

This application is reported to the planning committee as a result of a request by Councillor Penberthy

Site Description

The site comprises part of the car park serving the Waterfront Restaurant, which is a listed building. The car park is set below the main road and above the listed basin harbour wall, to the east. Both the restaurant and basin wall are listed Grade 2.

Proposal Description

Change of use of part of pub car park and installation of associated vehicle for office and storage of bicycles for bicycle hire business. The vehicle proposed for the bike hire business is a modern, single decker bus decorated with 'Plymouth Bike Hire' logos. The bus is coloured predominantly red and black.

Pre-Application Enquiry

A pre-application enquiry was submitted for this scheme. While a formal response had not been made by the Planning Authority before the full application was submitted, the officer's informal view was that the scheme is acceptable in principle.

Relevant Planning History

05/01709/ADV - Illuminated name signs and menu signs – consent granted.

05/01708/LBC - Illuminated name signs and menu signs – consent granted.

02/01234/LBC - Internal alterations to extend kitchen – consent granted.

Consultation Responses

Plymouth Waterfront Partnership

Plymouth Waterfront Partnership (PWP) is keen to see existing businesses grow and new businesses created within the Waterfront area, in a bid to create new jobs and visitor sector growth. They comment that it's essential that a coherent approach is taken across the entire Waterfront and City Centre areas to ensure sustainability of businesses and enhanced visitor perceptions.

With the recent success of partnership working between PCC and PWP, winning £670,400 from the first round of the Coastal Communities Fund, the PWP is keen to see new cycle road networks and cycle hire facilities strategically designed to enable visitors to move more easily across the Waterfront and City Centre. With the development of the Commercial Wharf and Royal William Yard arches providing hubs for cycle hire facilities, the project will be encouraging private sector business owners to tender for the work.

In light of this, PWP would encourage the applicant to consider tendering for the arches to ensure a cohesive approach and strategically important business, supported by city-wide promotion.

Should PCC Planning Team grant approval for the Waterfront pub and restaurant site, then PWP would recommend that flexibility is ensured, enabling West Hoe Pier, site of Sir Francis Chichester's homecoming and recently receiving more than £700k

of PCC capital investment for repairs, and views of West Hoe Pier to be preserved, particularly during city sailing events.

Highway Authority

The Highway Authority has no objection to the proposal. It considers that the location of the proposed hire vehicle within the existing car park would make at least one of the spaces more difficult to access but not to the detriment of highway safety, and there would be no reduction in the overall number of spaces within the car park.

The vehicle would be required to make a reversing manoeuvre to access the site, unless the car park is empty which might permit turning within the site. However, the Highway Authority considers this would be relatively infrequent and would be similar to other movements made by existing service vehicles and is therefore not considered to be problematic.

Public Protection Service

No objections.

The Ministry of Defence's Defence Infrastructure Organisation

The MOD has no safeguarding objections to this proposal.

Representations

One letter has been received, which fully endorses the venture and states that the Hoe Conservation Society is also fully supportive of the scheme.

Analysis

1. 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.

2. The application turns on policies CS03 (historic environment), CS28 (transport considerations), CS30 (sport, recreation and children's play facilities) and CS34 (planning application considerations) of the Core Strategy, and the National Planning Policy Framework. The main issues are: the impact of the bike hire bus on the character and appearance of the Conservation Area; the setting of the listed Waterfront Restaurant and basin wall; and highway safety.

Impact on Conservation Area and listed buildings

3 The vision for the Hoe, as set out Area Vision 4 in the adopted Core Strategy, identifies the area surrounding the site as one where the historic townscape should be preserved and where new development is sensitive to its historic setting. The over-arching vision is to enhance the civic quality and focus of

the Hoe, including its foreshore and related spaces, promoting in particular its tourism, leisure and residential functions.

4 The Hoe Conservation Area Appraisal and Management Plan (HCAAMP) identifies the site as being within the Waterfront area – ‘the narrow stretch of rocky foreshore, containing a number of late 19th and 20th century bathing structures’. The Plan notes that there are views of the site from the south west. There are also longer views of the site from higher up on the Hoe. The waterfront area is identified as being in tourism/recreational use. The HCAAMP identifies the buildings in Grand Parade, to the west of the site, as making a positive contribution to the area.

