

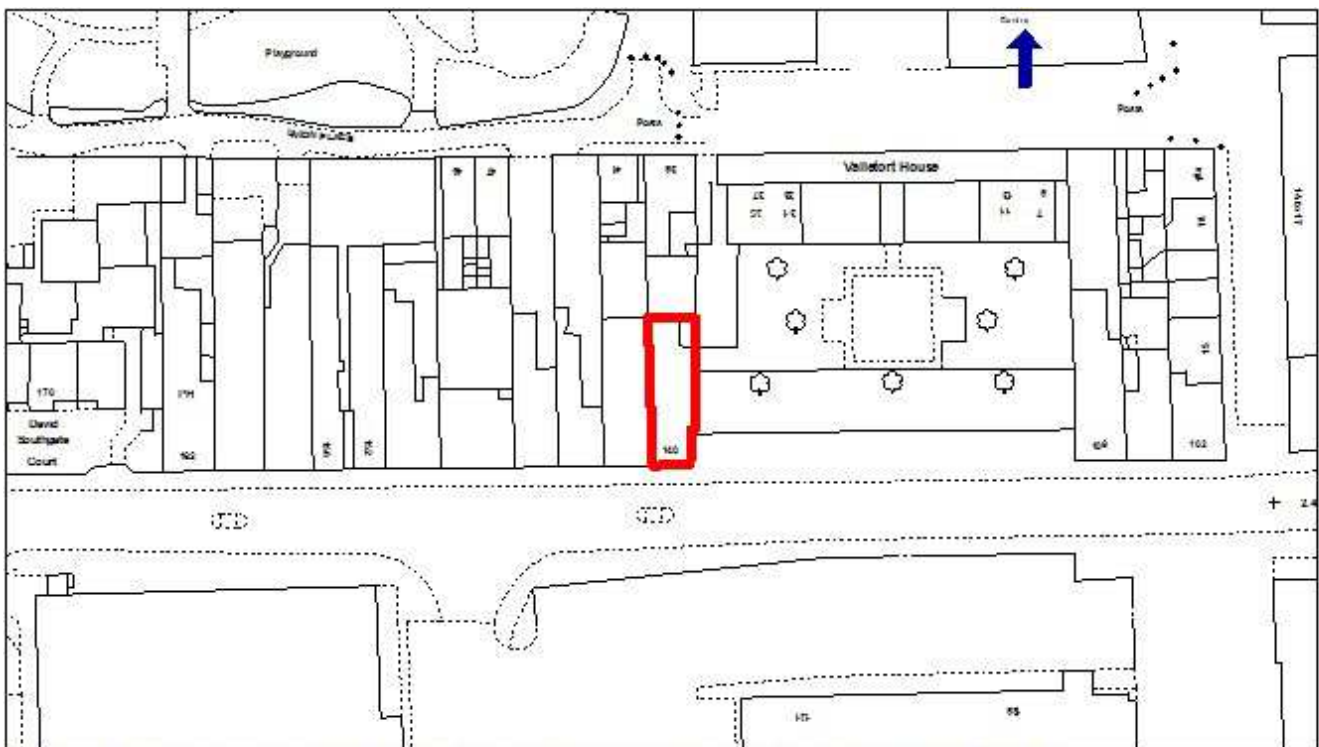
PLANNING APPLICATION REPORT



Application Number	14/00683/FUL	Item	04
Date Valid	11/04/2014	Ward	St Peter & The Waterfront

Site Address	140 UNION STREET PLYMOUTH		
Proposal	Change of use of first floor from BI (c) (light industrial) to C3 residential (1 dwelling)		
Applicant	Mr Roland Sloggett		
Application Type	Full Application		
Target Date	06/06/2014	Committee Date	Planning Committee: 15 May 2014
Decision Category	Member/PCC Employee		
Case Officer	Katie Beesley		
Recommendation	Grant Conditionally		

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This application has been referred to Planning Committee as the applicant is a Plymouth City Council employee.

1. Description of site

The application relates to a two-storey, end of terrace property which is located along Union Street. The site consists of a tailor's workshop (which falls under business use class B1) which is located at first-floor level and a tailors shop (which is retail use class A1) located at ground floor level. Residential uses are located to the north and east of the property and the property adjoins a terrace of three-storey buildings to the west. Union Street lies to the south of the property. The site lies within the Union Street Conservation Area.

2. Proposal description

The application proposes a change of use to the first-floor from B1 (light industrial) to one self-contained residential dwelling (use class C3). Some rearrangement to the layout of the ground-floor is also proposed in order to accommodate refuse storage for the dwelling.

