

PLANNING APPLICATION REPORT



ITEM: 11

Application Number: 11/00590/FUL

Applicant: Crisplane

Description of Application: Demolition of former public house and erection of 3/4 storey building containing 10 flats (Resubmission of previous scheme ref 07/01751/FUL granted on appeal)

Type of Application: Full Application

Site Address: THE MARQUIS OF GRANBY PUBLIC HOUSE 28 GRANBY STREET PLYMOUTH

Ward: Devonport

Valid Date of Application: 09/05/2011

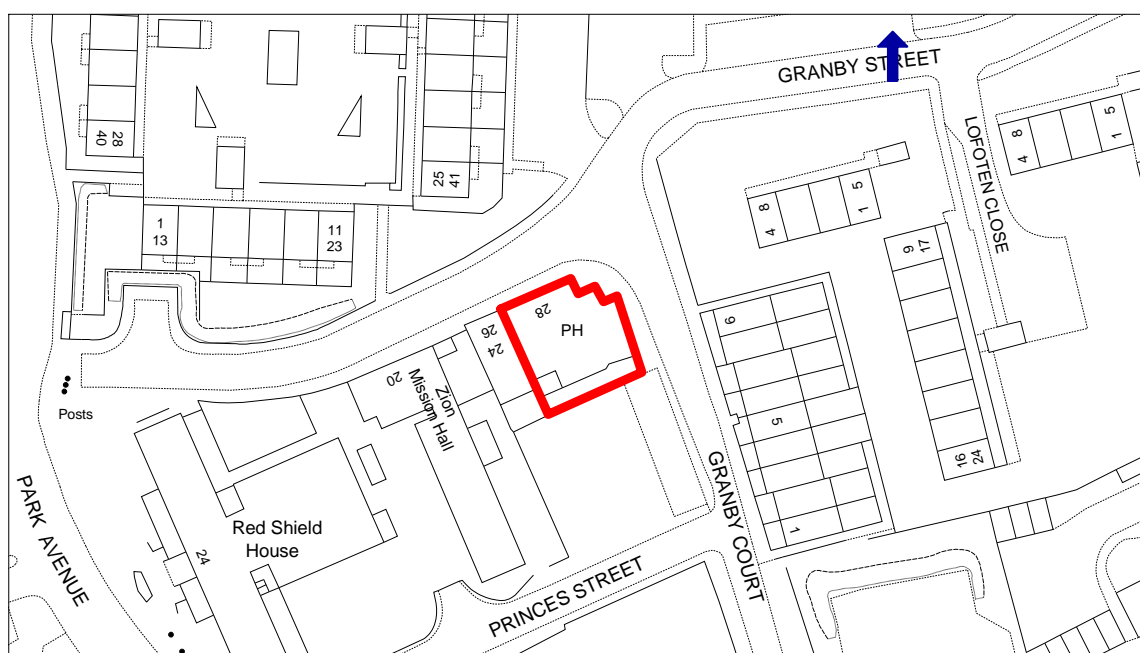
8/13 Week Date: **08/08/2011**

Decision Category: Major Application

Case Officer : Jeremy Guise

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 01 August 2011

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Site Description

The application site relates to a roughly square shaped piece of land, approximately 0.027ha in size, located on the corner of Granby Street and Granby Court. Currently it is occupied by the former 'Marquis of Granby' Public House, a flat roofed, brick building dating from the post war period, that is now in residential use.

Two storey residential property abuts the site immediately to the west, which has a small, secluded, rear courtyard/ garden.

The surrounding area is mixed in character comprising mostly of high density residential to the north and east; a former cinema (now used as a bingo hall) to the south and 'Red Shield House', Salvation Army hostel and annexe, to the west. A small public car park adjoins the site immediately to the south. Slightly further away, to the south west, is the South Yard Enclave redevelopment site now known as 'Vision'.

In the wider area the site is located within 5 minutes walk of the Marlborough Street District centre and Devonport Park and close to public transport links which run along Park Avenue, to the west, and Fore Street, to the south.

