



Appeal Decision

Site visit made on 9 September 2019

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/R3325/W/19/3231489

Park House, 45 The Park, Yeovil BA20 1DF

- 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 Mr Christopher Cullen (Otter Homes Ltd) against the decision of South Somerset District Council.
 - The application Ref 19/00441/COU, dated 21 January 2019, was refused by notice dated 24 April 2019.
 - The development proposed is described as the 'change of use from B1 business to mixed B1 business and D1 non-residential institution'.
-

Decision

1. The appeal is allowed and planning permission is granted for the 'change of use from B1 business to mixed B1 business and D1 non-residential institution' at Park House, 45 The Park, Yeovil BA20 1DF in accordance with the terms of the application, Ref 19/00441/COU, dated 21 January 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Sitemap Site Plan, 2019/PH/06A and 2019/PH/02A.
 - 3) The use hereby permitted shall only take place within the area outlined red on drawing 2019/PH/02A.
 - 4) The use hereby permitted shall only take place between the following hours:
0900 - 2100 Mondays – Fridays; and
For a maximum number of 6 weekend charity events per calendar year
0900 - 2100 Saturdays – Sundays.

Main Issue

2. The effect on the living conditions of neighbouring properties with particular regard to noise and disturbance from movements and associated parking.

Reasons

3. The appeal area is part of Park House, a substantial two-storey, detached property in business use and under multiple occupation. It is set within its own grounds behind boundary hedges and located within a largely residential area. The site is a short distance from Yeovil town centre, yet it has an open,

spacious and verdant character due to the prevalence of large, period, detached and semi-detached properties set back from the highway, the open Sydney Gardens opposite and the mature landscaping.

4. The proposal is to change the use of part of the ground floor of Park House to a mixed B1/D1 use. It is quite typical for D1 operations to occur within residential areas, such as community halls and churches, and indeed for such activity to extend into the evenings. I consider that residential, B1 and D1 uses are compatible and the carrying out of such operations, generally would not result in any significant noise or disturbance to neighbouring land users.
5. The proposal would intensify the existing consultations and meetings associated with the existing occupiers use of the appeal area, resulting in a change of use. As such, the evidence before me here focuses on the specific activities of the current user. Whilst I am mindful that the planning system does not differentiate between occupiers, I have had careful regard to the evidence before me. I am told that in this case the consultations and meetings can result in up to fifty people or more per session over a period of approximately 30-90 minutes. I note within the appellant's evidence that in April 2019 attendance at meetings varied between twenty and seventy-five customers. The evidence demonstrates that some customers may stay for the duration of the meeting, but that a notable proportion arrive and depart at different times, disaggregating the movements. On average less than one movement per minute, often much less, occurs during the meetings.
6. I note that the site is located on a route that some may use to and from the town centre. Furthermore, there will be movements associated with other non-residential uses or visitors to the residential properties and the park. In this context and from my site observations I consider that this location has ample capacity to absorb the level of activity set out within the evidence, through the opening times proposed, without unreasonable disturbance and noise.
7. However, I acknowledge that there will be a period of more significant comings and goings focused at the start and end of the meetings, as typical of D1 uses. Based on the April 2019 data submitted, the D1 use would be quite comparable to any such activity at a community hall or church, typically within residential areas. In this period, those that stayed for the duration of the meeting, and therefore arrived and left at similar times, varied from nine to forty customers.
8. Anecdotal evidence from third party representations sets out that a significant proportion of the customers use a private vehicle. The appellant provides no evidence to dispute this, but highlights that customers are encouraged to use alternative modes of transport. In any case there is likely to be demand for on-street parking associated with the D1 activity, despite the highway authority being satisfied with the provision of three on-site spaces. Moreover, this results in potential noise and disturbance from manoeuvring and parking within the existing on-street parking spaces. It also displaces potential informal congregation and discussion from the site into the surrounding streets.
9. However, I note the open and spacious character of the area and that properties are set back from the highway, many behind hard and soft landscape features. This provides mitigation from any potential disturbance and noise to occupiers of the neighbouring properties caused by the comings and goings of customers, their conversations and associated parking. I also note that most properties benefit from off-street parking, significantly reducing on-

street parking demand. This results in customers being able to park more conveniently, reducing the potential for disturbance from them seeking parking spaces, manoeuvring, or parking inconsiderately.

10. Furthermore, I note that the proposal would provide for meetings to take place from nine in the morning, to nine in the evening, Monday to Friday and occasionally at the weekends to coincide with charity events. This would restrict the potential for noise and disturbance later in the evenings and for most weekends. Additionally, the proposed hours allow for the necessary office functions of the operation and therefore would not be completely utilised for meetings and consultations. I consider that the proposed mixed B1/D1 use would retain significant periods with no or limited activity from the appeal site.
11. Furthermore, from my site inspection I have noted the restricted physical space inside the building associated with the change of use. This would naturally limit the number of attendees at meetings and therefore, further limit the potential for disturbance and noise from the use.
12. For the reasons set out above, I conclude that the proposed use would not cause harm to the living conditions of neighbouring properties with particular regard to noise and disturbance from movements and associated parking. It would not conflict with Policy WE2 of the South Somerset Local Plan (2006-2028) adopted March 2015 which amongst other aims seeks to ensure development proposals protect the residential amenity of neighbouring properties. Nor would the proposal fail to accord with the objectives of the National Planning Policy Framework.

Other Matters

13. I have noted the additional concerns raised by third parties in objection to the scheme, including the town council. The concerns include the effect of on-street car parking on highway safety, and the character and appearance of the conservation area (CA). I note that the parking provisions, both on site and within the surrounding streets are existing. I consider that the existing provisions are sufficient for the proposed use taken in isolation or cumulatively with other uses in the area. The use of these existing parking facilities would not harm either highway or heritage interests. The proposed change of use would preserve the character and appearance of the CA. The provision of advertisements associated with the use is beyond the scope of this appeal.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. Furthermore, for the avoidance of doubt and to protect the living conditions of the occupiers of residential properties in the area, I have imposed a condition to further define the area of the building to which the use applies and the hours that the use may occur.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR