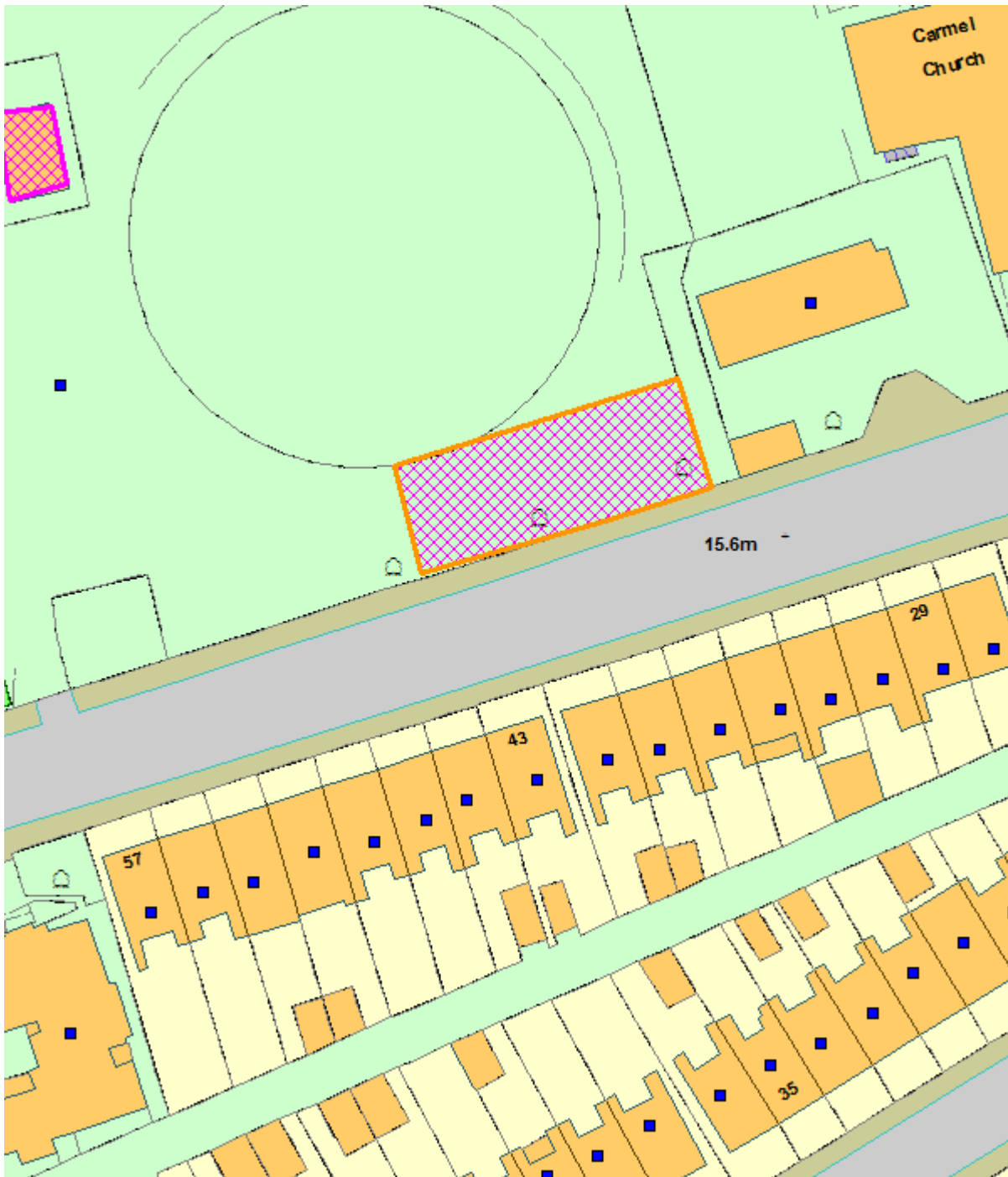


PLANNING APPLICATION OFFICERS REPORT



Application Number	23/01744/FUL	Item	02
Date Valid	17.01.2024	Ward	STOKE
Site Address	11 St Levan Road Plymouth PL2 3AE		
Proposal	Installation of a Glass Reinforced Polymer kiosk to house a new gas governor with fenced compound and demolition of an existing gas governor		
Applicant	Mr Gregory Soper		
Application Type	Full Application		
Target Date	13.03.2024	Committee Date	21.03.2024
Extended Target Date	N/A		
Decision Category	Departure from Local Plan		
Case Officer	Miss Amy Thompson		
Recommendation	Grant Conditionally		



This application is scheduled for determination by the Council's Planning Committee because the proposal has been advertised as a departure from the Development Plan.

