



The application site comprises The Old Courthouse (circa 1830), a Grade 2 listed two-storey residential property with rooms in the roof space located off Kingston and Swallowcliffe Gardens.

The front elevation faces south/southeast towards Kingston, comprises 3-bays, having a central Roman Doric porch, and sash windows. The property is rendered under a Welsh slate roof. The property was historically extended to the west by a large single storey extension and later a second storey (first floor) was added in part. This element is unfinished.

The application states that the property offer Bed and Breakfast accommodation. Vehicular access is provided via Kingston and Swallowcliffe Gardens. The site lies between predominantly detached dwellings on Swallowcliffe Gardens, the Park School (an education establishment) and Swallowcliffe Court (also known as Rainbow Court), which shares its rear vehicular access, and comprises supported housing for people with mental health issues.

The proposal seeks to convert the building into a hostel. Additional information has been sought from the agent regarding the nature of the hostel use. The plans show 15 bedrooms would be created with several rooms used for communal purposes. The proposal includes the completion of the first floor extension.

The application states there are 12 car parking spaces on site. Both Kingston and Swallowcliffe Gardens are subject to limitations in terms of on-street parking. A store would also provide space for 15 cycles.

HISTORY

96/02756/FUL: The change of use of premises from Use Class B1 (offices) to use class A3 (residential) (to form two separate dwellinghouses): Permitted with conditions: 22/01/1997

97/00848/LBC: The conversion of former County Court into dwellinghouse, internal alterations and the demolition of extension to former County Court: Permitted with conditions: 16/05/1997

02/02887/FUL: Change of use of part of dwellinghouse into 2 No. self-contained flats and alterations and erection of first floor extension for six letting rooms: Refused: 18/11/2003

02/02889/LBC: Internal and external alterations to main building to include first floor extension, window removal and retaining boundary walls: Refused: 18/11/2003

03/01296/LBC: Erection of a stairway to the front door, gates at entrance to Swallowcliffe Gardens, a retaining wall, protective railings and the removal of an existing postbox: Permitted with conditions: 24/06/2003

04/01330/LBC: The reconstruction of collapsed/defective garden boundary wall: Permitted with conditions: 02/09/2004

06/00553/COU: Change of use from residential to children's nursery, alterations to form rooms in the roof space and the conversion of existing garage to form studio accommodation: Refused: 29/03/2006. Allowed on appeal.

08/00794/FUL: The erection of an extension: Permitted with conditions: 06/11/2009

08/00796/LBC: The erection of an extension: Permitted with conditions: 06/11/2009

09/02735/FUL: Change of use of domestic garden to mixed use as domestic garden and place for the sale of hot food and drink to be consumed on the premises: Refused: 06/11/2009. Appeal dismissed.

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.

On 5th March 2015 South Somerset District Council, as Local Planning Authority, adopted its Local Plan to cover the period 2006 to 2028.

On this basis the following policies are considered relevant:-

Policies of the South Somerset Local Plan (2006-2028):

SD1 - Sustainable Development

SS1 - Settlement Hierarchy

SS5 - Delivering New Housing Growth

YV1 - Urban Framework and Greenfield Housing for Yeovil

EQ2 - Design & General Development

EQ3 - Historic Environment

EQ7 - Pollution Control

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HG5 - Achieving a Mix of Market Housing

National Guidance - National Planning Policy Framework:

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design
Chapter 12 - Conserving and Enhancing the Historic Environment

Other

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Yeovil Town Council:

Recommend refusal due to lack of information and clarity as to what is being applied for. Also concerns over safeguarding of children. Encouraged further negotiations with the agent before/if taken to the Area Committee.

Highways Authority (Somerset CC):

Standing Advice applies [refer to SSDC Highways Consultants comments]

SSDC Highways Consultant:

"Consider parking demand but this is a town centre, sustainable location so given the type of use and its location, parking below the SPS optimum standards could be acceptable. Waiting restrictions on Swallowcliffe Gardens should prevent/deter inappropriate on-road parking. Suggest sufficient on-site cycle and motorcycle parking should be provided in line with the SPS levels".

SSDC Conservation Unit:

"Thank you for consulting me on this application. 20 Kingston is a substantial late Georgian house of 1830, that formerly sat in large grounds and was known as Swallowcliffe. Its setting has been affected by the upgrading of the adjacent road network and the addition of a large extension on its west side, however the original building remains with apparently little alteration. The listing refers to the buildings' interior: *'The interior (not fully inspected) has the original staircase and some good plasterwork, especially cornices and a plaster vaulted ceiling to the entrance hall, as well as a number of Regency style doors and architraves at ground floor level'*

At this stage only an application for change of use has been submitted. I need to consider the proposal in light of the listed status of the building, taking into account the impact it may have on the conservation of the asset in the future and the potential for physical changes to the building. The lack of a corresponding listed building consent makes this assessment particularly difficult.

In terms of the principle of the change of use, we need to first consider the building's 'optimum viable use', as referred to in paragraph 16 of the Planning Practice Guidance. With reference to this guidance it would appear that maintaining the building as a single dwelling is the best use. This will involve no alteration, and is clearly the use that the building is best designed for. Changing from this use to something that will involve a significant level of subdivision and may affect the conservation of the asset into the future needs to be thoroughly justified. The Planning Practice Guidance refers to the necessary initial changes, and also makes reference to subsequent wear and tear and likely future changes. We don't know how sustainable the proposed use is in the long term. We may accept changes to the building now for a use that will only be viable in the short term or may not even be viable at all. As for 'wear and tear', this is much more likely on a building that is occupied as a hostel, where residents are transitory and are likely to have less interest vested in the building as a whole.