3. Pre-application enquiry

None.

4. Relevant planning history

98/01228/FUL - External alterations and refurbishment of shop front – Granted Conditionally

14/00515/GPD – Application for prior approval for change of use from B1 to C3 – Prior Approval required but not given due to objection received from Highways Authority in relation to lack of parking provision.

5. Consultation responses

Public Protection Service – No objection

Highways Authority – Recommend refusal on the grounds of inadequate provision of car parking contrary to Policy CS28 and CS34 of the Core Strategy.

Environment Agency – No objection

6. Representations

None.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

In addition to the Framework, the following Adopted Supplementary Planning Documents (SPD) are also material considerations to the determination of the application:

- The Development Guidelines SPD First Review

8. Analysis

1. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007 which is considered to be compliant with National Planning Policy Framework guidance.
2. The key planning considerations in respect of this application include the principle of the development, impact on the conservation area, impact of the residential amenity for the future occupiers and the neighbouring properties, refuse storage and off-street parking.
3. The application specifically turns upon policy CS03 (Historic Environment), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the Core Strategy, Policy MS08 of the Millbay and Stonehouse Area Action Plan as well as the Development Guidelines SPD First Review.

Principle of the development

4. The property to which this proposal relates is located along Union Street which is a key route into the City Centre and contains a mix of uses. Policy MS08 provides the policy context for the consideration of future development proposal in this area. Policy MS08 states that 'the role of Union Street will be promoted as an urban street connecting the west of the city and linking the communities of north and south of Stonehouse. It will provide a mix of uses along its length, with high quality building design and associated public realm improvements'. The policy goes on to identify Union Street as having distinct elements where different considerations will apply to development proposals. In the case of this proposal, the relevant section of Policy MS08 relates to development proposals between the Palace Theatre and the Stonehouse Bridge which seeks to encourage a range of uses, including residential, and supports the preservation, viability and vitality of the existing local centre. Having due regard to policy MS08 of the Millbay and Stonehouse AAP, it is the opinion of officers that no concerns are raised in relation the principle of the change of use and therefore the proposal does not conflict with the objectives of Policy MS08.

Impact on the Conservation Area

5. As the site is located in the Union Street Conservation Area, consideration has been given to any impact the proposal may have on the historic environment. No changes are proposed to the existing external visual appearance of the building, with the exception of the existing windows at first-floor level on the south and north elevation of the property, which are to be replaced. The proposal has been incorporated into the original footprint of the building without the need for any extensions and therefore officers consider that it respects the scale and character of the overall building. A condition is recommended which requires details of the new window joinery to be submitted to, and approved in writing by, the Local Planning Authority to ensure appropriateness and that the proposal does not conflict with Policy CS03.
6. For the reasons set out above, no concerns are raised in respect of any impact on the conservation area and the proposal is therefore considered to comply with Policy CS03 (Historic Environment) of the Core Strategy and the NPPF.

Residential Amenity

7. The application has been assessed to consider the impact of the proposal on the residential amenity of future occupiers. The proposed flat would be accessed from the ground-floor main hall passage which has a separate staircase, linking to the first-floor level. Overall, the layout of the proposed flat means that it will be separated into two main rooms: the first being a living area with a kitchenette (which measures 5m x 4.5m) and then a separate bedroom with a small ensuite/shower-room (which also measures 5m x 4.5m).
8. Both of the main rooms within the flat will have adequate levels of natural daylight as the existing windows are to remain, with the frames to be replaced from uPVC to timber. Overall, the proposal would result in a compact residential flat which in the opinion of officers does not raise any concerns in respect of occupier amenity and is considered to be compliant with Policy CS34 of the Core Strategy, the Development Guidelines SPD and the NPPF.
9. The application has also been assessed to consider the impact on the residential amenity of the neighbouring properties. The proposal makes use of existing windows located at first-floor level, on the south and east elevations. No additional windows are proposed and therefore, it is the opinion of officers that the proposal would be highly unlikely to cause new disturbance or overlooking of any nearby properties as a result of the change of use.
10. For the reasons set out above, the proposal raises no concerns in respect of occupier amenity or neighbouring amenity and is therefore considered to be compliant with Policy CS34 of the Core Strategy, the Development Guidelines SPD and the NPPF.