1. Description of Site

11 St Levan Road is located in the Stoke ward of the City and contains an existing gas governor as well as a mix of hardstanding land and scrub vegetation. The site is a former old gas works.

2. Proposal Description

Installation of a Glass Reinforced Polymer kiosk to house a new gas governor with fenced compound and demolition of an existing gas governor.

Gas governor stations control the pressure of gas throughout the mains gas network. It ensures that the gas flow is within a predefined flow rate. If the supply pressure is too low or high, the regulator will keep it within a set band.

3. Pre-application Enquiry

None.

4. Relevant Planning History

84/03980/FUL - Erection of new boundary wall - Granted conditionally.

88/02671/FUL - Erection of Gas Governor House - Granted conditionally.

5. Consultation Responses

Public Protection Service - Did not wish to comment.

Environment Agency - No objection.

Designing Out Crime Officer - No objection.

Natural Infrastructure Team - No objection.

Health and Safety Executive - Do not advise against.

Civil Protection Unit/ Emergency Planning - No objection as the development can be accommodated in the emergency planning arrangements detailed in the Devonport off-site Emergency Plan.

6. Representations

None received.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 19th December 2023 the Department for Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are none.

Therefore no buffer is required to be applied for the purposes of calculating a 5 year housing land supply at the whole plan level. The combined authorities can demonstrate a 5-year housing land supply of 5.84 years at end of March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published 26th February 2024)."

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon Supplementary Planning Document (2020)

8. Analysis

1. This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material considerations as set out in Section 7.

Policy and Principle of Development

2. The proposal seeks to demolish and replace the existing gas governor on site as it cannot be upgraded or upscaled. The proposed gas governor will be replaced in an alternative location so to avoid extended periods of temporary reduced gas supply during construction and will ensure the long term supply of gas to the local area. The replacement gas governor is to be installed under the applicants permitted development rights but its associated kiosk and 2.4m perimeter fencing requires planning permission.

3. The application site is allocated under JLP Policy PLY58.9 for 57 homes. The allocation seeks consideration for access to be achieved from St Levan Road and for investigation and remediation of contaminated land. Policy PLY58.9 does not propose for the development of gas-related infrastructure on the site and consequently this proposal is a departure from the policy in the adopted development plan.

4. The site is referred to in the JLP as the 'former gas works site, St Levan Road, Keyham'. It was included in the plan for the development of 57 homes during the plan making process where the landowner confirmed that the site was available for development. The number of units were derived by using a capacity formula.

5. While Policy PLY58.9 does not propose for the development of gas-related infrastructure on the site, it is noted that the proposal relates to 171sqm of the entire site allocation of 8100sqm. This represents 2.1% of the allocated site. It is also noted that the proposal allows the existing governor to be demolished. The siting of the new governor under this proposal relocates it from a central position to one in the south-east corner. The siting of the proposal would therefore minimise the impact of the proposed allocated site.

6. It is also noted that the area of the existing gas governor kiosk and compound covers an area of approximately 174sqm. Therefore the proposed area would cover an area just under that of the existing kiosk and compound.

7. JLP Policy SPT13 states that any land required to deliver utilities infrastructure measures will be safeguarded and ensure the LPA will work to ensure this infrastructure is delivered. JLP Policy SO12 (Delivering infrastructure and investment) seeks to take a proactive and co-ordinated approach to delivering the infrastructure needed to realise the plan's vision and it will achieve this by planning the delivery of infrastructure as growth takes place. The proposed development is required to replace the existing gas governor and maintain a continuous gas supply to the local community, complying with policy SO12.

8. On balance, it is noted that the proposal is not specifically allowed for within the anticipated use of the site in Policy PLY58.9. However, it is considered that that the proportion of the site needed for this proposal is small and that the siting of the relocated gas governor would minimise

the impact of the development on bringing forward the site forward for housing as allocated in the JLP. The relocation of the existing gas governor would not stop the allocated site coming forward for housing. The principle of relocating the gas governor on site is therefore considered acceptable and would not conflict with policy PLY58.9.

