

PLANNING APPLICATION REPORT



ITEM: 08

Application Number: I1/00757/LBC

Applicant: Draco Property Limited

Description of Application: Internal fit out including staff accommodation, wc facilities, freezer, fridge and storage areas, bar kitchen area, customer service counter, pizza oven and other works associated with A1 and A3 use

Type of Application: Listed Building

Site Address: I BREWHOUSE, ROYAL WILLIAM YARD PLYMOUTH

Ward: St Peter & The Waterfront

Valid Date of Application: 10/05/2011

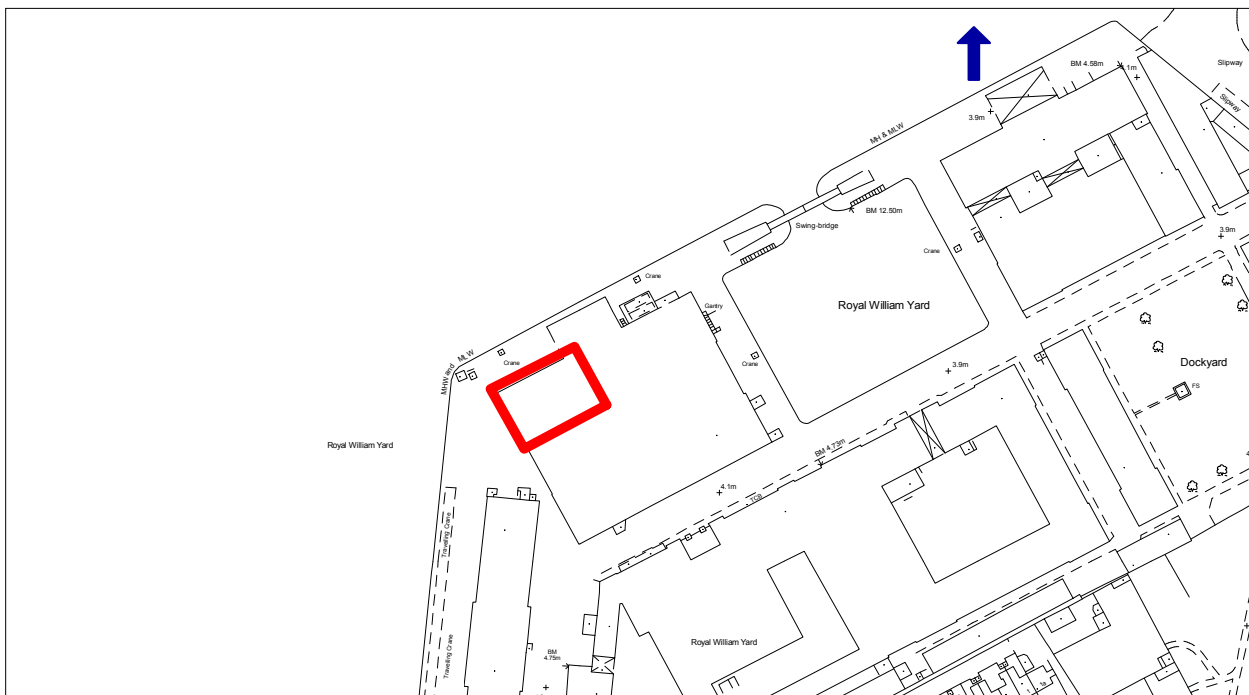
8/13 Week Date: **05/07/2011**

Decision Category: Member Referral

Case Officer : Mark Utting

Recommendation: Grant Conditionally

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Officer Report

This application has been referred to Committee by Councillor Chris Penberthy for three reasons:

- 1) The Royal William Yard has a complex history of planning applications**
- 2) It is unclear whether some areas of work being undertaken have planning permission covered by these previous applications or not**
- 3) The plans submitted include reference to a previous permission that does not appear to exist**

Site Description

I Brewhouse is within the Royal William Yard which is characterised by large Grade I Listed Buildings currently used as a mixed use development with residential, office accommodation, restaurants.

