

# PLANNING APPLICATION REPORT



**ITEM: 02**

**Application Number:** 11/01146/CAC

**Applicant:** Pier St Limited

**Description of Application:** Demolition of boundary wall and steps

**Type of Application:** Conservation Area

**Site Address:** FORMER TENNIS COURTS, HOE ROAD-PIER STREET  
PLYMOUTH

**Ward:** St Peter & The Waterfront

**Valid Date of Application:** 08/07/2011

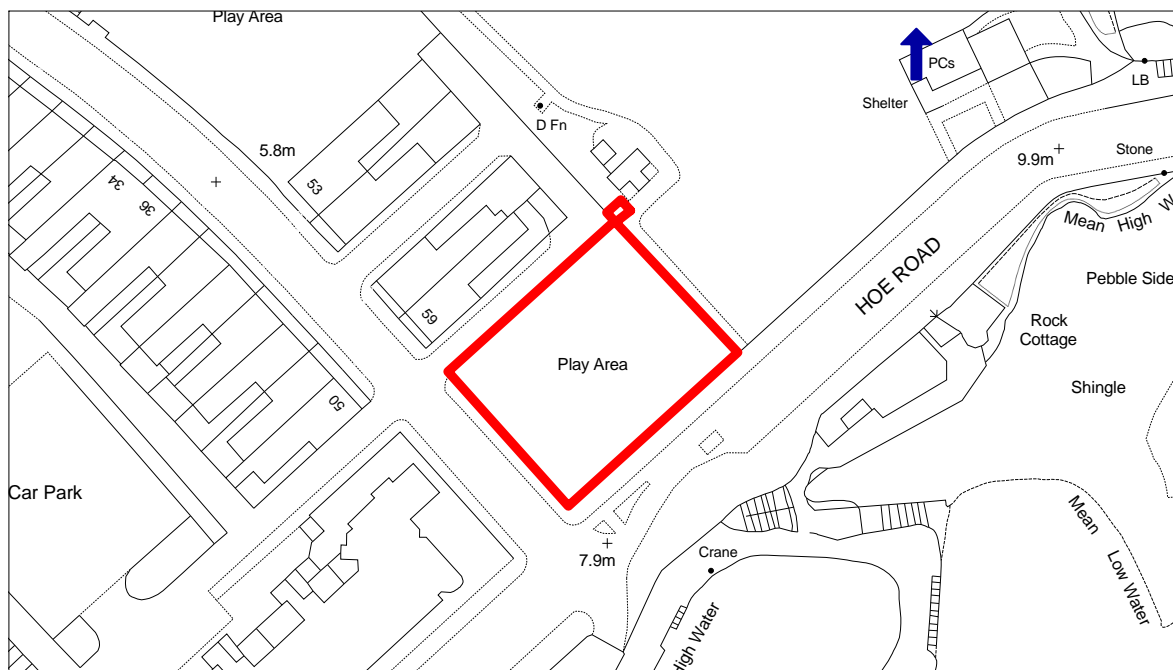
**8/13 Week Date:** **02/09/2011**

**Decision Category:** Member Referral

**Case Officer :** Mark Evans

**Recommendation:** Grant Conditionally

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This application is referred to Planning Committee by Councillor Tuffin on the basis that there is an associated planning application which is considered to have close links with this Conservation Area Consent proposal and the planning application is considered to be dependent on the outcome of this application.

### **Site Description**

The boundary walls abut Pier Street and an adjoining existing service road, and bound a site that occupies a prominent location on Hoe Road and abuts the south west corner of West Hoe Park. The site is bounded by Pier Street and Hoe Road at its south and south west edges and by a small access/service road on its northern edge on which there are a number of on-street car parking bays. The site is situated within the Hoe Conservation Area.

The steps to be removed provide a narrow stepped access onto West Hoe Park from the service lane. The adjacent West Hoe Park is a popular park for both locals and visitors for both its landscape qualities and the range of amusements it offers including a children's railway which bounds the site on its north eastern edge.

### **Proposal Description**

Demolition of boundary wall and steps.

### **Relevant Planning History**

11/01145/FUL – UNDECIDED

### **Consultation Responses**

#### **Highway Authority**

No objections.

