

**ITEM: 04**

**Application Number:** 07/00015/FUL

**Applicant:** Plymouth Garden Centre

**Description of Application:** Erection of a coffee shop, erection of a covered walkway, extension to existing aquatics building, erection of WC for disabled persons, covered access and installation of septic tank

**Type of Application:** Full Application

**Site Address:** PLYMOUTH GARDEN CENTRE FORT AUSTIN AVENUE CROWNHILL PLYMOUTH

**Ward:** Eggbuckland

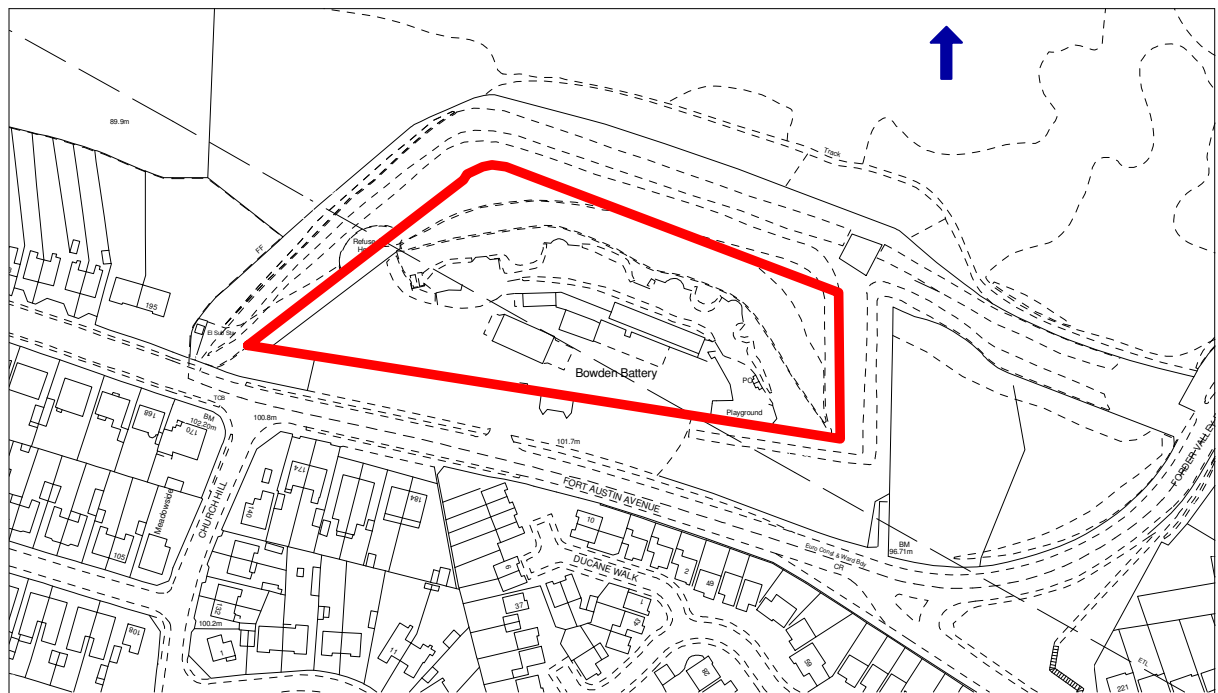
**Valid Date of Application:** 31/01/2007

**8/13 Week Date:** 02/05/2007

**Decision Category:** Major

**Case Officer :** Jon Fox

**Recommendation:** Refuse



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## **OFFICERS REPORT**

### **Site Description**

Long established garden centre within the bounds of, and immediately adjacent to, Bowden Battery, which is a Scheduled Monument (County No. 36101) constructed between 1862 and 1868 and forming part of the important Victorian defences surrounding Plymouth. The scheduling extends over much of the site including its associated glacis, but the former area of the parade ground which is now occupied by the garden centre has been excluded from the scheduling.

### **Proposal Description**

Erection of a coffee shop, erection of a covered walkway, extension to existing aquatics building, erection of WC for disabled persons, covered access and installation of septic tank.

### **Relevant Planning History**

04/02237 - Freestanding building providing staff facilities. This application was approved on the basis that it is a temporary structure and is without foundations that could impinge on the scheduled monument. Approval was granted subject to the following condition:

'The building hereby permitted shall be removed and the land restored to its former condition on or before the 28th January 2010, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority before any works commence on site.

Reason:

In the opinion of the Local Planning Authority the temporary building to which this permission relates will by the said date have fulfilled its required purpose.'

Otherwise, the garden centre has been added to incrementally over the years.

### **Consultation Responses**

#### **Environment Agency**

No response received.

#### **Highway Authority**

Have no objections providing the proposed buildings are used only for purposes ancillary to the garden centre business.

#### **English Heritage**

EH were initially made aware of these proposals in July 2006 and advised the owner that it was now an appropriate time to prepare a conservation plan; this would provide both English Heritage and Plymouth City Council with a yardstick on which to judge the current proposals, whilst forming the basis of a long term management strategy. EH are not aware of any progress in preparing the plan and have concerns over the scale of the works in terms of the site's overall capacity.

