

ITEM: 5

Application Number: 10/00205/FUL

Applicant: Mr L Butler

Description of Application: Construction of one additional apartment and reduced sized restaurant (amendment to planning application 06/00711/FUL and appeal decision ref: APP/N1160/A/07/2048170)

Type of Application: Full Application

Site Address: THE GRAND HOTEL, 24 ELLIOT STREET
PLYMOUTH

Ward: St Peter & The Waterfront

Valid Date of Application: 04/03/2010

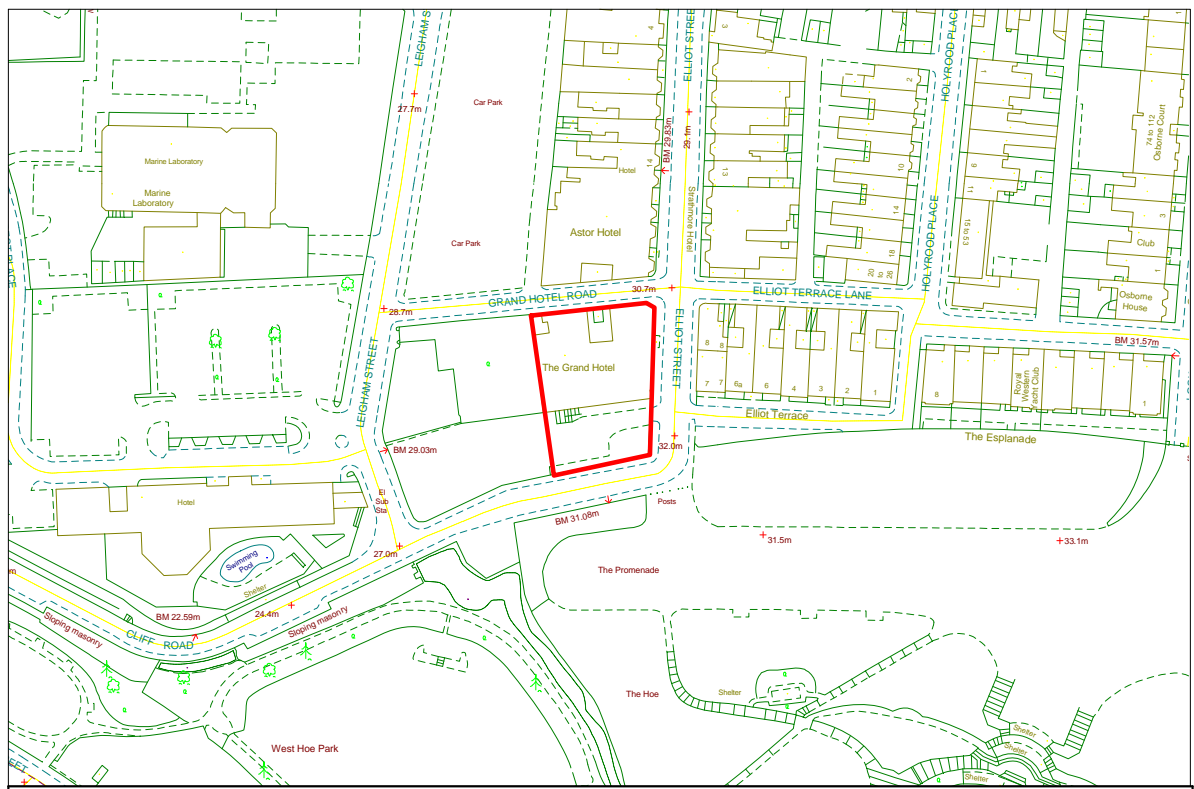
8/13 Week Date: 03/06/2010

Decision Category: Major Application

Case Officer : Mark Evans

Recommendation: Grant Conditionally

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OFFICERS REPORT

Site Description

The Grand Hotel is a Grade II listed building set in a prominent position within the Hoe Conservation Area. The building constructed c.1870 is four storeys high with accommodation within its attic, and enjoys extensive, wide-ranging views over the Hoe and Plymouth Sound. The building has remained vacant since being damaged by fire in 2003 and is currently the subject of a redevelopment programme to develop 24 apartments within the building.