Proposal Description

An application for listed building consent for works comprising an internal fit out including staff accommodation, WC facilities, freezer, fridge and storage areas, bar, kitchen area, customer service counters, pizza oven and other works associated with A1 and A3 use.

Relevant Planning History

02/01684/FUL - Change of use, conversion and alterations to buildings to form 133 res units, change of use of parts of the ground floor of the Brewhouse to exhibition/arts facility and to retail/hot food units (Classes A1/A3)

02/01681/LBC - Works of conversion and alterations to form a show flat in the North Block, second floor

02/01682/LBC - Works of conversion and alterations (associated with change of use of buildings to 130 residential units and use of parts of ground floor of The Brewhouse to exhibition/arts facility and retail/hot food

02/01683/FUL - Change of use, conversion and alterations to buildings to form 130 residential units, change of use of parts of the ground floor of the Brewhouse to an exhibition/arts facility and to retail/hot food units (Classes A1/A3)

03/00270/FUL - Public realm works including street furniture, lighting and resurfacing works

03/00271/LBC - Public realm works including street furniture, lighting and resurfacing works (Granted Conditionally)

03/01469/ESR10 - 600 place car park (with environmental and traffic assessments covering all anticipated Yard development) at the Mound (Withdrawn)

11/00155/ADV - Application for consent to display advertisement for four public information points (current)

11/00158/LBC – Proposed signage (LBC not required)

11/00198/FUL - Installation of parking management system and car registration cameras and pay stations (Granted Conditionally)

Consultation Responses

English Heritage – Application should be determined in accordance with national and local policy.

Representations

47 Clarence – 10 Royal William Yard: Does not object in principle but thinks that licensing hours should be restricted as well amount of seating.

23 Mills Bakery – Objects to licensing and planning. Considers tables outside of River Cottage to cause a safety hazard and health hazard with continual noise and smoke. Concerned about noise levels.

Flat 72, 8 RWY – Objects to planning application on following grounds: seating (amount, location and concerned that seating will spoil the view). Considers the design of the glass panel opening out of character and will infringe of privacy. Concerns over noise, cigarette smoke and food smells. Concerns over lack of park.

4 Clarence – 10 RWY – Welcomes proposal in principle but concerns regarding: Noise and opening hours including concerns over seating.

56 Mills Bakery – Not opposed to application to establish deli but thinks the amount of seating should be restricted. Concerned with licensing, playing of live music and car parking.

26 Brewhouse – Welcomes the proposed restaurant but objects to: glass window into winter garden, loss of privacy including the belief that pedestrians should be directed around the outside of the east wing for access, where only commercial premises occupy the ground floor space. Concerns over outdoor seating and proposed opening hours (noise).

Flat 4 Brewhouse – concerned with licence, privacy, noise, views, security.

Flat 28 Brewhouse – objects to outdoor seating, design aspects including glass window to winter gardens, noise

Flat 65 Brewhouse – Welcomes River Cottage but concerned over licensing

Flat 35 Brewhouse – Objects to noise and late night licence.

Flat 65 8 RWY – Generally supportive but concerns over sound proofing, ventilation/odour, waste, licensing, smoking areas.

Councillor Chris Penberthy (Writes on behalf of the 3 Councillors for St Peter and the Waterfront ward) – Pleased that there are plans for River Cottage wish to object to elements of the current application: Sound proofing, extraction, installation of glazing between unit 1 and the winter garden in Brewhouse.

