

PLANNING APPLICATION OFFICERS REPORT



Application Number	24/00920/FUL	Item	01
Date Valid	05.09.2024	Ward	ST PETER AND THE WATERFRONT
Site Address	Vine Hotel, 5 Admirals Hard Plymouth PL1 3RJ		
Proposal	First floor rear extension, roof alterations including increase in ridge height and hipped to gable alterations to provide second floor extension to residential accommodation, installation of 2no. dormers to west elevation, and 3no. recessed balconies, window and door alterations and associated external works		
Applicant	Mr Warren Kressinger-Dunn		
Application Type	Full Application		
Target Date	31.10.2024	Committee Date	
Extended Target Date	24.01.2025		
Decision Category	Councillor Referral		
Case Officer	Miss Emily Godwin		
Recommendation	Grant Conditionally		



This application comes before the Planning Committee as it has been referred by Councillor Allison

1. Description of Site

The Vine Hotel is a two-storey property located on the Corner of Admirals Hard and Strand Street. The property is a pub with manager's accommodation located at first floor level. The site is located within the Stonehouse Peninsula Conservation Area.

2. Proposal Description

The proposal is for a first-floor rear extension, roof alterations to include raising the height of the roof ridge and hipped to gable alterations to provide a second-floor extension to the existing residential accommodation. 2no. dormers are proposed to be installed within the west roof slope and 3no. recessed balconies. Window and door alterations are also proposed as well as various external works as shown on the proposed plans and elevations.

3. Pre-application Enquiry

No pre-application enquiry.

4. Relevant Planning History

No relevant planning history.

5. Consultation Responses

Local Highway Authority - No objection.

Public Protection Service - No objection subject to conditions.

Historic Environment - No in-principle objections subject to amendments.

Urban Design - Verbal comments requesting further information on the proposed materials to be used.

Natural Infrastructure - No objections subject to conditions.

Environment Agency - No response received

Historic Societies - No response received

Lead Local Flood Authority - No objection subject to further information to be secured by condition

Designing out Crime Officer - No in-principle objections, provide advice on measures for security, crime and anti-social behaviour prevention.

Natural England - No comments received.

6. Representations

A total of 125 letters of representation were received including 45 letters of support and 79 letters of objection. One letter included photographs of historic mapping, but did not indicate support or objection within the letter. Three letters of rebuttal were received from the applicant.

Concerns have been raised in relation to the following material planning considerations:

- Poor visual impact
- Loss of amenity including outlook, privacy and daylight
- Increased pressure on the highway network
- Concerns relating to the historic environment
- Concerns relating to the use/operation of the property
- The property would be used as a short-term let/ holiday accommodation
- Climate change and the environmental impact of the proposal
- Refuse and waste
- Pressure on the drainage system
- Ecological concerns
- Construction impacts
- Equality and Diversity Concerns
- Loss of community facilities

Other potentially material planning considerations raised include:

- The proposal would encroach on surrounding space and adjacent properties

- Works have already commenced on the site, including the erection of scaffolding and steel boulders and the removal of internal fixtures and fittings which conflicts with conditions recommended by consultees
- Site notices have not been erected at the site
- Concerns with the information submitted, including information within the application form
- Questions as to whether the application is valid
- The proposal should have been submitted as a pre-application
- Proposal is not in accordance with the Plymouth Plan
- Inaccuracies in the comments from the Historic Environment Officer -dormer windows on properties along Admirals Hard are original and the roofspace has not been externally altered
- The application should be reviewed by the Planning Committee
- Non-compliance with guidelines from the Regional Development Agency and Plymouth Development Corporation Policies and requirements
- The submitted plans are inaccurate

The following non-material concerns have been raised:

- Loss of views/ sea views
- Devaluing of properties close by to the development
- Right to light legislation
- Concerns that supporting comments are not from local residents
- Crane operations in the area have potential to damage the property
- Operation of the pub such as the type of sports shown and the use of toilets for customers only
- Increased fuel bills and removal of winter fuel allowance
- Floor plans demonstrate no means of access to escape in the event of fire
- The job roles of the staff indicated within the planning application form
- Scaffolding causes concerns related to traffic and safety
- Questions as to why the proposed development is necessary.
- The location of bar storage

The above concerns raised are non-material in the context of the planning process and therefore have no bearing on this recommendation.

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(5B) of the 2004 Planning and Compensation Act sets out that the determination of any matter under the planning Acts must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly 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).

Other material considerations include the Joint Local Plan Five Year Review Report (March 2024), the policies of the National Planning Policy Framework (NPPF, 2024), 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:

- The Plymouth and South West Devon Supplementary Planning Document (2020)
- Stonehouse Peninsula Conservation Area Appraisal and Management Plan (2007)

8. Analysis

1. This application has been considered in the context of the development plan, the Framework and other material considerations as set out in Section 7.
2. The policies of most relevance to the consideration of this application are DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise, land and light), DEV18 (Protecting local shops and services), DEV20 (Place shaping), DEV21 (Development affecting the historic environment), DEV23 (Landscape character), DEV26 (Protecting and enhancing biodiversity), DEV29 (Specific provisions relating to transport), DEV31 (Waste management), DEV32 (Delivering low carbon development) and DEV35 (Managing flood risk and water quality).
3. The key planning considerations are the design, impact on the character and appearance of the conservation area, residential and wider amenity considerations alongside highways, low carbon and drainage and flooding, natural infrastructure and waste management.

Principle of Development

4. This application is for upper floor extensions to provide enhanced living accommodation above the Public House. The Vine Hotel Public House will be retained on the ground floor, with some internal reconfiguration and upgrades proposed. There is no change of use or sub-division proposed and no loss of community facilities. The alterations and extensions to the building are therefore considered acceptable in-principle and will now be assessed against the specific relevant policies of the plan and the NPPF.

Design

5. In accordance with Policy DEV20, development proposals are required to meet good standards of design, contribute positively to townscape and protect and improve the quality of the built environment. The proposal is for extensive alterations and extensions to a prominently located existing building within a built-up part of the Conservation Area. The design of the alterations and extensions have prompted significant public interest. Additional information and amendments have been submitted by the applicant in response to some of the concerns raised and this assessment is based on the amended proposals.
6. Letters of representation have raised concerns that the design of the proposal would be out of keeping with the character of the area and would not reflect local architecture, with its scale and massing resulting in an over-bearing top-heavy extension, leading to poor visual impact and calling for works to instead be limited to repairs. Representations highlight that Admirals Hard is characterised by properties stepping down with the slope of the street which would be lost by the proposal, leading to the over-development of the site
7. Officers agree with representations that the property is located in a prominent location, with Admirals Hard being a key thoroughfare for passengers to and from the Cremyll Ferry located on the corner of Admirals Hard and Strand Street. As such, it is imperative that development responds well to the local surroundings. It is acknowledged that the proposal demonstrates a comprehensive redesign of the roofspace and would increase the scale and massing of The Vine Public House. As such, officers have undertaken a detailed assessment of the proposed works in order to establish compliance with DEV20 of the JLP, guidance in the SPD and the Conservation Area Appraisal.