Refuse Storage

11. The application proposes to deliver a refuse storage cupboard on the ground floor which will be accessed from the main hall passage. The cupboard will be created by using some of the existing floorspace of the retail unit on the ground floor and will be mechanically ventilated, providing sufficient storage for both recyclable and non-recyclable waste. The application raises no concerns in respect refuse storage and is considered to be compliant with Policy CS34 of the Core Strategy, the Development Guidelines SPD and the National Planning Policy Framework.

Cycle Parking Provision

12. The Development Guidelines SPD sets out the minimum requirements for cycle parking provision for new residential dwellings. In this instance, the applicant is required to provide a minimum of one cycle parking space which should be secure and under cover. The applicant has addressed this standard by providing two cycle parking spaces to be accommodated within the main hall passage in a cupboard under the staircase. Therefore, in relation to cycle parking provision, the application is considered to comply with Policy CS28 of the Core Strategy, the Development Guidelines SPD and the NPPF.

Off-street Car Parking

13. It is noted by officers that the proposal was previously the subject of an application for prior approval, in order to accord with the condition as set out in Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. Due to objections from the Highways Authority, prior approval was not given and the proposal was subsequently submitted as part of this formal planning application.
14. The Local Highways Authority has objected to the proposal on the grounds of non-provision of off-street car parking. Concerns from the Highways Authority relate to the fact that the proposal is located within a controlled parking zone, which operates between the hours of 11.00-15.00 Monday to Sunday. In accordance with policy, an intensification in use of a property, which would be the case with this proposal, would result in the property being excluded from obtaining permits and visitor tickets for use within the scheme. As a result of this exclusion from obtaining permits, Highway Authority officers have referred to the Development Guidelines SPD and have concluded that the application should be refused for failure to comply with policy on the grounds of non-provision of off-street car parking.
15. It is the opinion of officers that, notwithstanding the objection from the Local Highway Authority, the lack of parking should not warrant a reason for refusal for the following reasons:
16. The parking standards set out in the Development Guidelines SPD are for guidance purposes and refer to 'maximum' standards, which means that a one bedroom dwelling is required to deliver a maximum of one parking space. However, given that the proposal is located in a highly accessible location, adjacent to the city centre, is located on a key public transport route, has provided for cycle storage and is for a compact one-bedroom dwelling, it is officers' view that the proposal would not give rise to such significant harm to the local area to warrant refusal. The application has been assessed on its own merits and, on balance; it is the opinion of officers that the application should be approved conditionally.
17. For the reasons set out above, in respect of impact on transport and highways, the application is considered to be compliant with Policy CS28 and CS34 of the Core Strategy and also accords with the National Planning Policy Framework.

9. Human Rights

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.

10. Local Finance Considerations

This development will generate a total of approximately £5,757 in New Homes Bonus contributions for the authority.

An informative has been applied to this application which indicates that the proposed developed has been assessed by the Local Planning Authority as not being liable for CIL contributions.

10a. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Due to the scale of the proposal, the application falls below the threshold for planning obligations.

11. Equalities and Diversities

The application raises no concerns in respect of equality and diversity issues and is considered to accord with Policy CS34 of the Core Strategy and the NPPF.

12. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically policies CS03, CS28 and CS34 of the Core Strategy, Policy MS08 of the Millbay and Stonehouse Area Action Plan and the Development Guidelines SPD.

13. Recommendation

In respect of the application dated **11/04/2014** and the submitted drawings Location Plan 45-6415-01 (26/02/2014), Existing Floor Plans 45-6415-02 (26/02/2014), Proposed Floor Plans 45-6415-03 Rev A (26/02/2014), it is recommended to: **Grant Conditionally**

14. Conditions

Pre-commencement Conditions

CYCLE PROVISION

(1) The dwelling shall not be occupied until space has been laid out within the site in accordance with the following drawing: Proposed Floor Plans 45-6415-03 (26/02/2014) for two bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

JOINERY DETAILS

(2) No works shall commence on any new or replacement doors or windows until details of all new door and window joinery has been submitted to, and approved in writing by, the Local Planning Authority. All works shall be carried out in strict accordance with the agreed details.

Reason: To ensure the appropriateness of the proposed works and that these do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

Other Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(3) 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

(4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 45-6415-01 (26/02/2014), Existing Floor Plans 45-6415-02 (26/02/2014), Proposed Floor Plans 45-6415-03 Rev A (26/02/2014)

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL

(1) 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 and has imposed planning conditions to enable the grant of planning permission.

INFORMATIVE: DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see www.plymouth.gov.uk/cil for guidance. Index-linking may also apply.

INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

(3) The applicant should be made aware that the property lies within a resident parking permit scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.