Proposal Description

A renewal of planning permission is sought to redevelop the public house to provide 10 flats (8x1 bed & 2x2bed) in a part three / part four storey, 'L' shaped block which wraps around the corner with a square 'turret' feature in the centre. The main entrance is shown in the north leading to a small lobby that provides access to: three flats on the ground, 1st and 2nd floor, and one flat on the 3rd floor. The flats have a similar internal arrangement which provides each with a combined kitchen/living room; bedroom and bathroom. The two 2 bed flats are on the southern wing on the first and second floors.

The application shows the 'red line' to include five parking spaces in the adjacent public car park (with appropriate notices served on the City Council as owner). This car park has capacity to accommodate 12 vehicles, and was formally part of the public house site. The applicants claim a right, resulting from a property transfer in 1993, to use the car park to the south.

Externally the elevations are shown as rendered with a horizontally banded plinth and cement fibre roof. Juliet balconies, eyebrow windows located partially in the roof

A Design Statement has been submitted with the application by the applicant's agent. It comments mainly upon the nature of the site, the parking arrangements in the surrounding area and the character of the proposed new building.

Relevant Planning History

Conditional planning permission granted under reference 03/00501 for change of use of the ground floor to a self contained flat 29th May 2003

Planning permission was submitted (ref. 07/00860) for the demolition of the public house and erection of 11 single bedroom flats. This application was recommended for refusal on grounds of: over-development; inappropriate dwelling mix and type; impact on neighbouring property; absence of parking and lack of information on sustainability. The application was WITHDRAWN.

An amended proposal was submitted under ref 07/01751/FUL for Demolition of public house and erection of a 3/4 storey building containing 10 flats. This was refused by Planning Committee on the following grounds:-

1. Inappropriate dwelling type and mix
 2. Overdevelopment
 3. Design & External appearance
 4. Insufficient commitment to sustainable resource use and renewable energy
- but subsequently appealed (ref AAP/N1160/A/08/207470) and granted conditional permission by the Planning Inspector on 27 August 2008.

Consultation Responses

Police Architectural liaison Officer

The Devon & Cornwall Constabulary are not opposed to the granting of planning permission.

Highway Authority

Note that this application is a renewal of an earlier application, 07/01751/FUL, which was allowed on appeal. The development of 10 flats already has consent so there are no objections to the renewal of the permission. In reaching a decision to allow the appeal the Inspector conditioned that the parking spaces, in the adjoining car park, should be made available for use before first occupation of the flats. This condition, and that of cycle storage, should be re-iterated within this latest proposal.

Public Protection Service

Seek the re-imposition of a condition requiring a Code of Construction Practice and comment as follows:-

Although land quality should have been a material consideration in this application due to the prevalent MOD land use within the area, including on the site itself. It is noted that the Planning Inspector chose not to take on board PPS's recommendations for the previous application. As there has been no change in legislation during this time, we are unable to require land quality assessments for the site. However, it is strongly recommend that the applicant is made aware that: the site is currently earmarked as a site for further consideration under Part IIA of the Environmental Protection Act 1990. The applicant is advised to carry out such assessment to determine the level of risk and remediation that may be required.

Representations

No letters of representation

Analysis

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

The key issues in this case are:-

- Principle redevelopment of the community building (policies CS15 and CS33 of the Core Strategy)

- The quality of residential environment proposed (policy CS32 and CS34 of the Core strategy)

- External appearance of the proposed new building and street scene (policy CS34 of the Core Strategy)

- Impact upon the amenities of neighbouring property (policy CS34 of the Core Strategy)

- Highway implications; parking and impact upon the surrounding road network (policy CS28 of the Core Strategy)

The principle of residential redevelopment

A public house can, in some locations, be considered as a community facility worthy of policy protection. However, in this case the principle of loss of the public house has already been established through previous permission ref.

03/00501 (see history) and the property is located within 5 minutes walk of other public houses in Marlborough Street to the west. The existing building is not of special architectural or historic merit and there is no objection, in principle, to the redevelopment of the site for residential purposes.