Roof Alterations and Provision of Second Floor

8. The roof of the property is currently organised as three sections of hipped roof. The proposal would replace the entire roof and extend upwards to create a second storey level of accommodation. Whilst representations highlight the need for a roof plan, this has been submitted and shows that the existing hipped arrangement would be replaced with two sections of gable roof

organised in a perpendicular layout, with gable ends located on the East, West and South Elevations, which would include recessed balconies. The roof section running north to south, along Strand Street, would also include a section of flat ridge. Two dormer windows are proposed in the west elevation roof slope. To accommodate the increase in eaves height on the North Elevation, slate hanging tiles have been proposed.

9. The roof design proposed would result in an overall increase in the height and massing of The Vine. Representations have raised concerns that this increase is excessive and of poor visual quality, citing its non-compliance with guidance in the SPD regarding roof extensions. Officers acknowledge that the proposed works are substantial, resulting in a complete re-design of the property's roofspace through the addition of another storey, and as such would not be akin to a traditional rear dormer. Given the prominence and visibility of the alterations, officers are therefore minded that the proposal should demonstrate high quality design and relate well to the streetscape, in line with paragraph 13.45 of the SPD.

10. As noted in the representations received, Officers recognise that Admiral's Hard slopes to the west towards the slipway for the Cremyll Ferry. This change in land levels is reflected to some degree in the stepped nature of the properties, resulting in the lesser height of the Vine in relation to the neighbouring property 4 Admirals Hard. Concerns received highlight that the proposed height increase would result in the loss of the aesthetic balance of properties. Paragraph 13.46 of the SPD outlines that "it is important to consider the height [of a roof extension]". The proposed elevations demonstrate that the ridge height would be in-line with no. 4. Officers acknowledge that this increase would be noticeable when compared to the existing arrangement but consider it would not be of a height which is uncharacteristic of the streetscene, given that it would not exceed the height of no.4. It is further noted that the stepping down to reflect the downwards sloping gradient is not reflected further to the west along Admirals Hard at the Quarterdeck.

11. Furthermore, Officers consider that the loss of the existing hipped design would impact on the appearance of The Vine and the streetscene and concur with public comments highlighting the prominence of the proposal on the front and side elevations of the building. However, the varied roof styles and heights in the surrounding area are noted. Some properties along both Admirals Hard and Strand Street demonstrate gable roofs. As such, Officers do not consider that the gable roof design in this location would be out of keeping with the local development context and consider that it would not result in demonstrable visual harm to the surroundings. Upon assessment, Officers also do not raise concerns with the proposed flat ridge of the north-south orientated roof section. Whilst this is not reflected in nearby roof styles, Officers consider the design remains primarily as a pitched roof and consider the ridge style reduces its height to remain set down from the east-west gable roof.

12. Considering the balconies, Officers note that a number of properties located nearby with waterfront views benefit from balconies, including those in The Quarterdeck. Whilst the existing balconies in the area may be more traditional in nature, Officers consider that the proposed recessed nature of the balconies within the gable ends would limit their visual impact. The appearance of the proposed balustrading is considered to be acceptable as its transparency would ensure that the balconies would not be unduly prominent.

13. Having considered the prominent location of the building and the full extent of the proposed extensions and alterations as set out above, Officers consider that whilst the works proposed are substantial, they would not result in a proposal which would over-dominate or be unduly prominent within the existing streetscene.

14. Turning to the proposed dormer windows, Officers are of the view that the placement of two dormer windows within the west facing roofslope would not lead to a detrimental visual impact.

Paragraph 13.49 of the SPD sets out that dormer windows will be considered in the context of their impact on the streetscene, and that dormer windows should not dominate a building but sit comfortably within the roofspace, recommending that it is generally preferable to construct a number of small dormers. Dormer-style windows within the roofspace are not uncharacteristic of the streetscene, with examples noted along Admirals Hard, as well as in the wider surrounding area. As such, Officers do not raise concerns that dormer windows would be an inappropriate addition to the roofspace. The dormers proposed are small in scale, include pitched roofs and would align with the alignment of windows on the west elevation, respecting the scale and proportion of the roofspace in line with SPD guidance. Whilst concerns have been raised with the proposed inclusion of rooflights, Officers consider that rooflights are not an uncommon addition to a roofspace and by virtue of their placement within the roofslope would not be a prominent addition. It has been recommended via condition that rooflights shall be conservation style.

First Floor Rear Extension

15. At the rear of the pub, unsympathetic extensions and alterations have previously taken place which Officers consider are of poor visual impact. The proposed rear extension would essentially build out the entire footprint of the building. Whilst this would be visible from the public car park and Strand Street, Officers consider use of a sympathetic materials palette alongside the cohesive design would enhance the rear aspect of the property.

Other External Alterations

16. Various window and door alterations are proposed as part of this application. It is considered that some further information is required regarding the fenestration and materials, which is discussed within the Historic Environment section of this report.

17. Re-rendering of the property is proposed. The Design and Access Statement submitted outlines that the existing render is in a poor state of repair. Officers consider that the overall refurbishment of the site will in turn enhance its visual appearance within the context of the streetscene. Various window alterations are proposed at ground and first floor level. At this stage, some further information is required regarding these matters, which is discussed further within the Historic Environment section of this report. However, Officers are content a high-quality solution is proposed and can be secured. The chimney stack is also proposed to be heightened within the roof extension, whilst taller than the existing, officers do not find its addition to be unduly prominent within the proportions of the extension, and is in-keeping with the character of the building and the streetscene.

18. Amended plans have been received which incorporate an internal bin storage area to be accessed from the south elevation. Initially it was proposed that a roller shutter door would be incorporated. However, after raising concerns as to its poor visual impact a further iteration of plans were submitted detailing that timber doors are now proposed. Officers consider the use of timber doors in this location to be acceptable on visual impact grounds.

19. Considering the external alterations, Officers take the on-balance view that whilst the works proposed are substantial, they are not detrimentally harmful to the visual appearance of the building or the streetscene and are considered to be compliant with policy DEV20.

Historic Environment

20. The application site is an unlisted building located within the Stonehouse Peninsula Conservation Area. The building is identified within the Conservation Area Appraisal and Management Plan (CAAMP, 2007) as a building that makes a positive contribution to the Conservation Area. The building is therefore considered a non-designated heritage asset that makes a positive contribution to the Stonehouse Peninsula Conservation Area.

21. To the west of the application site is Byron Villa at 6 Admirals Hard which is a Grade II listed building. Byron Villa is a detached villa built in the mid-19th Century as a townhouse for the Edgcumbe family, across the water from their estate at Mount Edgcumbe. The building stands alongside Admirals Hard and overlooks the mouth to Stonehouse Creek. The building is detached and stands well away from the neighbouring properties and the application site.

22. The CAAMP splits the Conservation Areas into sub areas, with the application site falling within Area I which states that the special interest for this area is it being the residential core of the peninsula, centred on Durnford Street, Cremyll Street and Admiralty Street, including Stonehall Flats. The application site is located on Admirals Hard which is just off Cremyll Street. When discussing this area in the CAAMP it states that this area is mixed in character and that there is a retention of pubs and corner shops.