There are concerns over certain aspects of the current scheme, including the following:

1. The increased size and scale of the coffee shop will have a much greater impact on the setting of monument lying immediately next to the scheduled area and one of the surviving gun positions. No attempt has been made to incorporate this feature within the proposed interpretation scheme.
2. The retail pods have been set back thereby impinging on the sight lines between the gun emplacements.
3. The covered way and the roofs between the retail pods have a negative impact on this sensitive part of the site.
4. The septic tank and part of the proposed pipeline lies within the Scheduled area and Scheduled Monument Consent will therefore be needed; any future application should include details of the proposed groundwork's together with a programme of archaeological mitigation.
5. No progress has been made in preparing the Conservation Management Plan and in particular linking the current scheme to the future management and vision for the site.

EH therefore suggest the local planning authority liaises with the owner and English Heritage to address these matters by amending the scheme and providing further information where appropriate.

### **Access**

Queries whether an access statement has been submitted and has no further comments at this stage.

### **Representations**

#### **Analysis**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

The proposed buildings and works to construct the septic tank do not unreasonably affect residential amenity and would not be harmful in transport terms providing the proposed buildings are used only for purposes ancillary to the garden centre business. The main issue therefore is the impact of the proposed buildings on the Bowden Battery Ancient Scheduled Monument and its setting, particularly that part of the proposed development that lies close to the northern edge of the site.

With regard to the more sensitive northern part of the proposed development, the coffee shop, walkway and retail pods would clearly have an affect upon the setting of the Scheduled Monument. The development would almost

completely obscure the currently visible westernmost gun emplacement and public access to the middle and eastern gun emplacements (although retained) would appear to be restricted. The coffee shop and associated elements represent an overdevelopment of that historically sensitive part of the site and would represent a significant impact upon the setting of the monument. The proposals are therefore contrary to policy AEV11, which states that planning permission for developments that seriously damage nationally important remains, or their character or setting, will be refused. Policy AEV12 states that Bowden Battery will be protected and enhanced through the preparation of management strategies and, subject to policy AEV11, favourable consideration will be given to development schemes which emphasise the original form and function of the site and improve public access to it. However, there is no management strategy in this case and therefore the proposals are not well conceived in terms of the long term future and conservation of the scheduled site.

### **Section 106 Obligations**

There is no S106 obligation in respect of this application.

### **Conclusions**

It is recognized that the owner of the garden centre has to meet the commercial needs of the business and that there are positive aspirations for enhancing the public interpretation of the fort. However, the proposed development is premature in that the proposals are not conceived within the framework of a management plan for the site and, partly as a result of this, would be demonstrably harmful to the setting of the scheduled ancient monument of the Bowden Battery. The proposals are therefore contrary to policies AEV11, AEV12 and AEV13 of the adopted City of Plymouth Local Plan First Alteration 1996 and policy CS03 of the Core Strategy of Plymouth's emerging Local Development Framework 2006. In the circumstances it is recommended that planning permission be refused.

### **Recommendation**

In respect of the application dated **31/01/2007** and the submitted drawings, **SF107:2:09 (Additional plan showing extent of foundations), SF107:3:08, SF107:3:04, SF107:2:06A, SF107:2:05A, SF107:2:03B, SF107:2:02C and accompanying design and access statement** , it is recommended to:

**Refuse**

### **Reasons for Refusal**

(1) The proposed coffee shop and associated elements represent an overdevelopment of the historically sensitive northern part of the garden centre site and would have a significant adverse impact upon the setting of the scheduled ancient monument of the Bowden Battery. In particular:

1. The size and scale of the proposed coffee shop will have a significantly adverse impact on the setting of scheduled ancient monument lying immediately next to the scheduled area and one of the surviving gun positions.

2. The proposed retail pods are set back thereby impinging on the sight lines between the scheduled gun emplacements.
3. The covered way and the roofs between the retail pods have a negative impact on this sensitive part of the site.
4. No progress has been made in preparing the Conservation Management Plan and in particular linking the current scheme to the future management and vision for the site.

The proposals are therefore contrary to policies AEV11, AEV12 and AEV13 of the adopted City of Plymouth Local Plan First Alteration 1996 and policy CS03 of the Core Strategy of Plymouth's emerging Local Development Framework 2006.

#### INFORMATIVE - SITE MANAGEMENT PLAN

(1) The applicant is advised that, in accordance with policy AEV12 of the adopted City of Plymouth Local Plan First Alteration 1996, any future applications for development at the site should be made in the context of a Conservation Management Plan that links proposed development to the future management and vision for the site as a whole. In this regard the applicant is advised to liaise with the City Council's Archaeological Officer and English Heritage.

#### **Relevant Local Plan Policies**

The following policies from the Devon Structure Plan (2001 to 2016) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001, Plymouth Local Development Framework and Regional Spatial Strategy (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars were taken into account determining this application:

- AEV11 - Archaeological Preservation
- AEV12 - Protection and Enhancement
- AEV13 - Protection of Ancient Monuments
- AEV31 - Townscape
- ATR18 - General Parking/Service Requirements
- ATR5 - The Road Network
- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS03 - Historic Environment