Design and Amenity

9. The existing kiosk measures approximately 9 by 6 meters. The proposal would demolish the existing gas governor and kiosk on site and install a new kiosk containing gas apparatus and a new 2.4m high galvanised steel palisade fence.

10. The proposed kiosk would be 11 by 5 metres and be 3 metres in height and constructed out of Glass Reinforced Polymer (GRP). The colour of the proposed kiosk would be Holly Green.

11. The proposed kiosk will be located in the south-eastern corner of the site, along St Levan Road. It would be positioned next to the boundary with Platinum Trade Centre, a used car dealership, and opposite a terrace of residential dwellings on St Levan Road.

12. The structure has a utilitarian and functional design fit for its purpose. It would be small in scale and will not dominate the surrounding landscape. The development would be sited on an area of existing hardstanding. In terms of design, it is considered to be acceptable and complies with JLP policy DEV20.

13. The proposed kiosk would be located approximately 16 meters from the closest residential properties on St Levan Road, which is a busy classified road. The Public Protection Service were consulted and did not raise any noise or nuisance concerns. It is therefore considered the proposal is unlikely to cause a significant impact on neighbour amenity and complies with JLP policy DEV1.

Highways

14. The proposed substation is located on private land. The proposed gas governor is proposed to be accessed via St Levan Road through a lockable gate. The Local Highway Authority have raised no objections to the proposal. It is therefore considered that the proposal would not have a severe impact on highway safety. The proposal is therefore considered to be acceptable in terms of highway safety and would comply with JLP policy DEV29.

Ecology and Environment

15. The proposal would result in the loss of approximately four metres of existing non-native Laurel hedgerow along the southern boundary of the site.

16. The application was supported by the submission of an Ecological Impact Assessment, which provides mitigation, avoidance and enhancement measures as part of the proposal. The measures include:

- Planting of a new hedgerow surrounding the proposed kiosk or enhancing the existing hedgerow with additional native species to fill in gaps in the hedgerows base and cutting back the existing Laurel to allow the new species to establish.
- Installing an integrated or external bat box into the kiosk.
- Installing a minimum of 1 nesting box within the retained hedgerow.
- Creating habitat piles in the form of log/ brash piles on site.
- If bats are found during demolition of the existing kiosk, works would be halted immediately and advice sought from a qualified ecologist.
- The removal of vegetation would be timed to avoid the main bird nesting period.

17. These proposed measures are considered to be acceptable and would result in the proposal not having an adverse impact on exiting environment/ ecology. With an added condition requiring

the development to comply with the measures set out in the Ecological Impact Assessment it is considered the proposal complies with JLP policy DEV26.

Other Considerations

18. It is noted that the General Permitted Development Order (GDPO) allows for certain types of development for gas apparatus to be completed without the need for planning permission. The GDPO however has certain restrictions that need to be complied with, which include that housing apparatus cannot exceed 29 cubic metres in capacity. The proposed kiosk exceeds 29 cubic metres as it would be 165 cubic metres therefore planning permission is required.

It is also noted the proposed fencing is 2.4 metres in height which also exceeds the height allowed under the GDPO so needs planning permission.

9. Human Rights

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.

10. Local Finance Considerations

None.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations are not sought due to the nature and size of proposal.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 17.01.2024 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

I **CONDITION: APPROVED PLANS**

Location Plan 23006887 received 14/12/23

Proposed District Governor Layout P-001 REV A-GA-001 received 14/12/23

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 CONDITION: COMMENCE WITHIN 3 YEARS

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 CONDITION: ECOLOGY

The development hereby approved shall be carried out in accordance with the mitigation, avoidance and enhancement measures set out within Chapter 5 of the submitted Ecological Assessment prepared by Dalcour Maclaren (dated November).

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest in accordance with Joint Local Plan Policies SPT12 and DEV23, DEV26 and the National Planning Policy Framework.

INFORMATIVES

1 INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

2 INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

3 INFORMATIVE: BATS AND BIRDS

Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2000, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection should be undertaken prior to the commencement of works to determine if any bats or birds reside on site. No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on

0845 601 4523 or email wildlife@naturalengland.org.uk. Further advice on bats is available from The Bat Conservation Trust 0845 1300 228.