23. The Council's Historic Environment Officer (HE) has stated that the building appears to have been constructed as a public house in the early 19th Century and is typical of the period. The Vine is located at a significant gateway point for those arriving by ferry at Admirals hard. The property lies within a mixed-use urban street, that includes residential and commercial uses. The existing street is considered to be an area of high historical value. The supporting information states that the property was originally part of a larger building but the property was divided approximately 30 years ago, with one section (4 Admirals Hard) renovated as a private dwelling and the remainder of the building used as a public house.

24. Public comments raise that the proposal is not in compliance with guidance in the SPD relating to conservation areas. The property lies at the end of a short terrace of buildings, which steps down with the levels of the street. There is no consistent design with these buildings with varying windows designs and various external alterations. While all the buildings are two-storey they all have a different form. Whereas the buildings opposite are a terrace of two-storey brick dwellinghouses with rooms within the roof space with dormer windows, all of which have a uniform design. Officers also consider rooflights, dormers and balconies are not uncommon alterations within the conservation area. Given the context, the development would not appear unusual, and it would not disrupt an obvious uniformity. It is therefore considered that the proposal would be suitable and sympathetic to the conservation area.

25. As discussed above, the proposal seeks to raise the building height creating another storey and a new roof to the existing building. The change would be visible from the street at Admirals Hard and Strand Street. The proposal would also be visible from surrounding streets such as Cremyll Street and would therefore have a noticeable effect on the character and appearance of the property as well as on the wider conservation area.

26. Concerns have been raised regarding the information submitted to support the application, stating concerns with the content of the Heritage Statement and raising that the application has not taken the principles of the CAAMP into consideration, nor provided justification for the proposed works. The HE Officer was consulted on the application and has not requested the submission of further information within the heritage statement. Whilst Officers acknowledge further supporting information may have been helpful, Officers consider they have been able to fully assess the impact of the development on the character and appearance of the Conservation Area.

27. Letters of representation have raised concerns that the proposed development does not align with the traditional character of the area, nor the historic significance of the conservation area, in turn spoiling the Victorian streetscene, and impacting views within the conservation area. The Vine is considered in public comments to be characterised by its small scale.

28. Officers refer to principle 4 of the CAAMP which states: "New development will be expected to be of the highest quality design that respects and enhances the character of the Conservation Area. High Quality Contemporary architectural design will be encouraged, though high-quality restoration through replication will not necessarily be rejected". The site itself is identified within the "views" outlined in the CAAMP.

29. Overall, no in-principle objection to the proposal has been raised by the HE Officer. Amended comments from the HE Officer note that many properties along Admirals Hard are characterised by original pitched roof dormers, as such the HE Officer considers that the proposed roof alterations would not be out-of-keeping with the context of the historic landscape. In heritage terms, the HE Officer finds the proposed development to be acceptable providing an opportunity to restore the facades of a significant gateway building that contributes to the architectural significance and historic interest of the Conservation Area.

30. The HE Officer did raise initial concerns with the proposed palette of materials, particularly noting the inclusion of uPVC sash windows and recommended that the historic facades of The Vine should be conserved and sensitively restored to ensure the historic aesthetic is enhanced. Whilst the building currently includes poor quality, wood effect uPVC windows, the HE Officer recommends that all windows within the first and ground floor façades should be in timber to a period appropriate design, with high quality aluminium windows within the roof and rear extension. Further information has been submitted that confirms that the windows would be timber and aluminium and a condition has therefore been recommended to secure full details prior to their installation, as well as details to ensure window treatments accommodate the proposed fittings within the kitchen at first floor level. Amendments to the cill height of ground floor windows on the west elevation was noted. Further correspondence from the agent has stated that this is proposed in order to avoid customers using the window cill as seating and leaning against the glazing and as such Officers do not raise concerns with these changes.

31. Re-rendering works are proposed to make use of lime render and the roof is proposed to be slate with a standing seam lead roof. These materials are considered to be acceptable in principle. However, the HE Officer has recommended that further information of the roof design, including the junction between the two roof volumes, and further details including samples and specifications of the proposed materials are secured via conditions relating to external materials and roof details.

32. Paragraph 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

33. The proposed development would directly affect a non-designated heritage asset. However, the properties along Admirals Hard vary in design, with varying heights and roof styles. Due to the varying design, it is considered that the existing roof and height does not meaningfully contribute to the historic interest or architectural integrity of the building.

34. Public comments highlighted specific concerns with the proposed portion of rendered wall, considering this to be out of proportion with the wider area. Amended plans were submitted by the agent which proposed this portion along with the west gable end to include slate tiles. Comments from the HE Officer note that "the use of hung slate at high level instead of render will reduce the visual impact of the roof extension and alteration". Officers find the proposed changes would retain the overhanging eaves and the proposed dormer windows would align with the existing windows at first floor level. The development would restore the existing facade and retain the detailing on the elevations of the building. It is considered that the proportions and design would respect the property's architecture.

35. In the interests of preserving the historic interest of the non-designated heritage asset, the HE Officer has recommended that a protection of features condition be applied. During negotiations with the agent, it is understood that the property has already been internally stripped out. Officers consider this to be highly regrettable. However, as the property is not a listed building, internal works can take place without consent from the Local Planning Authority.

36. Having considered the distance between the application site and Byron Villa, and the scale of the development proposed, which is sympathetic to the surrounding area, the proposal is not considered to harm the setting of the Grade II Listed Byron Villa.

37. Turning to the impact on the Conservation Area itself, it is acknowledged that by virtue of the alterations to the application site there would be an impact on the Stonehouse Peninsula Conservation Area. The HE Officer considers this harm to be negligible and at the lowest end of 'less than substantial harm'.

38. Paragraph 215 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use".

39. In this case, Officers consider that the public benefits of the proposal comprise the retention of the public house and the upgrading to the facades; the improvements of which would preserve the character and appearance of the Stonehouse Peninsula Conservation Area. In addition, the removal of unsympathetic UPVC windows and re-instatement of timber windows will enhance the historic elements of the building, in turn contributing positively to the streetscape and therefore the Conservation Area.

40. Overall, it is considered that the development would result in negligible harm to the character and appearance of the host property as a non-designated heritage asset. The LPA find the proposal would not harm the setting of the grade II listed Byron Villas and is considered overall to preserve the character and appearance of the Stonehouse Peninsular Conservation Area. In these regards, the proposal would accord with policy DEV21 of the JLP.

Amenity

41. Officers have considered the impact on neighbouring amenity against guidance in the SPD and consider it acceptable.

Daylight and Sunlight

42. Officers have assessed the impact of the proposed works on daylight to neighbouring properties. Letters of representation have raised concerns that the proposal will result in an over-dominating structure that because of the increase in height, would result in a detrimental loss of daylight and natural heating to properties opposite on Admiral's Hard and those on Strand Street. Comments also outline that front gardens along Admirals Hard will also be affected due to the proximity to the proposed development.