Notwithstanding the extensive damage caused, the special character and details of architectural/historic importance remain internally and externally. Significant internal details include the two principal staircases, (although the western staircase was significantly damaged during the fire and is in the process of being completely refurbished), the surviving architectural detailing (Decorative plasterwork, (mostly on the ground floor), doors and architraves, skirting, dado and picture rails, panelling), together with the structural walls and partitions significant for denoting the historic room layouts and hierarchy of spaces.

Proposal Description

Construction of additional apartment and reduced sized restaurant (amendment to planning application 06/00711/FUL and appeal decision ref: APP/N1160/A/07/2048170).

The new duplex apartment, which will bring the total number of residential apartments within the building to 25, will have principle accommodation at ground floor level maximising views of the Hoe and Sound. Sleeping accommodation is provided at lower ground level with windows served by a new south facing lightwell.

Relevant Planning History

10/00040/LBC - Construction of new rooflight and dormer window (revision to listed building consent 09/00367/LBC) - APPROVED

09/00367/LBC - Revisions, including material and external amendments to listed building consent 07/01867/LBC - Restoration, alterations and conversion of former hotel to create 24 residential apartments and a restaurant in part of ground floor - APPROVED

08/02269/LBC - Revisions, including internal and external amendments to listed building consent 05/01928/LBC - Restoration, alterations and conversion of former hotel to create 24 residential apartments and a restaurant in part of ground floor. WITHDRAWN

07/01867/LBC - Restoration, alterations and conversion of former hotel to create 24 residential units and a restaurant in part of ground floor. APPROVED

06/00714 - Restoration, alterations and conversion of former hotel to create 24 residential units and a restaurant in part of ground floor. REFUSED

06/00711 – Restoration, alterations and conversion of former hotel to create 24 residential units and a restaurant in part of ground floor. REFUSED, APPROVED AT APPEAL

05/01928 - Demolish building, retaining and restoring main facades, and develop site by erection of 45 residential apartments with ground floor public restaurant. REFUSED

04/00157/LBC – Strip out fire damaged hotel with provision of temporary roof. APPROVED

04/00762/LBC – Provision of roof, including dormer windows, to replace previous fire-damaged roof. APPROVED

04/01782/LBC - Provision of roof, including dormer windows, to replace previous fire-damaged roof. (Amendments to previously approved) APPROVED

Consultation Responses

Highway Authority
No objections.

Public Protection Service
No objections.

Representations

No letters of representation received.

Analysis

The key issues on this application are:

1. The impact of the development upon the appearance, character, setting, historic fabric and internal layout of the Grade 2 Listed Building.
2. The impact of the development upon the appearance and character of the Hoe Conservation Area.
3. The impact of the development upon the highway network.
4. The impact of the development upon neighbouring properties.

The application stands to be considered in the context of the following key policies of the adopted City of Plymouth Core Strategy: CS01, CS02, CS03, CS18, CS22, CS28 and CS34, together with the policies and objectives of adopted Design and Development Guidelines Supplementary Planning Documents.

In addition, Central Government guidance contained within PPS1, PPS5, PPG13, PPS23 and PPG24 is of relevance.

The impact of the development upon the appearance, character, setting, historic fabric and internal layout of the Grade 2 Listed Building and upon the Hoe Conservation Area:

The revised plans demonstrate that the proposed alterations accommodating one additional apartment within the building have been sympathetically designed to respect, preserve and enhance the appearance and character of the historic fabric and historic room layouts of the Grade II listed building. On this basis, the proposal will not have a significant adverse impact on the appearance, character or setting of the listed building or Conservation Area.

The proposed commercial restaurant space, albeit reduced in scale from that originally approved, most importantly maintains a publically accessible commercial restaurant within the building that respects the historic sale-a-manger restaurant space extending the majority of the length of the building. This is considered to preserve the internal structure, historic ground floor room scale and historic layout of the listed building and is not considered to compromise the external appearance of the building and degree of control over the internal and external spaces at the front. Such development accords with adopted Core Strategy Policies CS02, and CS03, and relevant Central Government advice contained within PPS5.

Appropriate conditions have been recommended to ensure that a high quality design response is achieved with respect to the detailed design of the lightwell railings, landscaping and restaurant main entrance steps and access lift within the front garden in order to preserve and enhance the important appearance, character and historic setting of the listed building and conservation area.