In broad terms, Objective 2, Improving Housing, of the Devonport Area Action Plan (AAP), seeks to redress the balance between houses and flats and between owned and rented in the area. The proposal contributes towards achieving a change in tenure mix, but would contribute towards a small net increase in the number of flats in the area. If repeated frequently across other sites within the area, this would cumulatively frustrate and undermine Objective 2. However, the number of additional flats resulting from this proposed development would be small (8) in relation to the overall housing stock in Devonport and they would be private sector, built to a modern standard. This would satisfy some, but not all, of the purposes behind objective 2. Given the constraints of this small corner site, and the unlikelihood of it being redeveloped to provide two, or at most three houses, it is, on balance, considered to be acceptable.

The density of the proposed development is quite high, approximately 370 units per hectare on this 0.027ha. site, but bears comparison with approvals granted at pottery Quay and Millbay. It is located close to shops, facilities and a proposed public transport hub.

Layout and quality of residential environment

The proposed internal arrangements are the main strength of the scheme. All the flats are shown with dual aspect and to be of adequate size and regular shape. The stacking rule is respected (kitchens above kitchens etc) and 2/3rds of the bedrooms are located on the quieter rear elevation.

At the density proposed, there is very limited scope for amenity space around the building. The balconies are 'Juliette' style that allows full height opening French doors, but provides no useable space.

There a requirement for the secure storage of five bicycles. This provision is shown provided in the rear courtyard. Conditions to require implementation before occupation and future retention are considered appropriate.

External appearance of the proposed new buildings and street scene

The proposed development is of a reasonable scale and massing for what is a fairly fragmented townscape. It has been designed in accordance with perimeter block patterns to compliment the existing street scene - set back behind railings from the edge of the pavement to provide a small area of 'defensible' space in front of bedrooms but otherwise follows the shape of the plot. The corner is emphasised by a slightly higher 'tower' feature and the north western wing steps down to two storeys where it abuts the existing two storey building, to the west. This responds to classic urban design guidance and is acceptable.

The massing of the proposed new building is shown stepping down to three storey element where it abuts numbers 24-26 Granby Street, to the west, which respects the scale of abutting neighbouring property.

Whilst the overall design is not considered to be outstanding, and is possibly more responsive to the internal arrangement requirements, it is nevertheless considered to be adequate and sufficient to meet the basic policy requirements of policy CS02.

The impact upon the amenities of neighbouring properties

Particular care always has to be taken when developing very high density schemes that they are compatible with neighbouring properties and do not give rise to an unacceptable impact upon their amenities.

Most windows are located on the proposed northern and eastern elevations facing towards the street. These, and the bedroom windows on the southern elevation, all face towards public areas and do not overlook the private areas of neighbouring property.

The western elevation, which faces towards the rear yards of neighbouring property is positioned within 6m of the boundary; but in this submission the windows serving habitable rooms have been positioned on the southern elevation, facing the car park and there will be no direct overlooking.

The height of the southern 'wing' of the building has been reduced by a storey since the previous permission. On balance the proposal, in its current form, is not considered to be over-dominant or too overbearing in relation to the amenities of neighbouring residential property

Access and highways

Five parking spaces are provided on land controlled by the applicants to the south of the site. This represents 50% parking standard that is considered sufficient by the highway authority in this inner city site, close to the district shopping centre and public transport.

Section 106 Obligations

A planning obligation is required to mitigate the impacts of the proposal. Impacts will arise in the following areas:

Local Infrastructure

Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is likely to be a deficiency of school places in the locality from 2012 given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £4,084.16

Local green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing local green space, most specifically through the need for green space improvements. The estimated cost of mitigating this impact is £2,952.74

Children's play space The estimated cost of mitigating this impact is £2,515.80

Strategic Infrastructure

Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council's has an obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £7,840.68

European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council's has an obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £185.26

Strategic transport. By reason of the increased population facilitated by the development and the increased demand for journeys, it will contribute to the cumulative impact of development on the city's strategic transport infrastructure.