43. Paragraph 13.32 of the SPD outlines the 45 degree guidance in which an imaginary line at an angle of 45 degrees is drawn from a point within the window of the neighbouring property towards and across the site of the proposed extension or new development. In this case, the proposed rear extension is at first floor level and as such, in line with Paragraph 13.33, a 45 degree line is taken from the quarter point closest to the boundary. Officers understand the closest window at no.4 Admiral's Hard is high-level and serves a non-habitable room, and so have not applied the 45-degree guidance to this window. Instead, a line has been drawn from the quarter point of the windows

further to the east. In this case, officers find that approximately the last 1.6m depth of the extension would be in breach of these windows, suggesting a loss of daylight. Officers consider that these windows are likely already impacted to some extent by the property's rear tenement which reduces the daylight received to these windows. It is also noted that the eaves of the extension are set down from those at the rear of no.4, reducing some of the bulk, and therefore officers consider the impact on these windows would not result in a detrimental loss of daylight. Officers do not raise concerns with the west elevation window of 3 Admirals Hard, considering this appears to be a non-habitable window.

44. Officers have also assessed the impact on daylight to properties opposite the application site, located on the north side of Admirals Hard. Given the relationship between the properties, and the visible works from habitable room windows from the properties to the north, officers consider paragraph 13.34 of the SPD is an appropriate means of assessment. Para 13.34 states that "extensions are normally only considered acceptable if they do not cross the 45 degree line when elevated to 25 degrees".

45. Letters of representation raise specific concerns with the amount of daylight which will be to habitable room windows of the properties opposite, particularly in the winter months and because of the narrow street layout. LORs state that insufficient information has been submitted in this regard. The submission of a daylight and sunlight assessment has been requested in public comments, with reference to the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice".

46. The BRE guidelines include various tests to assess the impact of development on sunlight and daylight and include the 45 degree and 25 degree guidelines which are included within the SPD.

47. During the application, an additional plan was submitted of the streetscene to provide further understanding of the relationship between properties along Strand Street.

48. Concerns have been raised that the 25 degree line has not currently been breached by the proposed development. Representations show the 25 degree line measured from the mid-point of the window. However, Figure 26 of the SPD outlines that a 25 degree line shall be drawn from the cill height of opposite habitable room windows at ground floor level, stating that "developments must not encroach upon the 25 degree line". When applying a 25 degree line, the existing arrangement results in a slight breach of this line, with the ridge of the existing hipped roof below the 25 degree line. The proposed development would result in a larger breach at a point below the eaves of the proposed extension. Officers acknowledge that there will be some loss of daylight to properties opposite the application site.

49. Paragraph 13.34 of the SPD goes further to outline that "relaxation [of the 25-degree line] may also be considered where there is a difference in ground levels between adjacent sites". Officers consider that properties on the north side of Admirals Hard are set slightly higher than those to the south, experiencing an elevated position when viewing The Vine from habitable room windows. Officers further consider that it is not uncommon in streets defined by a historic layout to demonstrate narrow streets and a denser pattern of development, lending itself to more limited levels of daylight to habitable room windows and outdoor amenity space. This is demonstrated in the fact that the ridge of The Vine already breaches this 25-degree line.

50. Officers in this case take a finely balanced view that whilst the properties opposite would be likely to notice a reduction in the level of daylight and subsequent reduction in the levels of natural heating, this would not be so significant to warrant the refusal of the application. Whilst the requests for the submission of further information are noted, officers consider that sufficient information has been provided to assess the proposal in line with paragraphs 13.30-13.34 of the SPD guidance which

relates to daylight and sunlight. Neither the SPD or JLP require a daylight or sunlight assessment to be submitted as part of an application.

51. Officers have also assessed the impact on daylight to The Quarterdeck Apartments. Officers consider that the northern block at the Quarterdeck is already overshadowed by the existing massing of The Vine. The proposed increase in height therefore would be notable, but officers consider that by virtue of the existing arrangement, the impact on daylight would not be significant. In considering the southern block of The Quarterdeck, officers find that as The Vine is located to the north/north east of this block over-shadowing is limited by virtue of its orientation and as such do not raise concerns as to the loss of daylight to the Quarterdeck.

Outlook

52. Letters of representation have further raised concerns as to the loss of outlook resulting from the proposal. The SPD sets parameters for the protection of outlook for neighbouring properties in paragraph 13.28 recommending that for three-storey development the distance between a main habitable room window and a blank wall should be at least 15m.

53. No.s 8 and 9 Admirals Hard are located directly opposite the application site, approximately 11.3m away. The closest flats in the Quarterdeck apartment blocks are located approximately 8.8m from the application site, suggesting that outlook is currently limited by virtue of the dense arrangement of properties within the historic streetscape.

54. Officers find that a level of outlook would be lost as a result of increasing the building height to provide a second storey level. In particular, the raising of the eaves height on the north elevation and the gable roof design would be most noticeable for the properties opposite. However, given the existing arrangement between properties and that the bulk of the increased height is within the proposed roof space, which would slope away from the habitable room windows opposite, officers consider that this impact would not be so harmful as to warrant the refusal of the application.

Privacy and Overlooking

55. The proposal would result in the construction of 3no. recessed balconies within the gable ends of the roof space on the east, west and south elevations. Concerns have been raised within the submitted letters of representation regarding the amenity impact of these balconies, in particular in relation to increased levels of overlooking into neighbouring habitable room windows and private space. Officers do not raise concerns with the balconies on the east and south elevations. Given their recessed nature outlook from the balconies would be restricted and would not provide sideways views. The east elevation balcony would not be afforded significant visibility or outlook by virtue of its siting directly opposite the hipped roof slope of no. 4 Admirals Hard. As a result of this screening, opportunities for overlooking are restricted, and would not provide a clear view towards neighbouring windows or private amenity space. Furthermore, the south elevation would overlook the Strand Street car park.

56. Officers also consider the impact of the west elevation balcony on the side elevation windows of the Quarterdeck building to be acceptable. Whilst the construction of a balcony in this location does create additional vantage points towards the west, there is already an established level of overlooking between the existing first floor windows at The Vine and The Quarterdeck. As the balcony would be sited within the extended roofspace of The Vine which is set higher than the Quarterdeck, officers consider that views from the balcony would be at a height to overlook the roofspace of The Quarterdeck, and would not provide a clear line of sight into neighbouring windows. Officers have also assessed the potential for overlooking into the garden of Byron Villa. The balcony is situated approximately 28m from the garden and whilst some views into the garden space will be possible, officers consider that views already exist from the first floor window on the west elevation of The Vine. Officers acknowledge that the balcony would provide an increased height

vantage point, but due to the distance from the garden, and its recessed nature the location of balconies is not considered to lead to harmful overlooking.