32 Brewhouse – Doesn't object in principle but concerned about: noise, odour, waste, privacy.

59 Brewhouse – Objects. Concerns include sound proofing, ventilation, access, no consultation has taken place, bbq area.

60 Brewhouse – River Cottage welcome in principle but concerned about licensing.

43 Brewhouse – Objects – noise, deliveries, licensing.

73 Brewhouse – Objects – outdoor seating, noise, cigarette smoke, glazed door.

52 Brewhouse – Objects – In principal.

Analysis

This application turns upon policy CS03 (Historic Environment) of the City of Plymouth Core Strategy and Planning Policy Statement 5 (Historic Environment). The main consideration is the impact on character of the listed building.

Objective 4 of the Area Action Plan is to develop a stunning and high quality waterfront, where the public can enjoy the water and facilities located along the water's edge. In addition proposal MS01 – Royal William Yard of the adopted Millbay and Stonehouse Area Action Plan sets out the need for the sensitive restoration and reuse of the Royal William Yard. In light of the highlighted policies, the proposed internal works are considered to be in keeping with the character of the listed building.

It is important to note that it is only the impact of any works on the character of the Listed Building which can influence the outcome of a Listed Building Consent. There are a number of issues which have been raised in Letters of Representation are these concerns are highlighted below:

Sound Insulation

The sound insulation is not considered to impact on the character of the listed building.

Extraction

The flue is not considered to impact on the character of the Listed Building.

Glazed area between Unit 1 and the Winter Garden in the Brewhouse

There is no proposal for a glazed area between Unit 1 and the Winter Garden. The plan does not show any works carried out on the subject door. This is evident by comparing the existing and proposed plans, which are the same.

Outdoor Seating

The concerns over seating should not affect the outcome of this application. Drawing no. 1120/002 (Existing Site Plan) outlines the existing seating demise. This is an area identified due to licensing agreements which permits outdoor seating. It is unlikely that planning permission for seating would be required, however this would depend on whether proposals for seating constituted 'development'. An area of seats outside the property, for example, with no physical attachments to the ground would be unlikely to need planning permission. Notwithstanding this information, external seating is not part of the application for Listed Building Consent, which includes internal works only.

There are additional points raised in Letters of Representation which are not relevant to this application for Listed Building Consent. It is important to note that this is not a planning application. Objections raised to the principle of a restaurant are not relevant because planning permission has already been granted for this use and the Royal William Yard has always been marketed as a mixed use development. Other issues raised, including licensing, noise including live music, food smell, waste, smoking, ventilation and security, cannot be considered in determining this application because a) they are all ready determined; b) they are subject to other applications such as licensing and the building regulations; or c) they do not relate to an application for listed building consent.

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.

Section 106 Obligations

N/A

Equalities & Diversities issues

None specific to this case

Conclusions

In conclusion, the proposed works to 1 Brewhouse are sensitive to the fabric of this historic building and listed building consent is therefore recommended to be granted, subject to conditions.

Recommendation

In respect of the application dated **10/05/2011** and the submitted drawings mwa-sk009 wood oven flue, 1120/100 rev G proposed ground floor, revised design and access statement, 1120/002 existing site plan, 1120/003 existing ground floor, 1120/001 existing site location plan, 1120/200 proposed sectional elevations, 1120/500 ground floor proposed floor finish, and accompanying design and access statement, it is recommended to: **Grant Conditionally**

Conditions

TIME LIMIT FOR COMMENCEMENT (LBC)

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

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: mwa-sk009 wood oven flue, 1120/100 rev G proposed ground floor, revised design and access statement, 1120/002 existing site plan (within red line only), 1120/003 existing ground floor, 1120/001 existing site location plan (within red line only), 1120/200 proposed sectional elevations, 1120/500 ground floor proposed floor finish.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ENTRANCE SCREEN AND DOORS

(3) No works shall commence until details of the proposed new glazed entrance screen and works to the entrance doors shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure appropriate design and quality that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the effect on the Listed Building, 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 works are acceptable and comply 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 (b) relevant Government Policy Statements and Government Circulars, as follows:

CS03 - Historic Environment

MS01 - Royal Williams Yard

PPS5 - Planning for the Historic Environment