On balance, the development is therefore supported by adopted Core Strategy policies CS01, CS02, CS03 and CS18, together with the objectives of adopted Design and Development Guidelines Supplementary Planning Documents, and Central Government advice contained within PPS1 and PPS5.

The impact of the development upon the highway network:

The proposed development will not have any significant impact on the highway network and is supported by adopted Core Strategy policy CS01, CS28 and CS34. The Highway Authority supports the application.

The impact of the development upon neighbouring properties.

The proposed development will not have any significant adverse impact on neighbouring properties, and the proposed deletion of the originally approved raised dining terrace, granted previously at appeal, will in fact improve the impact of this development upon the residential amenity of the adjoining Azure residents. The development is therefore supported by adopted Core Strategy policy CS01, CS02, CS34, together with Government guidance contained in PPS1.

No letters of representation have been received in respect to the development proposal.

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.

Equalities & Diversities issues

No adverse equality or diversity issues of relevance to this application.

Conclusions

The proposed development has been sympathetically designed to respect the appearance and character of the building whilst most importantly retaining a publically accessible commercial restaurant within the historic sale-a-manger restaurant space on the ground floor of the building. The development will not have a significant adverse impact on the appearance, character or setting of the listed building or Conservation Area. Accordingly, the works are considered to be supported by adopted Core Strategy policies CS01, CS02, CS03, CS18, CS22, CS28 and CS34, the objectives of adopted Design and Development Guidelines Supplementary Planning Documents, and Central Government advice contained within PPS1 and PPS5.

It is recommended that the application be conditionally approved.

Recommendation

In respect of the application dated **04/03/2010** and the submitted drawings, **Design and Access Statement, 08022 PL.01, 08022 PL.02 Rev A, 08022 PL.06 Rev A, 08022 PL.03 Rev B, 08022 PL.07 Rev B, 08022 PL.04 Rev A, 08022 PL.05 Rev A, 08022 PL.08 Rev A, 08022 PL.10 Rev A, TG/GA/01** , it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1)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.

BASEMENT WINDOW DESIGN DETAIL

(2) Notwithstanding the submitted details, no work shall commence until details of the design, method of construction, materials and finish of all new and replacement basement windows have been submitted to and agreed previously in writing with the Local Planning Authority. The agreed details shall be thereafter be strictly adhered to during the course of development and thereafter so retained and maintained.

Reason

To enable the Local Planning Authority to consider the details of the proposed basement windows in the interests of the appearance, character and setting of the listed building and Hoe Conservation Area in accordance with adopted Core Strategy policy CS01, CS02, CS03, adopted Design Supplementary Planning Document and Government guidance contained within PPS1 and PPS5.

RESTAURANT ENTRANCE STEPS AND ACCESS LIFT DESIGN DETAIL

(3) Notwithstanding the submitted details, no work shall commence on the new front entrance steps and access lift serving the restaurant until details of the design, method of construction, materials and finish of the new entranceway and access lift have been submitted to and agreed previously in writing with the Local Planning Authority. The agreed details shall be thereafter be strictly adhered to during the course of development and thereafter so retained and maintained.

Reason

To enable the Local Planning Authority to consider the details of the proposed restaurant front entrance steps and access lift in the interests of the appearance, character and setting of the listed building and Hoe Conservation Area in accordance with adopted Core Strategy policy CS01, CS02, CS03, adopted Design Supplementary Planning Document and Government guidance contained within PPS1 and PPS5.

ELECTRICITY SUB-STATION AND FRONT GATE DESIGN DETAIL

(4) Notwithstanding the submitted drawings, no work shall commence on the construction of the new electricity sub-station and garden entrance gates until details of the method of construction, design, materials and finish, including details of the new front boundary treatment above the sub-station and any proposed artwork/lettering for the new garden entrance gates, have been submitted to and agreed in writing by the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained.

Reason

To ensure that the new substation enclosure and access doors, and new garden gates are in keeping with the special character and interest of the Listed Building and Hoe Conservation Area, in accordance with adopted Core Strategy Policies CS01, CS02, CS03 and relevant Central Government advice contained within PPS5.

LANDSCAPE DESIGN PROPOSALS

(5) Notwithstanding the submitted "Landscape Proposals Plan", no development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; details of the design, materials, finish and landscaping, including details (plan and elevation) of any proposed balustrading/boundary enclosure, siting, construction and design of the raised substation roof, pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant].