57. The submitted letters of representation also raise concerns with the rooflights proposed on the north elevation, and the dormer windows in the west elevation roofslope, with some representations requesting that the rooflights are conditioned to be non-opening. Paragraph 13.19 of the SPD outlines that "habitable room windows facing directly opposite one another should be a minimum of 21-metres apart for a two-storey development [...] this is increased to 28 metres when one or more of the buildings are three-storeys in height". Officers consider these separation distances would not be met by the proposal. However, the distance between the existing first floor windows is the same, resulting in a similar level of impact. Paragraph 13.18 of the SPD states that the 'levels of privacy expected from a residential environment will differ depending on the location' in this case, given that the application site is situated in a densely developed area where such separation distances are already not met. As such, Officers do not raise concerns with the proposed rooflights and have not recommended that they are non-opening in design. Turning to the proposed dormer windows, as aforementioned, the application site is situated in a densely developed area where such window-to-window separation distances are unlikely to be met. In this case, the proposed dormer windows would not face directly opposite habitable room windows to the west within The Quarterdeck and as such would not result in a harmful level of overlooking.

58. Window alterations within the ground and first floor of The Vine are considered to be acceptable as they would remain in the same locations as existing and so would not lead to increased levels of overlooking compared to the current situation. Officers also consider the 2no. south elevation windows to be located within the first-floor rear extension to be acceptable, as overlooking will be limited to the Strand Street car park.

59. One ground floor, high-level window on the west elevation is proposed to be replaced by a larger window, which would face directly opposite a window at The Quarterdeck. However, given the dense pattern of development in the area officers do not consider this relationship would be out of character. Furthermore, the floor plans indicate that the internal bin store reduces the useable space in this area which is likely to limit the activity levels in and around the window in question.

Noise, Disturbance and Pollution

60. Various concerns have been highlighted in regard to the noise impact of the proposed development, namely due to the use of the proposed balconies and increased numbers of visitors to the area. Concerns have also noted that there would be an increase in pollution because of higher numbers of visitors to the site. Officers note that despite the increase in floor space proposed for the residential accommodation this application proposes a reduction in the number of bedrooms and would not result in an expansion of the existing public house. As a result, officers consider that the level of noise and disturbance has been established by the existing use of the site.

61. Officers concur that in some instances the location of balconies can result in increased noise levels. The west and south balconies are each proposed to measure approximately 7 square metres, with the east balcony proposed to be 8.5 square metres. Officers note the east balcony is designated on the plans as a bar services and battery storage area, which officers do not raise concerns with from an amenity perspective. Officers consider that the usable space of the balconies appears to be less than the total area, given the restricted head room. It is not uncommon for properties in the area to be served by balconies or roof terraces. and given the size of the balconies, they would only be large enough for use by a few people at a time. Officers find that the balconies are unlikely to lead to levels of noise which are significantly more than that experienced already and would not warrant the refusal of this application.

62. Various concerns have been raised regarding the potential amenity impact of placing tables and chairs outside the public house, including on the footpath. LORs also raise this may impact on the highway, or be a hazard for individuals with a disability. The application does not propose the inclusion of outdoor seating, which would be subject to separate consent.

63. The Council's Public Protection Service (PPS) have been consulted on the application and have not raised concerns regarding noise, disturbance or pollution as a result of the proposed development.

Opening Hours

64. The proposed opening hours are 11:00 to 23:45 on Mondays through to Thursdays, 11:00 to 00:15 on Fridays and Saturdays and 12:00 to 23:15 on Sundays and Bank Holidays, with further varied hours on Christmas Eve, New Year's Eve and Easter Weekend as detailed in the recommended condition. PPS have stated that The Vine Public House still has a premises licence despite it being closed. The proposed opening hours are in accordance with the existing premises licence, allowing for 45 minutes after the sale of alcohol; and the PPS have stated that the application does not indicate any significant changes to the licenced area. It is therefore considered that the proposed opening hours are in accordance with the established use as a public house. The opening hours have been secured via condition.

65. LORs highlight concerns as to noise and disruption during construction. PPS have recommended a condition for the hours of construction and demolition. In this case, officers consider this would be sufficiently managed by the CEMP which has been secured via pre-commencement condition and the council's code of practice which has been included as an informative.

66. Officers note that LORs raise that no details of the proposed extraction ventilation have been included. The proposed elevations indicate that the existing extraction unit would be retained, resulting in no change to the current situation. Officers do not raise any concerns, or require further information. The applicant is advised that should any alterations or extensions be proposed at a later date these would require full planning permission following assessment by the Local Planning Authority. Officers have recommended an informative outlining this further. Overall, the proposal is found to accord with DEV1 and DEV2 of the JLP.

Occupant Amenity

67. Officers have assessed the enlarged living accommodation created and consider it would provide a good quality of life for future occupiers. All habitable rooms will be served by windows and enjoy good levels of natural light and outlook. The accommodation will also meet the Nationally Described Space Standards for a 3-bedroom property. Although the balconies would not provide the level of outdoor amenity space recommended in the SPD, this is not met by the existing flat. Public open spaces such as Devil's Point and Stonehouse Creek are within 15 minutes walking distance from the site.

68. As highlighted in section 6, concerns have been raised about potential use of the unit for short-term let or holiday accommodation. In this case the applicant has advised the accommodation will continue to be occupied in association with the public house and is therefore considered to be ancillary accommodation to the sui generis use, not a standalone residential dwelling where control concerning its operation as a short-term let would be more limited. Use of the property for accommodation not associated directly with the public house is therefore restricted by this planning permission and secured via condition. Officers note a new access will be created to the living accommodation, which will result in occupants not needing to go through the public house. This in itself does not raise concerns and is not considered unusual and will allow for a family to occupy the property without needing to pass through the ground floor.

69. Officers note that concerns have also been raised about the possible subdivision of the upper floors to create two units of accommodation. Again, this is not what has been applied for and a further planning application would be required to create two self-contained flats. Officers have recommended a condition to ensure that the flat remains ancillary to the public house in the interests of maintaining neighbour and occupant amenity.

Highways Considerations

70. Representations have raised concerns that the proposal would result in increased parking demand and pressure on the area, which already suffers from constrained parking provision. In particular, concerns highlighted that the proposal would increase the demand for all-day parking.

71. The Local Highway Authority (LHA) have been consulted on the application and raise no in-principle objections to the application.

72. The proposal does not comprise a change of use, and the property will retain its existing use as a public house with ancillary residential accommodation above. The LHA consider that the transport impacts associated with the use have already been established. The residential accommodation above The Vine is currently laid out as a 4-bedroom flat and whilst the proposal would result in an increase in the floor space of the residential accommodation, this would be reduced to a 3-bedroom flat.

73. The LHA therefore consider that this would reduce the parking demand associated with the residential accommodation and as such do not find that there would be an increase in traffic and transport impacts from those previously established. Public comments have raised concerns that the area is already busy due to commercial uses and the Cremyll Ferry which is hazardous. However, given that the scale and operation of the site is to remain similar to that at present, officers do not find that the proposal would lead to significant transport impacts.

74. The site is located within a Controlled Parking Zone. The LHA note that the property will remain eligible for permits to use within Zone T following the proposed development. Zone T is in operation 24 hours per day and 7 days a week which is considered sufficient to limit the use of on-street parking for customers of the public house. Whilst representations highlight that customers would be likely to park in permit spaces without a permit, this is outside the control of the local planning authority and would be managed by parking enforcement procedures.

