

Officer Report On Planning Application: 16/00389/FUL

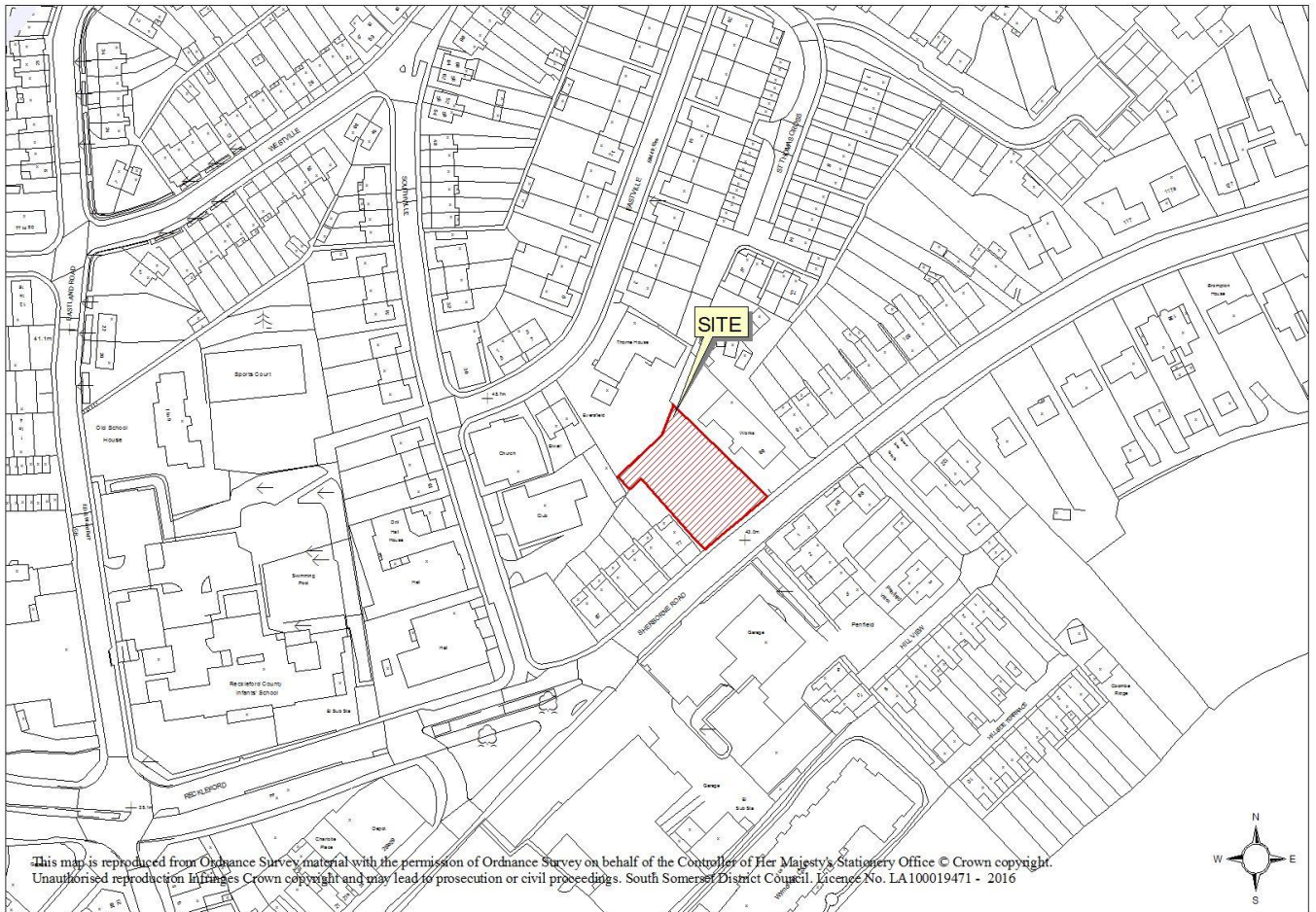
Site Address:	79 Sherborne Road Yeovil Somerset
Ward :	Yeovil (East) Parishward: New town
Proposal :	Conversion of existing offices to four one bedroom apartments & external alterations to the facade of the approved Mosque
Recommending Officer:	Case Andrew Collins, Planning Officer
Target date :	12th May 2016 10th June 2016
Applicant :	Yeovil Islamic Association
Type : 06	Minor Dwellings 1-9 site less than 1ha

