Delivering a Sufficient Supply of Homes
Chapter 9 Promoting Sustainable Transport
Chapter 12 Achieving Well-Designed Places
Chapter 15 Conserving and enhancing the natural environment

Planning Policy Guidance

Somerset County Council Parking Strategy (March 2012)

REPRESENTATIONS

4 letters of objection have been received that raise the following concerns:

- Vehicle access to the rear is via a private road which is abused by Sherborne Rd properties

- Residents' safety and security
- Insufficient parking
- Fire risk
- Noise and disturbance to neighbours
- Too many HMOs in the area covered by Article 4 direction
- Property too small for HMO occupied by unrelated people
- Additional traffic and highway safety
- Insufficient garden and amenity space for residents

CONSULTATIONS

Yeovil Town Council :

Object on the grounds of inadequate parking and servicing areas; unsuitable access arrangements and unacceptable traffic generation; an unspecified number of cycle parking spaces; and an overdevelopment of HMOs occurring on Sherborne Road reaching a threshold that potentially will have a negative impact on the local community.

Highway Authority :

Standing advice applies.

Ecology :

As this is changing from 1 dwelling to a 6 bed HMO, there is no change in phosphate levels according to the Somerset phosphate budget calculator (anything above 6 beds would constitute a change in the budget calculator).

Therefore, the proposed application is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore, a Likely Significant Effect under The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out.

Please attach the following condition:

1. The following will be incorporated into the site proposal with photographs of the installed features submitted to the Local Planning Authority prior to first occupation:

- A Beaumaris Woodstone maxi bat box (or similar) will be mounted at least four metres above ground level and away from windows, on the south and/or west facing elevations and maintained thereafter.
- Two Sparrow Terraces (or similar) directly under the eaves and away from windows on the north and/or east elevation and maintained thereafter.
- Reason: In accordance with Government policy for the enhancement of

biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

Please attach the following informatives to any planning permission granted:
The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017 (as amended). In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

CONSIDERATIONS

PRINCIPLE OF DEVELOPMENT

Sherborne Road is in the Development Area of Yeovil which is identified as a Strategically Significant Town and the focus for development. This is a sustainable location with good access to the town centre and facilities. As such residential uses are acceptable in principle.

Houses in Multiple Occupancy (HMOs) provide accommodation for unrelated people with shared facilities as opposed to self-contained flats. HMOs with 5 or more occupants are required to be licensed which oversees the standard of accommodation, fire safety and management regulations.

HMOs provide an element of the private rented housing market for which there is on-going demand.

However, the Article 4 direction in Yeovil acknowledges that there are areas of the town with a disproportionate balance of HMOs where planning applications need to be considered to assess the impact and suitability of the change of use which in other areas would be permitted development.

Sherborne Road does include several HMOs with 6 licensed properties in relatively

close proximity to the application site. Most of these are larger properties with the two largest having 10 and 14 occupiers at Nos 187 and 188 respectively. Other properties in the area have been converted to self-contained flats.

Although within the area covered by the Article 4 Direction the change of use now proposed must be considered on its merits and the impact of the proposal in this location and the surrounding area. In particular, this proposal would be for 6 bedrooms in a traditional terraced house and the occupancy would not necessarily increase significantly from a family home. Therefore, in terms of occupancy and activity this would not have an adverse impact upon the residents or surrounding properties.

SCALE AND DESIGN

The scale and appearance of the property would not change as only internal alterations are needed to implement the proposed change of use. Therefore, the visual appearance and impact of the proposal on the character of the surrounding area would be acceptable.

HIGHWAYS ACCESS AND PARKING

Pedestrian access to the property is from Sherborne Road, which would not change. This provides access for all occupiers and the communal use of the ground floor allows access to the rear garden area and which has space for bin and cycle storage. Cycle parking should be provided at 1 space per bedroom and can be secured by condition.

The access to the rear of the property via Beaumont House has been in use for many years and provides one car parking space. This has however been queried in representations and it is understood this is a private road and as no formal right of way is afforded to the property. Therefore, the use of this access and parking cannot be relied upon.

However, in this sustainable location close to the town centre occupiers would not be reliant on private motor vehicles; alternative modes of transport would be available for walking and public transport, and the provision of cycle storage would encourage cycling.

The Somerset Parking Strategy does acknowledge that the specified car parking standards are optimum and in sustainable locations can be reduced. Therefore refusal on the grounds of insufficient on-site car parking would not be justified.

RESIDENTIAL AMENITY

The accommodation provided would be acceptable for 6 occupiers as proposed and licensing would ensure standards and management requirements are met.

Some concern regarding noise and disturbance to neighbours has been raised but the occupancy level and activity is not likely to result in an adverse impact on their residential amenity.

ECOLOGY

The comments of Somerset Ecology are noted and in particular the proposal is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site. Therefore, no mitigation regarding the impact of phosphates is required. In addition, conditions and informatives are suggested to ensure no harm and enhancement to protected species.

CONCLUSION

The conversion of this property into a 6 person HMO would provide acceptable accommodation for future residents in a sustainable location with good access to the town centre and public transport. On-site parking would not be essential and the size of the accommodation and resulting activity would not result in unacceptable impact on the surrounding area, or neighbours in terms of noise or disturbance.

Overall, the location, use and impact on the surrounding area is acceptable and in accordance with planning policy.

RECOMMENDATION

Grant permission.

01. The conversion of this property into a 6 person HMO would provide acceptable accommodation for future residents in a sustainable location with good access to the town centre and public transport. On-site parking would not be essential and the size of the accommodation and resulting activity would not result in unacceptable impact on the surrounding area, or neighbours in terms of noise or disturbance.

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 plan reference:

2037-101 Proposed location plan, site plan and floor plans.

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

03. Prior to first occupation of the development here by approved secure cycle parking for 6 cycles shall be provided on site in accordance with details to be submitted and approved in writing by the Local Planning Authority, and thereafter the cycle parking shall be retained as approved.

Reason: To encourage alternative sustainable transport options.

04. The following will be incorporated into the site proposal with photographs of the installed features submitted to the Local Planning Authority prior to first occupation:

- A Beaumaris Woodstone maxi bat box (or similar) will be mounted at least four metres above ground level and away from windows, on the south and/or west facing elevations and maintained thereafter.
- Two Sparrow Terraces (or similar) directly under the eaves and away from windows on the north and/or east elevation and maintained thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

Informatives:

01. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017 (as amended). In the unlikely event that

bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