75. Overall in relation to highways and transport matters, officers consider the scheme complies with DEV29 of the JLP.

Drainage and Flood Risk

76. Part of the application site is located in Flood Zone 3 and is considered to be at risk from tidal flooding. It is also noted that surface water flood risk mapping indicates that the site is at low risk from a 1 in 100 year return period event.

77. The site is located in a critical drainage area, where the Environment Agency considers the existing drainage to be at or close to capacity.

78. The Lead Local Flood Authority (LLFA) have been consulted on the application. They note that the submitted Flood Risk Assessment indicates the building's existing ground floor level is 4.35m AOD with the existing threshold level at 3.85m AOD and proposed at 4.20m AOD. Access and egress will be provided from the building outside of the flood zone. The applicant has submitted potential flood risk mitigation and warning measures for the proposed building.

79. However, in their initial comments, the LLFA raise that the Plymouth Local Flood Risk Management Strategy requires that entrances to the property should have a threshold above 4.81mAOD, or to provide protection to this level with flood boards or flood-proof doors. Further recommendations as to the internal fit out of the ground floor have also been made by the LLFA. Further details were also requested to indicate the existing and proposed surface water drainage system.

80. The applicant submitted further information, including a drawing that indicates that the two door openings proposed would have a stop log flood barrier system to 4.81 AOD.

81. The LLFA further note that occupants of the site should be made aware of the risk of tidal flooding that may impact the existing building, and a flood emergency plan should be developed that details actions to be taken in the event of a flood warning, including an evacuation route directing occupants away from the source of flooding, and as such have requested the submission of a Flood Emergency Plan, a draft of which was received during the application.

82. The LLFA have stated that they have no objection to the proposed development subject to their recommended conditions which require further details on the ground floor being flood resilient, details of the existing and proposed surface water drainage system and the submission of a flood emergency plan. All living accommodation is proposed on the upper floors, above the predicted flood level, according to the submitted information. With the recommended condition it is considered that the proposal would comply with policy DEV35 of the JLP.

83. Concerns have been raised within the public comments regarding the proposal putting pressure on an at capacity drainage system close to the sea particularly due to additional bathrooms and en-suites, with concerns that sewage and pollution leakages into watercourses is an increasing problem. It is however considered the scale of development would not result in a significant increase in pressure on the existing drainage system given that it's an extension to an existing property. The LLFA have not raised an objection, and a condition has been recommended that requires further details to be submitted that consider the impact on drainage and the water environment. Furthermore, the CEMP which has been secured via condition requires that details are submitted which outline how surface water run-off will be managed to protect the water environment from contamination and pollution during demolition and construction.

Climate Emergency

84. Representations outline concerns with the environmental impact of the extension, and consider that sustainable design, energy usage and carbon footprint have not been fully considered.

85. Officers have reviewed the details as submitted in the Climate Emergency Compliance Form and the Sustainability Statement section of the Design and Access Statement.

86. Officers merit the inclusion of PV panels on the west elevation roofslope, as well as space within the residential accommodation for energy storage. These measures have been secured via condition. Officers note that the intention is to use a fabric first approach to reduce the energy load of the building, to include high levels of insulation to ensure thermal efficiency of the build. Overall, officers are satisfied that the proposal incorporates sufficient low carbon mitigation measures, in line with DEV32 of the JLP and the Climate Emergency Planning Statement (2022).

Refuse

87. Concerns were raised in letters of representation regarding the lack of bin storage, and the potential for litter and anti-social behaviour as a result.

88. Amended plans have been received showing a designated bin store to be integrated into the building, with timber doors located on the south elevation. Further concerns have been raised that the bin store would not be of a sufficient size for the use of the property. The Council's Waste Team have provided comments on the application raising no concerns with the proposed refuse store. A condition is therefore recommended that requires the bins to be kept within the bin store except for on collection days.

89. Subject to the recommended condition, officers consider the proposal to accord with DEV31 of the JLP.

Natural Infrastructure

90. A Preliminary Roost & Nest Assessment was conducted by an appropriately qualified ecologist and submitted which considered the presence of bats and birds on site and the impact on protected habitat and species. The report concluded that the building offers a low suitability for hibernating roosting bats/bats roosting during the active season.

91. Public comments raise concerns that invasive work at the site has already taken place, which could have impacted on protected species. The survey was undertaken 18.07.2024, falling after the date internal works are said to have started on site. The works undertaken to date have not required planning permission and so are outside the control of the Local Planning Authority.

92. The report recommended a single bat emergence survey was conducted alongside the submission of a Precautionary Working Mitigation Statement (PWMS) prior to works commencing on site. However, given the time of year the ecologist conducted an endoscope inspection and submitted an Endoscopic Report in lieu of the bat emergence survey. The report concluded that bats were not present at the surveyed locations. The report recommended that the removal of the roof could proceed under a Mitigation Method Statement with an ecologist present during the roof strip. The works relating to the roof structure would need to be conducted under the supervision of a suitability qualified ecological consultant in accordance with the submitted Endoscopic Report (EsR), including an inspection for bats immediately prior to work commencing. The report states that the ecologist will then submit a short report to the Local Planning Authority detailing the procedure has been followed appropriately and clarify any records of bats being present and the subsequent action taken.

93. In relation to birds, the assessment did not find any features associated with birds and considered there to be no loss to nesting features. A phase 2 bird survey would not be required and neither would mitigation to recreate nesting habitat.

94. The Council's Natural Infrastructure (NI) Officers were consulted on this application and raise no in-principle objections subject to a condition requiring the submission of a Construction and Environmental Management Plan (CEMP) and the installation of an enclosed bird box within the fabric of the building. A condition has therefore been recommended that requires the submission and approval of a CEMP prior to works commencing on site, as well as a mitigation method statement, which will adequately ensure the works are undertaken in accordance with the requirements of the endoscope report under the supervision of an ecologist and details of the proposed bird boxes.

95. It is considered that the submitted information provides enough information to determine this application, with added conditions, would not cause direct harm to protected species. It is considered that with added conditions the proposal would protect and provide biodiversity enhancements for protected species. It is therefore considered that the proposal complies with JLP policy DEV26.

96. Concerns have been raised within the public comments about the impact of the development on the surrounding wildlife including bats, insects, birds, trees and plants due to noise and light. Supporting information has been submitted that considers the impact on protected species such as bats and birds. A condition has been recommended that requires the submission of a CEMP which will consider the impact of the construction on the environment which will need to be submitted and agreed by the Local Planning Authority prior to work commencing on site. It is not considered that the proposal would have any more of an impact on trees and plants from noise and light from what already exists in the area.

Habitats Regulations Assessment

97. In relation to Habitats Regulations Assessment, the site is located approximately 400m from the Plymouth Sound and Estuaries Special Area of Conservation (SAC). The site is also located close to an area of Mudflats which are a Habitat of Principal Importance (HPI) and a qualifying feature of the Plymouth Sound and Estuaries Special Area of Conservation (SAC). Having considered the nature, scale, timing, duration and location of the project, the development can be eliminated from further assessment as the project cannot have any conceivable effect on any designated Site.