Reason for Referral to Committee

The application is referred to Area South Committee at the request of Cllr Tony Lock to assess the parking for the site.

Site Description and Proposal





The site is located on the Northern side of the road, approximately 70m to the East of the Southville junction. The road is an 'A' class road restricted to 30mph.

The site was formerly operated by 'Aardvark Auto Services Ltd' - a mechanics garage and used car sales. Planning permission was granted under application 14/03480/COU for the change of use of the premises to a place of public worship or religious instruction. The front part of the building has been used as school rooms and a prayer hall and the rear part has been used as a principle prayer hall.

Currently on site is a 2 storey pitched roof building that runs at right angles to the road. Later 2 storey flat roof extensions are located to the North and West of the property. To the East and South of the site are parking areas.

This application seeks full planning permission for the internal alterations to the building to subdivide the building for formal prayer rooms, ablutions areas, toilets, a reception and welcome centre and accommodation for the priest. To the front of the building 4 self-contained 1 bed flats are proposed. Externally the area for the mosque is proposed to have the industrial doors replaced with windows and the main entrance having new openings and having ceramic tiles and minarets attached to the building.

A gate is proposed between the parking area for the flats and the mosque. In total 6 spaces are proposed for the flats with 1 disabled space and 9 spaces for the mosque with 1 disabled space. Therefore in total 15 spaces are proposed. A turning space is included to allow entering and leaving the site in forward gear.

The application is supported with a Design and Access Statement. The Design and Access Statement details that the flats would remain within the ownership of the applicants and will not be sold off separately. The flats are needed for the sustainability of the centre as is run as a charity for the benefit of its members.

Amended plans have been received during the course of the application which show a women's entrance at the front of the building, railings to the front and a simplified external appearance. Also a new boundary wall is shown to the north-eastern elevation.

During the course of the application further information has been supplied by the agent / applicant detailing a weekly attendance and how the visitors to the facility got there. Also an amended plan has been provided showing external changes to meet the requirements of Building Control.

HISTORY

Of relevance to this application;

14/03480/COU - Change of use of building from B1 (light industrial) to D1 (h) (for, or in connection with public worship of religious instruction) - Application permitted with conditions - 08/10/14

97/02586/COU - Alterations, the formation of two roller shutter doors and the use of premises as a motor vehicle garage including car sales and vehicle maintenance and repairs - Top Gear, 79 Sherborne Road, Yeovil - Application permitted with conditions - 20/02/1998

92/02579/FUL - CHANGE OF USE OF PREMISES FROM WAREHOUSE TO RESTAURANT WITHOUT COMPLIANCE WITH CONDITION 03 OF DECISION NOTICE NO 912381 DATED 6.2.92 (I.E. NO FOOD TO BE SOLD FOR CONSUMPTION OFF THE PREMISES) - Application Refused - 07/05/1992 - Appeal Dismissed - 21/8/92

91/02844/FUL - THE CHANGE OF USE OF PREMISES FROM WAREHOUSE TO RESTAURANT - Application permitted with conditions - 06/02/1992

91/02843/FUL - THE CHANGE OF USE FROM WAREHOUSE TO FITNESS CENTRE TO INCLUDE HAIR/BEAUTY SALON SPORTSWEAR SHOP AND COFFEE SHOP - Application permitted with conditions - 22/05/1991

21203/B - Erection of an extension to premises for the storage and sale of vehicle accessories - Approved - 17/2/67