The required 'clear and convincing justification' (NPPF, para. 132) for this change of use has not been submitted.

The listing text refers to the significance of the interior, particularly at ground floor. The proposed change of use will need to adhere to the building regulations, which in this case will relate to matters such as means of escape and fire protection and sound transmission

between rooms. This usually involves the need to upgrade or replace doors, and the addition of linings to walls, floors and ceilings. This has the potential to have a big impact on the significance of the building. Although this is something we cannot assess fully at this stage as we have not been able to gain access to the building, and no details relating to the building regulations have been submitted.

In conclusion the application appears weak in so far as the change of use has not been justified. Nowhere within the submission has the 'optimum viable use' of the building been considered. The lack of detail relating to matters such as the building regulations is also a significant issue. The application therefore fails to meet the requirements of paragraph 132 of the NPPF and does not accord with advice in the Planning Practice Guidance. I therefore recommend refusal".

Environmental Protection (Air Quality):

No comments to make.

REPRESENTATIONS

Neighbouring properties/premises to the site have been notified.

Two site notices have been displayed at the site. One facing Kingston and one facing Swallowcliffe Gardens.

Several representations (7) have been received; a summary of comments:

- The application site is not suitable for the use proposed.
- The nature of the hostel use is unclear.
- "...some of these hostels suffer disproportionate amounts of anti-social behaviour both within the establishment itself as well as for occupants of properties in the surrounding areas. To be able to provide a clear view on any potential impact the proposed change of use would have on the town and local residents from any potential crime and disorder, we would require further information" [Avon and Somerset Constabulary]
- Services need to be delivered by suitably experienced people, with adequate support on site. No information regarding the client group and type, nature and frequency of support that will be delivered [Knightstone Housing Association].
- Residents at Rainbow Court are vulnerable.
- There may be safeguarding issues dependent of the nature of the use of the building [The Park School].
- There are already several multiple occupancy dwellings/hostels in the immediate area.
- The site is adjacent to a school.
- Noise and anti-social behaviour concerns.
- Cars could be stopping on the dual carriageway seeking access/dropping off to this site.
- The partially constructed extension should be completed and the year cleared prior to any change of use.
- Lack of parking provision on site.

CONSIDERATIONS

The application does not specify what type of hostel is to be provided. In planning terms there is no definition of hostel other than a type of accommodation for short term accommodation, implying a transient resident population.

The agent was asked to define his understanding of the term hostel and what type of hostel was being proposed in this case. Also, whether any staff would be present, whether the proposal was proposed in association with any charity or other organisation, how many occupants were intended and whether the two access points would continue to be used for

vehicles and pedestrians.

His response to these questions was:

Staff not proposed, though a care taker may be resident. No agency involved. One person per room anticipated; certainly no more than a couple. No need survey carried out, but self evident given proximity to Yeovil College and Yeovil Hospital -students, teachers and nurses are anticipated to form the bulk of residents. Cycle and pedestrian use of both accesses is anticipated. Four wheel access could be regulated if desired.

It is important that clarity over the intended use is given so that the impacts of the development can be assessed, as one type of hostel may have greater impacts than another in so far as it influences the character of the use of the land under consideration and how that would impact on neighbouring land.

The answers given lack precision and are open to interpretation. Terms such as 'may' and 'anticipated' with regards to the residency of a caretaker and the nature of occupants does not provide the confidence and clarity needed.

It is noted that the neighbouring premises, Swallowcliffe Court, is a block of flats owned by Knightstone Housing and operated by a charity that provides sheltered housing for individuals with mental health issues. Another property in close proximity to the application site is used to provide accommodation and 24-hr support for vulnerable young people. The provider has asked that its specific location be kept confidential. The Town Council and the neighbouring Park School has raised similar issues regarding safeguarding, due to the lack of clarity regarding the specific nature of the hostel.

The historic permission for use as a Children's Nursery is noted in terms of assessing the impact of the development on the access points and parking provision and it is unlikely that a traffic impact would result but again the lack of clarity does not allow a robust assessment of this matter.

The agent has accepted that separate Listed Building Consent would be required should this application be approved, not it is not sought at this time. The agent was asked to facilitate a site meeting to allow an assessment of the site and the interior of the building. This was declined. Instead the agent insisted that the officer's assessment be made from the public highway. The comments of the Conservation Officer are noted, in particular the impacts that may be brought about by a hostel use, including those required by Building Regulations. The LPA wishes to work in a collaborative manner to isolate issues and offer solutions to those problems. If however those efforts are frustrated and there is no reasonable way to mitigate potential impacts by conditions then permission has to be recommended to be withheld.

RECOMMENDATION:

Refuse permission for the following reason:

SUBJECT TO THE FOLLOWING:

01. The application lacks sufficient information regarding its use to allow the development to be robustly assessed, in particular how it would influence the character of the use of the land under consideration and how that would impact on neighbouring land and uses. In addition the LPA has been denied access to the site to properly assess the proposal. As such the proposal is contrary to policy EQ2 of the South Somerset Local Plan (March 2015).

02. The application does not provide the required 'clear and convincing justification' to allow this change of use application to be assessed with regards to its impact on the significance of a designated heritage asset, in this case a Grade 2 listed building, as such the proposal is contrary to the National Planning Policy Framework (in particular para. 132) and policy EQ3 of the South Somerset Local Plan (March 2015).

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions. During the course of the application the agent was asked to provide more information to help justify the application but failed to do so. Access to the application site was also denied.