98. The Proposed Development must by law contain the necessary measures to protect water quality during construction and operation and which are not specifically put in place to protect the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA. Given the proximity of the water environment to the site, this would necessitate completion of a Construction Environmental Management Plan (CEMP) to ensure compliance, which for clarity is considered an 'essential feature' under the HRA principles (rather than European Site mitigation) and has been conditioned. Therefore, it is concluded that the proposed development will not result in Likely Significant Effects on the Plymouth Sound and Estuaries SAC, Tamar Estuaries Complex SPA and Tamar Estuaries Sites MCZ regarding water pollution.

Biodiversity Net Gain

99. Due to the proposed scale of development the scheme would be exempt from the mandatory requirement to deliver biodiversity net gain. The proposal is considered 'de minimis' because no habitat is impacted by the development.

Public Comments

100. There are a number of further considerations that have been raised within the public comments which are considered in this section of the report.

101. Various concerns have been received regarding the process undertaken to determine the application. The application has been assessed in line with national and local guidance and followed statutory procedures in arriving at the Officers' recommendation. Regarding the level of information submitted officers consider the level of detail, including that which has been requested during the course of the application, as detailed in section 8, is sufficient in order to assess the proposed development. The application has been reviewed by the relevant consultees and further information has been secured via condition where necessary.

102. Concerns have been raised regarding the clarity and accuracy submitted plans. While additional plans including 3D designs would have been beneficial it is considered the plans are sufficient to assess this application. Concerns were raised that the datum lines shown on some plans were inaccurate. Following correspondence with the agent, they have confirmed that previous iterations of plans were at an arbitrary datum level, incorrectly labelled as AOD. Following amendments to the scheme, the levels were confirmed for the flood risk assessment and proposed flood risk mitigation measures. The agent confirmed that the plans recommended for approval correctly label the Ordnance Datum Level. Concerns have also been raised with the accuracy of the

section provided, noting that the ridge height of the dormer window at no.8 is not correct, an amended plan has been submitted by this agent, rectifying this error.

104. Following comments regarding the encroachment of eaves on the North elevation, amended plans were received demonstrating the re-design of the eave to ensure that the works do not overhang to no.4 Admirals Hard.

105. The public comments raised that previous applications have been refused for reasons associated with light and views and that planning policies should be applied consistently. The public comments have also raised about other balconies in the area that have been approved are not comparable to this scheme. Each planning application is considered on its own merits and judged using national and local policies and guidance. Officers also note that the application site is not a listed building and so is not comparable to the approach of the Historic Environment Team on other applications.

106. Concerns have been raised regarding the scheme impacting on the well-being and mental health of neighbouring residents. Paragraph 135 of the NPPF states that planning decisions should ensure that development creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Officers are mindful that excessive noise can have a significant impact on the well-being and mental health of residents as it can disrupt sleep patterns, increase stress levels, and affect overall quality of life. Similarly, pollution can have detrimental effects on the environment and public health. During construction, impacts in relation to noise, disturbance and pollution are considered to be adequately mitigated through the CEMP, which will include details as to the hours of construction and demolition. During operation, officers consider that the opening hours are consistent with the established use as a public house. As a result, the proposal, with its added conditions, is not found by officers to result in a significant impact on neighbours' amenity to warrant the refusal of this application.

107. These concerns also raise that loss of daylight to habitable room windows would impact on wellbeing and mental health and would result in a loss of natural heating to properties opposite. As outlined within the report, officers are minded that the loss of daylight found would not be so significant as to warrant the refusal of the application.

108. It has been confirmed with the agent that the works commencing on site are limited to the internal strip out of the property, repairs and the erection of scaffolding, as these do not require planning permission the scheme is not considered to be retrospective.

109. Public comments have raised that the proposal is not in compliance with the Plymouth Plan. The Plymouth Plan 2021 is a strategic plan for Plymouth City Council, this is not a statutory plan. The proposal has been assessed against the relevant planning policy and guidance as outline in Section 7 of this report.

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

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).

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.

It is noted that within the public comments concerns have been raised regarding putting tables and chairs on the pavement which would be a danger to the physically or visually impaired. As mentioned previously, the proposal does not include the provision of outdoor seating, which would be subject to separate consent.

Public comments have highlights concerns that the proposal would result in poor mental health and wellbeing. Annex 2 of the NPPF defines people with disabilities to include people with mental health needs. As outlined within the report, officers have considered the amenity impact of the proposal, and in turn find that with conditions the proposal complies with policy.

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 will preserve the character and appearance of the Conservation Area whilst providing enhanced facilities for future occupiers and securing the long term continued use of the building as a Public House. The application is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 05.09.2024 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

Proposed Floor Plans 2407 3 L02 05 Rev A received 18/07/24

Proposed Elevation 2407 3 L04 06 Rev A received 04/11/24

Proposed floor plans 2407 3 L02 03 Rev E received 04/11/24

Existing and Proposed Sections Through Admirals Hard for Daylight Assessment
2407 3 L06 01 Rev A received 13/01/25

Proposed Elevations 2407 3 L04 05 Rev 00 received 29/10/24

Site Location Plan 2407 3 L01 01 Rev B received 29/10/24

Site Plan 2407 3 L01 02 Rev D received 29/10/24
Proposed Floor Plans 2407 3 L02 04 Rev D received 29/10/24
Proposed Sections 2407 3 L03 02 Rev B received 29/10/24

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: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

PRE-COMMENCEMENT

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- i. Risk assessment of potentially damaging construction activities.
- ii. Identification of 'biodiversity protection zones'.
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iv. The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- v. The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
- vi. Responsible persons and lines of communication. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- vii. Details to demonstrate how surface water run off is managed to protect the water environment from contamination and pollution during the demolition and construction phases
- viii. Details of the hours of construction and demolition

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, protection of the water environment and protect from noise and disturbance during construction in accordance with Joint Local Plan Policies SPT I I, DEVI, DEV2, DEV26 and DEV35 and National Planning Policy Framework 2024.

Justification: Necessary to ensure development does not harm amenity, environment, wildlife or cause undue problems to the water environment.

4 CONDITION: DRAINAGE AND FLOODING

PRE-COMMENCEMENT

Prior to any development commencing, details of a scheme for the provision of surface water management and flood management must be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i. Details of the existing & proposed surface water drainage system. The proposed surface water drainage strategy shall be in accordance with the Plymouth Local Flood Risk Management Plan.
- ii. A Flood Emergency Plan. The Flood Emergency Management Plan should be developed (or updated) detailing actions to be taken in the event of a flood warning to ensure occupants and property remain safe. A safe evacuation route should be indicated, and emergency exits should not direct occupants towards the source of flooding, in this case Stonehouse Pool. In the event of a flood, occupants should be directed to higher ground.
- iii. Details of how the ground floor has been made flood resilient. Details shall include the use of waterproof walls and floors, and power and communications connections located above this level.

Reason:

To reduce the risk of flooding to and from the development by ensuring the provision of satisfactory surface water management in accordance with Policies DEV2 and DEV35 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework.

Justification: Necessary because of the essential need to ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure and water environment.