### **Representations**

At the time of writing the Officer's report, 81 individual (non standard) letters of representation have been received. 132 letters have also been received of one "standard" format or another, containing identical points or duplicated letters. In addition to a single batch of 653 "standard" letters of objection which contain identical points and a petition of 6880 signatures. (Copies of all representations received are available for Member's inspection prior to Committee.)

Objections that relate largely to the proposed planning application for the redevelopment of the site have been summarised in the previous Officer's Report on planning application 11/01145/FUL. However, those that relate solely to this Conservation Area Consent application for the demolition of the wall and steps can be summarised as:

#### **Wall and Steps -**

- I. Objection to the removal of the wall and park steps which are part of the park and are not considered to be surplus to requirements, not owned by the developer and not in the site area edged red. Removing the steps to the park will take away the right of public access to the park from Pier Street. The replacement steps should be of a quality to match the cut and dressed stone of the existing.

## **Analysis**

Prior to application submission, detailed pre-application discussions took place with officers.

The application should be assessed primarily against adopted Local Development Framework Core Strategy. This report therefore has due regard to the following policy: CS03 (Historic Environment) and Area Vision 4.

Consideration should also be given to the National Planning Policy Framework Consultation Draft (Revised August 2011), PPS5 – Planning for the Historic Environment and draft Hoe Area Action Plan.

The key issue in this case is:

- 1) The impact of the demolition of the boundary wall and steps on the appearance and character of the Hoe Conservation Area. (Policies CS01 and CS02 of the Adopted Core Strategy)

### The impact of the demolition of the boundary wall and steps on the appearance and character of the Hoe Conservation Area. (Policies CS01 and CS02 of the Adopted Core Strategy)

The removal of the boundary wall and existing steps to the park off the Pier Street service lane in order to facilitate the redevelopment of the site is considered to safeguard the appearance, character and setting of the Hoe Conservation Area. The proposal will not have any significant adverse impact upon the setting of any listed building in the locality.

A condition is recommended to ensure that demolition does not take place before a contract for carrying out the works of redevelopment on the site has been made and submitted to and approved in writing by the Local Planning Authority, and planning permission has been granted for the redevelopment for which the contract provides.

A condition is recommended on the linked planning application to ensure that the new steps are constructed using high quality materials and that they are kept permanently open to the public.

On this basis, the application is considered to be acceptable and is fully supported by adopted Core Strategy Policy CS03 and Government guidance contained in PPS5.

## 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**

On basis that the development of the application site will provide improved, wider steps with handrail within the external development footprint, designed to modern ambulant disabled standards, there is considered to be a positive impact from an accessibility perspective.

### **Conclusions**

The removal of the boundary wall and existing steps to the park off the Pier Street service lane in order to facilitate the redevelopment of the site is considered to safeguard the appearance, character and setting of the Hoe Conservation Area. The proposal will not have any significant adverse impact upon the setting of any listed building in the locality.

The application is considered to be acceptable and is fully supported by adopted Core Strategy Policy CS03 and Government guidance contained in PPS5. Conditional approval is therefore recommended.

### **Recommendation**

In respect of the application dated **08/07/2011** and the submitted drawings 10123.L09.05, it is recommended to: **Grant Conditionally**

### **Conditions**

#### **DEVELOPMENT TO COMMENCE WITHIN 2 YEARS**

(1) The works hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

#### **Reason:**

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

#### **NO DEMOLITION BEFORE CONTRACT**

(2) Demolition shall not take place before a contract for carrying out the works of redevelopment on the site has been made and submitted to and approved in writing by the Local Planning Authority, and planning permission has been granted for the redevelopment for which the contract provides.

#### **Reason:**

In accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and PPS5, to ensure that demolition does not take place far in advance of redevelopment leaving an unsightly gap which would harm the character and appearance of this Conservation Area.

### **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 Conservation Area 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 (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 (b) relevant Government Policy Statements and Government Circulars, as follows:

CS03 - Historic Environment

CS01 - Sustainable Linked Communities

PPS5 - Planning for the Historic Environment

NPPF - Draft National Planning Policy Framework 2011