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SOFT LANDSCAPE WORKS

(6) Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the implementation programme].

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE MANAGEMENT PLAN

(7) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than the privately owned recessed lightwell, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE WORKS IMPLEMENTATION

(8) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

NOISE MITIGATION MEASURES

(9) Development of the additional apartment hereby approved shall not commence until details of the construction of all dividing walls between the new apartment bedroom / living areas and the lower ground floor kitchen and ground floor restaurant have been submitted to and agreed in writing with the Local Planning Authority. The submitted details shall include details of insulation and appropriate sound proffing/noise mitigation measures.

The agreed details shall be strictly adhered to during the course of development and thereafter be so retained and maintained.

Reason

To enable the Local Planning Authority to consider the detailed wall construction between the residential apartment and commercial restaurant in the interests of the residential amenity of the new apartment, in accordance with adopted Core Strategy Policy CS02, CS22 and CS34 together with Government advice contained in PPS23 and PPG24.

DETAILS OF MECHANICAL EXTRACT VENTILATION

(10) Prior to the installation of any mechanical extract ventilation system the applicant must provide the Local Planning Authority with plans and information in respect of the equipment, which must be approved for use by the Local Planning Authority in writing prior to the installation of any such equipment.

The information shall include details of methods to reduce or eliminate cooking smells and should include confirmation of any odour control methods proposed for use in conjunction with any proposed system, i.e., filtration systems, odour neutralising systems, etc.

The information shall also include details of methods to reduce any noise caused by the operation of any proposed ventilation system. The noise emanating from equipment (LAeqT) should not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the facade of the nearest residential property.

Reason

To protect the residential and general amenity of the area from noise and odour emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MACHINERY AND PLANT NOISE MITIGATION MEASURES

(11) Prior to the installation of any plant or machinery, such as an air conditioning system or refrigeration plant, the applicant must provide the Local Planning Authority with plans and information in respect of the equipment, which must be approved for use by the Local Planning Authority in writing prior to the installation of any such equipment.

The information shall include details of methods to reduce any noise caused by the operation of any proposed system and plant. The noise emanating from equipment (LAeqT) should not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the facade of the nearest residential property.

Reason

To protect the residential and general amenity of the area from noise emanating from the operation of any plant or machinery and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RESTAURANT HOURS OF OPERATION

(12) Unless otherwise previously agreed in writing with the Local Planning Authority, the commercial A3 use hereby permitted shall only be open to the public between the hours of Monday to Saturday 10.00 - 23.00 hrs and Sunday 12.00 - 22.30 hrs.

Reason

To protect the residential and general amenity of the area from noise emanating from the establishment, and from activities carried out in connection with it, and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMMERCIAL DELIVERIES AND REFUSE COLLECTION

(13) Deliveries to, and refuse collections from, the restaurant shall be restricted to the following times: -

Monday to Saturday - No deliveries or refuse collection between 6pm and 8am.

Sundays and Bank Holidays - No deliveries or refuse collection.

Reason

To protect the residential and general amenity of the area from noise and disturbance emanating from activities in connection with the establishment and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: CONDITIONS REITERATED

(1) The applicant/developer is advised that the conditions attached to and specified upon the Notice of Planning Permission No: 06/00711/FUL are still in force insofar as the same have not been discharged by the Local Planning Authority and must be complied with.

INFORMATIVE - EXCLUSION FROM RESIDENT'S PARKING SCHEME

(2) The applicant's attention is drawn to the fact that the new development will be excluded from the purchase of parking permits within the residents parking scheme in operation in the area which is currently at capacity. This includes business and visitor permits.

INFORMATIVE - RESTAURANT TOILET FACILITIES

(3) It is recommended that the applicant/ developer ensures that the restaurant toilet facilities are adequately ventilated to remove stale air and odour. A minimum of 15 air changes per hour should be achieved to protect users from an unhealthy environment.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: The impact on the appearance, character and setting of the listed building and Hoe Conservation Area, the impact on neighbouring properties and the impact on the highway network, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport
PPG24 - Planning and Noise
PPS1 - Delivering Sustainable Development
PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
CS18 - Plymouth's Green Space
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
PPS5 - Planning for the Historic Environment

