



## Appeal Decision

Site visit made on 7 May 2019

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2019

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**Appeal Ref: APP/R3325/W/19/3222070**  
**47 Camborne Grove, Yeovil BA21 5DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Kenika Properties against the decision of South Somerset District Council.
  - The application Ref 18/01122/FUL, dated 5 April 2018, was refused by notice dated 13 November 2018.
  - The development proposed is for change of use of former public house to 8no flats with associated internal and external works.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of former public house to 8no flats with associated internal and external works at 47 Camborne Grove, Yeovil BA21 5DG in accordance with the terms of the application Ref. 18/01122/FUL, dated 5 April 2018 subject to the conditions set out within the Schedule attached to this decision.

### Main Issue

2. The main issue is the effect of the proposal upon the character and amenities of the area, by virtue of on-site parking provision and having regard to the manoeuvrability of buses.

### Reasons

3. The appeal site comprises a former Public House situated at the junction of Camborne Grove and Camborne Place and is within a predominantly residential area comprising two storey terraced and semi-detached housing.
4. There are no parking restrictions within Camborne Street, Camborne Grove or Camborne Place and many houses have off-street parking, either to their front or rear. These streets are accessed off Lyde Road which is a busy urban route; the site is however also located approximately 100m from the Yeovil Pen Mill Railway Station, which along with Camborne Grove, is served by the number 68 bus service. The site is also within a short distance of services, cited as 400m by the Council, and is approximately 1 mile from the Town Centre by a dedicated pedestrian/cycle route. Therefore, I consider that the site is in a sustainable location having regard to its accessibility by a wide range of means of transportation.

5. Policies TA5 and TA6 of the South Somerset Local Plan (2006 – 2028) adopted March 2015 (LP) stipulate, amongst other things, that parking provision in new developments should be design-led and based upon site characteristics, location and accessibility. These policies require the parking standards within the Somerset County Council Parking Strategy to be applied in South Somerset, which for one and two bedroom residential units in Car Parking Zone A, requires one space per dwelling; i.e. 8no. spaces in this case. No visitor parking would be required where more than half the parking would be unallocated to any specific flat.
6. Notwithstanding the above standards, 'Note A' within Chapter 5 of the Parking Strategy states that the standards are optimum ones and that 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.
7. Furthermore, as this scheme relates to a change of use, one cannot ignore the fallback position, i.e. if the premises in question returned to be used as a Public House. The appellant highlights that based on an internal floor space of 550.3 sq.m., an A4 Use would give rise to a requirement of 12.2 parking spaces; and that was with no parking previously provided on site. Whilst I have not been provided with TRICS data, or actual data in respect of the former operation of the pub, ultimately, and pursuant to the Council's Parking Standards, the residential scheme before me would give rise to a lesser requirement for off-street parking than the pub.
8. I acknowledge that on-street parking is limited by the presence of dropped kerbs, although there is a reasonable amount of unbroken kerb line along the Camborne Place (north-west) boundary of the site. I note third party concerns with regard to existing pressures for on-street parking, although ultimately by virtue of the high proportion of one bedroom flats proposed within the scheme, they are more likely to be occupied by single persons who would be aware of the location, accessible by sustainable means of transport. I say this notwithstanding that I accept that within the preface to LP Policy TA6 that average car ownership levels in the District are higher than the national average; however the site in question is not within a rural location where one would expect car ownership to be higher, therefore I give these statistics limited weight in my determination of this appeal.
9. I note the concerns of the Local Highway Authority (LHA) in respect of increased on-street parking interfering with the manoeuvrability of buses, however they have not substantiated this and in the absence of any other evidence to the contrary I consider that the local bus service would not be unduly hampered by the proposal. Neither would emergency services. Furthermore, I accept that additional on-street parking could create a visual barrier between motor vehicle traffic and crossing pedestrians, although if there were highway safety implications it would be for the LHA to impose parking restrictions in any locations of concern.
10. Therefore, having regard to the above, I consider that notwithstanding that the proposal does not meet the Council's adopted parking standards, the site is located within an area of high sustainable transport accessibility and would not

have a detrimental impact upon the character and amenity of the area, including the manoeuvrability of local buses.

### **Other Matters**

11. I acknowledge the concerns with regard to the principle of the loss of the pub and whilst I have not been provided with great detail, I understand that for some reason the Council decided to not list it as an Asset of Community Value. I also note that some works have taken place to the building prior to this appeal being determined, but that works ceased following the Council's Enforcement Team making contact with the appellant. I am also aware of concerns that the planning application, the subject of this appeal, was not adequately advertised; although it is clear from the number of representations received that a good number of local residents and other third parties had been made aware of the proposal and I have not been given any substantive reason to doubt that the Council did not fulfil its statutory obligations in respect of public consultation.
12. The proposal enables the retention of the laneway which provides access for residents at 20, 22 and 24 Camborne Place and the grant of planning permission, but in any case does not override any civil rights that the occupants of those dwellings have over this means of access.

### **Conclusion and Conditions**

13. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
14. Other than the standard time limit condition, the Council recommends that a condition requiring the development to be carried out in accordance with the approved plans is imposed. I consider that this is necessary in the interests of the visual amenities of the area. Furthermore, the Council has also recommended that two further conditions be imposed regarding the disposal of surface water from the site, so as to prevent its discharge onto the highway; and to ensure that the areas allocated for parking are kept clear of obstruction at all times, and shall not be used other than for the parking of vehicles in connection with the development permitted. I consider in the interests of highway safety that these are both necessary conditions and have therefore imposed conditions within the attached schedule to this effect.

*C J Tivey*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3825-BB-XX-001-DR-A-100 RevC, 3825-BB-XX -002-DR-A-101 RevC, 3825-BB-XX-003-DR-A-102 RevB, 3825-BB-XX-004-DR-A-103 RevC, 3825-BB-XX-XXX-DR-A 104 RevC, 3825-BB-XX-XXX-DR-A-105 RevB, 3825-BB-XX-XXX-DR-A-106 Rev C, 3825BB-XX-XXX-DR-A-107 RevB, 3825-BB-XX-XXX-DR-A-108 RevC, 3825-BB-XX-XXX-DR-A-110, 3825-BB-XX-XXX-DR-A-111 & 3825-BB-XX-XXX-DR-A-112.
3. No flat shall be occupied, until 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; and implemented in accordance with the agreed details which shall thereafter be maintained at all times.
4. The areas allocated for parking shown on drawing 3825-BB-XX-001-DRA-100 RevC 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.