5 With regard to the impact on the Conservation Area, the site is set below the main road level and whilst clearly visible from Grand Parade the bus does not stand out as a visually intrusive feature. By virtue of the change in levels and the existence of the Harbour Boundary Wall the bus would be visually separated from the harbour basin and would therefore provide a degree of separation from its waterfront setting.

6 There are longer views of the bus site, i.e. from the paths leading down from the Hoe Promenade but the size of the vehicle and its low level position relative to the street scene is such that its impact visually is considered by officers to be minimal in the context of the wide vista of the Hoe Conservation Area.

7 The basin wall is listed all the way up to the parapet wall that edges the car park. However, the degree of separation from the basin itself, which is at a lower level, is considered to reduce the impact of the bus on the setting of this listed structure. It is also considered that the bus is of a scale that does not visually dominate the basin or the Waterfront Restaurant, further down the slope from the car park.

8 While the bus’s appearance is clean and bright now, it could become tired looking especially in this maritime location. It is therefore considered appropriate to require by condition the ongoing maintenance of the bus to keep it looking up to standard.

9 The proposals are therefore considered by officers to be in accordance with policy CS03 of the Core Strategy.

Waterfront Partnership Considerations

10 As highlighted by the PWP above, uses such as bike hire are important to the ongoing role of the Hoe area to leisure and tourism. While it is recognised that a strategic approach to the provision of such facilities is important, the planning system is constrained from measures that would result in a stifling of competition for such businesses.

Highway Considerations

11 The proposals are not considered to result in frequent or dangerous manoeuvres on the highway and as such are considered to be acceptable from a highway safety point of view and are therefore in accordance with policy CS28.

12 The proposals are also in accordance with policy CS28 (6), which promotes cycling, including the development of a network of safe cycling routes.

Other Considerations

13 The proposed bike hire facility would encourage cycling as a form of recreation and would support the Waterfront area of the Hoe as a tourist resource. As such the proposals are considered to be in accordance with policies CS30 and Strategic Objective 8 of the Core Strategy.

Section 106 Obligations

None.

Equalities & Diversities issues

None.

Conclusions

The proposed bike hire bus is not considered to be harmful to the Hoe Conservation Area or the setting of the listed structures nearby and would support recreation and leisure uses that help to promote the tourism and recreational role of the Hoe area. On this basis it is recommended that permission be granted.

Recommendation

In respect of the application dated **07/02/2013** and the submitted drawings, 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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, site plan, and side, rear and roof elevations.

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.

MAINTENANCE MANAGEMENT PLAN

(3) The applicant shall within one month of the date of this permission submit for approval a plan detailing the ongoing management and maintenance of the bike hire bus including a schedule for cleaning and upgrading the livery.

Reason:

To ensure that the appearance of the vehicle does not degrade to the detriment of the character and appearance of the Conservation Area and the setting of the listed buildings nearby, in accordance with policy CS03 of the Core Strategy of Plymouth's Local Development Framework 2007.

OPERATIONAL MANAGEMENT PLAN

(4) The applicant shall within one month of the date of this permission submit for approval a plan detailing any proposals to display bikes and other equipment outside the bike hire bus. The plan shall be strictly adhered to.

Reason:

To ensure that the operation of the bike hire business does not harm the character and appearance of the Conservation Area and the setting of the listed buildings nearby, in accordance with policy CS03 of the Core Strategy of Plymouth's Local Development Framework 2007.

EXTERNAL APPEARANCE OF BUS

(5) The external appearance of the bus hereby permitted including the decorations and logos shall not be altered without the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that the appearance of the vehicle remains in keeping with the character and appearance of the Conservation Area and the setting of the listed buildings nearby, in accordance with policy CS03 of the Core Strategy of Plymouth's Local Development Framework 2007.

INFORMATIVE - SINGLE VEHICLE ONLY

(1) For the avoidance of doubt, the applicant is advised that this permission is for a single vehicle only as shown on the approved drawings.

INFORMATIVE - PROACTIVE WORKING

(2) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way [including pre-application discussions] and has imposed planning conditions to enable the grant of planning permission.

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 Conservation Area and listed buildings and highway safety, 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:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS03 - Historic Environment

CS12 - Cultural / Leisure Development Considerations

CS30 - Sport, Recreation and Children's Play Facilities

AV4 - The Hoe

SO8 - Delivering Cultural/Leisure Facilities

HCAAMP - Hoe Conservation Area Appraisal Management Plan