21203/A - Extension to warehouse, office and store - Approved - 22/9/65

21203 - Retention of a store shed - Approved - 9/10/53

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 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:-

SD1 - Sustainable Development
SS1 - Settlement Strategy
YV1 - Urban Framework and Greenfield Housing for Yeovil
HG4 - Provision of Affordable Housing - Sites of 1 - 5 Dwellings
TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development

National Guidance
National Planning Policy Framework
Chapter 1 - Building a Strong Competitive Economy
Chapter 4 - Promoting Sustainable Transport
Chapter 8 - Promoting Healthy Communities

National Planning Practice Guidance

Paragraph: 031 Reference ID: 23b-031-20160519 (This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014). This basically says that contributions should not be sought for developments less than 10 dwellings, unless the floor area is greater than 1,000m².

Other Relevant Documents
Somerset Parking Strategy (2012)

CONSULTATIONS

YEOVIL TOWN COUNCIL - *"Refusal on the grounds of insufficient parking."* On the basis of the amended plans, the following comments have been received,

"I received three responses from the consultation which are listed below:

- 1. I had no objection to this development when it was originally proposed and I have none now. I think the proposal will significantly enhance that part of the town.*
- 2. When the Town Council met and discussed this application, concerns were raised over the lack of sufficient parking spaces.*

In the event that planning is granted I would like the planning officer to consider the following conditions

- a) Restricting the use of the four parking spaces at the front of the building to the users of the flats. To comply with the SPS*
- b) Cycle parking stands to be included within the parking provision.*

Concerns were also raised that the plans appeared to show a section that could be construed as being a third flat on the first floor. The committee were advised that this was proposed to be a resting area for a visiting Imam. I would ask the planning officer to consider conditioning this use.

The amended plans show an additional entrance at the front of the building for female members of the congregation and for use as a secondary means of escape. I share a

neighbours concerns over the lack of a handrail on the proposed new entrance, given the difference in levels.

3. *Like Gail, I had no objections to the original proposal and more than happy to support it now; taking in to account the advice of the highways consultant and any railings required to make the front entrance safe for all users."*

COUNTY HIGHWAY AUTHORITY - Standing advice applies.

SSDC HIGHWAYS CONSULTANT- Initially raised concerns over the level of parking on the site. On the basis of the additional information made the following comments;

"I understand that the Muslim Cultural Centre was originally consented with 15 on-site car parking spaces. The current proposal seeks the conversion of existing offices within the building to four 1-bed apartments as well as retaining the Muslim Cultural Centre. The proposed parking layout has been re-configured to show the provision of a total of 16 spaces (including two spaces for people with disabilities) and on-site turning areas. I understand that the apartments are to remain within the ownership of the Yeovil Islamic Association and would not be sold off separately and although they would be offered on the open market for rental it is likely that they would be rented to members of the Islamic community.

The Somerset Parking Strategy (SPS) requires an optimum level of one car space per flat and in the region of 16 car spaces for the Muslim Cultural Centre, i.e. a total of 20 car spaces, four spaces above the proposed level of parking. However, the SPS allows for reductions to the optimum levels stating that '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. Proposals for provision above or below this standard must be supported by evidence detailing the local circumstances that justify the deviation and must be included in the developer's Travel Plan.'

In this case, the applicant has undertaken a detailed travel survey over a 10-day period. The survey details the number of cars (and occupants) visiting the site at various times of the day, the volume of cars parked elsewhere (off-site) and those that visit the premises by other means of transport. It is evident that with the exception of Friday (12noon to 1.00pm) the maximum number of cars accessing the site in connection with the Muslim Cultural Centre is six cars. During the peak time of Friday (12noon to 1.00pm) it is understood that once the site car park is full, bollards are placed across the access to prevent any further vehicles entering the site with such vehicles parking elsewhere in the vicinity. I am not aware that the parking of vehicles associated with the Muslim Cultural Centre at other off-site locations is causing any inconvenience or issues. I consider the results of the travel survey provides the necessary evidence detailing the local circumstances that justifies a deviation to the standards in this case.