5 CONDITION: PROTECTION OF FEATURES

PRE-COMMENCEMENT OF RELEVANT WORKS

No external works that will directly affect the door pilasters, cornice, canopies and wall pilaster shall be carried out on the site until details of the protection of the door pilasters, cornice, canopies and wall pilaster have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed protection measures.

Reason:

To preserve the special architectural and historic interest of the conservation area in accordance with Policy DEV21 of the Plymouth & South West Devon Joint Local Plan 2014-2034, Chapter 16 of the National Planning Policy Framework 2024 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Justification: To ensure that the historic fabric is protected during construction.

6 CONDITION: DETAILS OF EXTERNAL MATERIALS; WALLS SOFFITS, FASCIA, RAINWATER GOODS AND DORMERS

PRE-DAMP PROOF COURSE

Prior to the construction of the development above damp proof course (DPC) level, samples of all new brick/stone/render/ cladding/eave details/rainwater goods to be used on all elevations of the development hereby permitted shall be submitted to and agreed in writing by the Local Planning

Authority. The development shall be carried out only in accordance with the agreed brick/stone details.

Reason:

To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policy DEV21 of the Plymouth & South West Devon Joint Local Plan 2014-2034, Chapter 16 of the National Planning Policy Framework 2024 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

7 CONDITION: BIN STORAGE

PRE-OCCUPATION

The development hereby approved shall not be occupied until the bin storage area shown on the approved plans has been made available for use. This area shall remain available for its intended purpose and shall not be used for any other purpose without the written consent of the Local Planning Authority. Bins shall be stored in this area at all times except for collection day.

Reason:

To prevent street clutter and polluting effects from refuse storage in accordance with policies DEV1, DEV2, and DEV31 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

8 CONDITION: LOW CARBON MITIGATION MEASURES

PRE-OCCUPATION

The development hereby approved shall not be occupied until the low carbon mitigation measures, including the PV panels and energy storage, shown on the approved plans have been installed/implemented and are in working order. These measures shall then be maintained in perpetuity, and replaced as and when necessary.

Reason:

In order to promote on-site renewable energy systems and ensure a reduction in carbon emissions in line with policy DEV32 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the Plymouth and South West Devon Climate Emergency Planning Statement (2022).

9 CONDITION: ROOF DESIGN AND EXTERNAL MATERIALS

PRE-INSTALLATION

Notwithstanding the submitted drawings, details of the junction between the existing building and the proposed roof extension shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with these details.

Before the new roof(s) hereby approved are installed, samples or detailed specifications of the new roof slates, which shall be natural slates, and any other roofing materials shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason:

To preserve the special architectural and historic interest of the conservation area in accordance with Policy DEV21 of the Plymouth & South West Devon Joint Local Plan 2014-2034, Chapter 16 of

the National Planning Policy Framework 2024 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

10 CONDITION: WINDOWS AND DOORS

PRE-INSTALLATION

Notwithstanding the submitted drawings, the following fenestration amendments should be submitted to an agreed in writing to the local planning authority;

- Details of window treatments to first floor kitchen to be submitted to accommodate fitted kitchen counter heights. To include changes to window proportions and/or treatment of window panels as appropriate

Prior to their installation, details of the material, design, specification, method of opening, method of fixing and finish in the form of drawings and sections of no less than 1:20 scale shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.

Reason:

Inadequate details of these matters have been submitted within the application and to ensure the development preserves the character and appearance of the Conservation Area in accordance with Policy DEV21 of the Plymouth & South West Devon Joint Local Plan 2014-2034, Chapter 16 of the National Planning Policy Framework 2024 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

11 CONDITION: ECOLOGICAL MITIGATION (BIRD BOXES)

PRE-INSTALLATION

Prior to their installation, details of an enclosed bird box within the fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. Plans for the specification and locations of these within the building shall be provided. The bird box should be installed within the fabric of the building on the proposed north or eastern elevation of the extension to avoid overheating. The works shall be carried out in accordance with the approved details.

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 & DEV26 and National Planning Policy Framework 2024.

12 CONDITION: MITIGATION METHOD STATEMENT

PRE-ROOF WORKS

The development hereby permitted shall at all times accord with the submitted Endoscopic Report (EsR) dated 26th November 2024 by Ecological Surveys Ltd and the Mitigation Method Statement (MMS). The MMS requires an internal inspection by a suitability qualified ecological consultant immediately prior to the commencement of works relating to the roof structure is undertaken. A licensed ecologist must supervise the removal of the roofing layers down to bare woodwork. Prior to the installation of the approved roof a short report by an ecologist must be submitted and approved in writing to the Local Planning Authority that details the appropriate procedure that has been followed and clarify any records of bats being present and the subsequent action taken.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest during construction work in accordance with Joint Local Plan Policies SPT12 and DEV26 and Government advice contained in the National Planning Policy Framework.

13 CONDITION: ANCILLARY USE ONLY

The residential accommodation hereby approved by this planning permission shall only be used for purposes ancillary or incidental to the enjoyment of the Vine Hotel Public House, 5 Admirals Hard, Plymouth PL1 3RJ and shall at no time be severed to function as an independent residential dwelling.

Reason:

To ensure that no adverse effect upon the amenities of the neighbourhood may arise out of the proposed development nor create living conditions which are unsatisfactory in accordance with Policies DEVI, DEV10, DEV20 and DEV29 of the adopted Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework.

14 CONDITION: HOURS OPEN TO CUSTOMERS

No customers or members of the public shall remain on the premises outside the following hours:
11.00 hours to 23.45 hours on Mondays to Thursdays ;
11.00 hours to 00.15 hours on Fridays and Saturdays;
12.00 hours to 23.15 on Sundays and Bank Holidays.

Notwithstanding the following days:

11.00 hours to 01.15 hours on Christmas Eve
11.00 hours to 03.15 hours on New Year's Eve
11.00 to 01.15 hours on Easter Weekend

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan the National Planning Policy Framework.

15 CONDITION: CONSERVATION ROOF LIGHTS

The proposed rooflights hereby approved must be conservation rooflights, fitted flush to the slates and incorporate a glazing bar.

Reason:

The proposal is located in a conservation area and to comply with the provisions of DEV20 (Place shaping and the quality of the built environment) and DEV21 (Development affecting the historic environment) of the Plymouth and South West Devon Joint Local Plan 2019.

INFORMATIVES

I INFORMATIVE: CONDITIONAL APPROVAL (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 with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

2 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).

3 INFORMATIVE: ALTERATIONS AND EXTENSIONS

The applicant is advised that should any alterations or extensions be proposed at a later date, these would likely require full planning permission and assessment by the Local Planning Authority.

4 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 of the trees should be undertaken prior to the commencement of works to determine if any bats or birds reside in the trees. 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.

5 INFORMATIVE: COUNCIL CODE OF PRACTICE

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):

<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

6 INFORMATIVE: BIODIVERSITY NET GAIN AND MINOR DEVELOPMENT

In accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, this application is considered to be de minimis and exempt from Biodiversity Net Gain requirements. Therefore, this application is not subject to the mandatory Biodiversity Gain condition.

7 INFORMATIVE: PROPERTY RIGHTS

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.