This will bring the likelihood of increased congestion and pollution unless there is adequate mitigation. The estimated cost of mitigating this impact is £30,146

The following Heads of Terms are proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2011, to enable appropriate mitigation of the impacts identified above:

- a. Local schools tariff: £4,084.16, to be allocated to the provision of additional school places within the south west locality.*
- b. Local green space tariff: £2,952.74, to be allocated to the improvement of local green space.*
- c. Children's play: £2,515.80, to be allocated to the improvement of local play space.*
- d. Strategic green space tariff: £7,840.68 to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as identified in the Plymouth Green Infrastructure Delivery Plan.*
- e. European Marine Site tariff: £185.26, to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.*
- f. Strategic transport tariff: £30,146, to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan.*
- g. Planning Obligations Management Fee: £2.69 per sqm gross internal floor area to be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement. (awaiting confirmation from applicant of gross internal floor area).*

Therefore, to mitigate the impacts of the proposal, a total tariff contribution of £48,287.20 is required. In addition to this, the Planning Obligations Management Fee is required at £2.69 per sq.m. gross internal floor area, in order to meet the Council's costs in administering and monitoring the implementation of this Section 106 Agreement.

Equalities & Diversities issues

The Planning Inspector declined to impose a suggested 'Lifetime Homes' condition.

Conclusions

There have been small changes to the character of the area and the development plan in the last three years since planning permission was granted. Whilst none are sufficient to justify re-visiting the Planning Inspector's decision to grant conditional permission the introduction of the Planning Obligations and affordable housing SPD justifies a Section 106 legal agreement to offset the impact of the development. Subject to this being signed, it is considered that planning permission should be renewed.

Recommendation

In respect of the application dated **09/05/2011** and the submitted drawings CD888.LOC; CD 888 PL01 REV A & LOCATION REV A, Red lined application site to include parking in adjacent car park; CD888.PL.02; CD888.PL.03; CDL0701., it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 01 August 2011**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

Reason:

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

APPROVED PLAN NUMBERS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans CD888.LOC; CD 888 PL01A & LOCATION REV A, Red lined application site to include parking in adjacent car park; CD888.PL.02; CD888.PL.03; CDL0701.

Reason:

To ensure that the development accords strictly with the submitted plans hereby approved in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy.

PARKING PROVISION

(3) The parking spaces shown on drawing No CD888PL.01A shall be made available for use before the residential accommodation hereby permitted is first occupied and thereafter the parking spaces shall not be used for any other purpose than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(4) None of the residential units hereby permitted shall be occupied until space has been laid out within the site in accordance with drawing No CD888PL.01A for at least five bicycles to be parked. The secure cycle storage area shown in the drawing shall be retained for the storage of bicycles and shall not be used for any other purpose.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPING WORKS

(5) 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. Details of hard landscape works shall include means of enclosure/boundary treatments and hard surfacing materials. Details of soft landscape works shall include species of trees and shrubs, their sizes and positions.

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.

REFUSE STORAGE

(6) Prior to the commencement of development details of the refuse storage bins, as shown on drawing No CD888PL.01A, shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage bins shall be provided in accordance with the approved details prior to the first occupation of the development and retained and made available to the occupiers of the development hereafter.

Reason;

In order to ensure that adequate, safe and convenient refuse storage provision is provided and made available for use by future occupiers in accordance with Development Guidelines Supplementary Planning Document.

CODE OF PRACTICE

(7) Prior to the commencement of development, a Code of Practice shall be submitted to and approved in writing by the Local Planning Authority, which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the development. The Code of Practice shall include the hours of operation of construction activities; the excavations, drilling, piling, concrete production and dredging operation; sound attenuation measures to be taken to reduce the generation of dust; and the routes of construction traffic to and from the site, including any off-site routes for disposal of excavated material. At all stages of construction, development shall be carried out in accordance with the approved Code of Practice.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: CONTAMINATION

(1) The site is currently earmarked as a site for further consideration under Part IIA of the Environmental Protection Act 1990. The applicant is advised to carry out such assessment to determine the level of risk and remediation that may be required.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: principle of redevelopment of the community building, the quality of residential environment proposed, external appearance of the proposed new building and street scene, impact upon the amenities of neighbouring property, highway implications, parking and impact upon the surrounding road 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 (a) 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- PPS3 - Housing
- PPS1 - Delivering Sustainable Development
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPDI - Development Guidelines