The proposed parking layout to the rear of the site is not ideal in terms of providing unfettered access to every parking space but given the nature of the use, it is not uncommon for vehicles to be double parked or blocked in during peak times within car parking areas associated with faith facilities. Accordingly, I do not believe the parking layout would result in any significant highway safety issues, given the local circumstances.

I believe four car parking spaces located to the front of the premises should be specifically allocated to the apartments (one space per apartment) but there should be flexibility whereby should any of those spaces not be required by an apartment occupier (due to lack of car ownership, for example), the space(s) could still be used by the Muslim Cultural Centre when

required.

Returning to the aforementioned clause within the SPS that permits lower levels of parking in sustainable areas, while the statement alludes to the need for a Travel Plan to justify the departure from standard, in this case, it is evident that many people currently visit the premises by sustainable forms of travel and therefore there may be little benefit in preparing a Travel Plan. However, I do believe there would be merit in providing some secure on-site cycle parking facilities (using Sheffield stands) - such provision could be the subject of a planning condition, and it would appear that four cycle spaces could be provided within the site in the car parking area.

Therefore, to summarise, on balance, I believe the development proposal is acceptable, particularly given the evidence-based data that has been submitted (i.e. the travel survey).

In the event that permission is granted, I would recommend suitably-worded conditions securing the following:

1. *No obstruction of a greater height than the current wall across the entire site frontage*
2. *No parking within the 2.4m x 43m visibility splay*
3. *The parking and turning provision as shown with no obstructions to those areas and those areas not to be used for any purpose other than for the parking and turning of vehicles associated with the Muslim Cultural Centre and the four apartments*
4. *The provision of on-site cycle parking facilities."*

ENVIRONMENTAL PROTECTION OFFICER - *"I have no comments"*

REPRESENTATIONS

1 letter of representation has been received from the neighbouring property (No. 77 Sherborne Road). The following comments are made;

- There does not appear to be a safety rail to the side of No 77 and the women's entrance at the front of the building.
- There appears to be no natural lighting for the internal hallway or access stairs to the first floor. The neighbour would not object to the insertion of an obscure window on the south-west elevation.

CONSIDERATIONS

Planning permission was granted under application 14/03480/COU for the use of the building as a place of worship and this has been implemented. Therefore the key considerations in relation to this application are the external alterations, the provision of flats as well on the site and the level of parking proposed.

Principle

The place of worship use has already been approved and implemented under application 14/03480/COU.

The site is located within the 'Urban Framework of Yeovil' as defined in Policy YV1 and subject to other criteria the focus for new development within the district. As such the principle of providing flats on the site is accepted.

Impact upon Residential Amenity

The 4no 1 bed flats are proposed at the front of the building with 2 on the ground floor and 2 on the first floor. Windows are proposed in similar positions as existing save for a new high level facing No. 77. On this basis it is not considered that the proposal would result in an adverse impact upon residential amenity. The proposal therefore complies with Policy EQ2.

Impact upon Visual Amenity

Externally the main part of the building is proposed to have new fenestration on the northwest elevation that better reflects the use of the building. The existing large openings and industrial feel for the building would be removed and large windows from floor to eaves level are proposed. At the northwest end of the building will be a new purpose built entrance and foyer. This part of the building will have traditional tile hanging on the wall. Minarets are shown at points along the building.

The changes to the building's exterior reflect the use of the building, as opposed to the current appearance as a former garage. The changes to the exterior of the building are considered to be appropriate in this location and accord with Policy EQ2.

Parking

Under the Somerset Parking Strategy places of worship, require 1 car parking space per 34m² of floor area. On this basis the mosque should provide 16 parking spaces, whilst the flats should provide an additional 4 spaces. Therefore in total there should be 20 spaces on site. The previous change of use consent showed a total of 15 spaces on site. This proposal now shows 16 spaces on site. Therefore there needs to be an assessment as to whether this level of parking is sufficient on this site.

The Somerset Parking Strategy does allow a reduction of parking provision in 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. In this instance in addition a survey has been submitted showing the number of visitors to the faith facility over a 10 day period and how they travelled to the site. The peak time for the number of people visiting the site is Friday lunchtime with the vast majority of visitors walking to the site. This has been witnessed by the case officer. The submitted information is considered sufficient, by the Highways Consultant, to justify a deviation from the Somerset Parking Strategy.

The Somerset Parking Strategy suggests that a reduction in parking provision should be accompanied by a Travel Plan. However the submitted travel survey indicates that visitors to the site are currently using sustainable means of transport and therefore the preparation of a Travel Plan is of little benefit.

Sufficient turning is shown on the submitted plans to ensure that vehicles enter and exit the site in forward gear. The parking arrangement as shown on the submitted plans is not ideal. However the nature of the use and specific times of worship it is not uncommon for vehicles to be double parked on site and blocked in. Therefore the parking layout is not considered to result in any significant highway safety issues given the local circumstances.

The plans show separate parking for the occupiers of the flats. The Highways Consultant considers that one space per flat should be allocated. However it is also considered that there should be flexibility to allow parking by worshippers if the flat occupier does not have a car. It is also noted in the submitted Design and Access Statement that the occupiers of the flats are likely to be members of the faith facility.

In assessing all the above it is considered that the level of parking has been justified and complies with policies TA5 and TA6 of the South Somerset Local Plan.

Other Issues

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district. In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore the Local Planning Authority are not seeking an affordable housing obligation from this development.

Internally alterations are being carried out to the building to make it more useable for a place of worship. As the alterations are internal these do not require the express grant of planning permission. The alterations have been discussed at length with the Council's Building Control Department. The internal layout shows an area for a visiting Imam at the rear of the site on the first floor. This has a number of features that could result in an additional self-contained flat. The revised accompanying statement confirms that use of the area and to ensure that it does not become a self-contained flat a condition is required.

RECOMMENDATION:

Grant planning permission for the following reason:

01. Notwithstanding the interest in this application the proposed alterations to the building are considered to respect visual and residential amenity of the area and it has been demonstrated that the level of parking for the site is sufficient. The proposal therefore complies with Policies YV1, TA5, TA6 and EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

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: 290/01 / S01, 290/01 S02 and 290/01 P05 received 28 January 2016 and amended drawings 290/01 B01, 290/01 B02, 290/01 B03 and 290/01 B04 received 8 June 2016.
Reason: For the avoidance of doubt and in the interests of proper planning.
03. The proposed first floor window on the Southwest elevation to the flat shall be a minimum of 1.7m above the floor of the room in which the window is installed.
Reason: In the interests of residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan (2006 - 2028).
04. The first floor Iman accommodation located on the first floor at the north western end of the building shall be used as temporary accommodation for a visiting priest and shall not be used as a separate self-contained flat.

Reason: In the interests of amenity and to clarify the scope of the application in accordance with Policy EQ2 of the South Somerset Local Plan (2006 - 2028)

05. Notwithstanding the approved plans there shall be a safety railing located on the southwest boundary by the women's entrance. Details of which shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of the date of the permission.

Reason: In the interests of health and safety.

06. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of a line drawn 2.4 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be maintained at all times.

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

07. The parking and turning provision as shown on the submitted plan shall have no obstructions to those areas and shall not to be used for any purpose other than for the parking and turning of vehicles associated with the Muslim Cultural Centre and the four apartments.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

08. Provision shall be made for the parking of 4 cycles in accordance with details to be submitted to and approved by the Local Planning Authority within 3 months of the date of this permission. Such provision shall be made within 6 months of the permission hereby being granted.

Reason: In the interests of sustainable transport in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).