

PLANNING APPLICATION REPORT



Application Number	14/01656/FUL	Item	6.5
Date Valid	08/09/2014	Ward	Drake

Site Address	1 AMITY PLACE PLYMOUTH		
Proposal	Conversion of public house to three residential apartments, extension to rear and construction of dormers		
Applicant	Mr Daniel Fellows		
Application Type	Full Application		
Target Date	03/11/2014	Committee Date	Planning Committee: 09 October 2014
Decision Category	Assistant Director and Member Referral		
Case Officer	Rebecca Boyde		
Recommendation	Grant Conditionally		

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The planning application has been referred to Planning Committee by Councillor Ricketts. The Assistant Director of Strategic Planning and Infrastructure has also referred the application because there are probity issues relating to the applicants advisor.

1. Description of site

The premise is an end of terrace property at the junction of Amity Place and Armada Street, North Hill and was previously used as a public house with a two bedroom flat on its first and second floor.

2. Proposal description

Conversion of public house to three residential apartments, extension to rear and construction of dormers

3. Pre-application enquiry

13/02095/MIN- The loss of a Public House was a concern however the proposed residential element was not considered to be detrimental given that the area is predominantly residential

4. Relevant planning history

None

5. Consultation responses

Local Highway Authority recommends approval subject to conditions

Public Protection Service recommends approval

CAMRA- No response received to date

6. Representations

Consultations end 7th October

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 are also material considerations to the determination of the application:

- Development Guidelines SPD 1st 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 CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with the National Planning Policy Framework and National Planning Policy Guidance.

(2) The proposal is for the conversion of a public house to three apartments, extension to rear tenement, construction of roof dormer and roof lights and construction of low level boundary screening to the front of the property.

(3) Access will be via a lobby entrance located on the south elevation. At ground floor and second floor there will be two bedroom self-contained flats. The first floor will accommodate a one bedroom self-contained flat. The Supplementary Planning Document (SPD) states that all habitable rooms should receive adequate amounts of natural daylight and be of a minimum size to accommodate standard sized furniture for its occupants. It is considered that the proposal complies with this guidance as each room is served by a large window and will accommodate standard sized furniture.

(4) The SPD also states that where possible "stacking" principles should be adhered to with living rooms above living and bedrooms above bedrooms. This proposal complies with this principle and is therefore officers consider it acceptable in terms of layout. It should be noted that the SPD states that each occupier should have adequate access to amenity space. The proposal does not supply any amenity space and therefore does not comply with minimum standards; however the dwellings will be within close proximity to the Hoe and the waterfront. It is therefore deemed acceptable in terms of amenity space.

(5)The development works include the addition of an extension to the top floor of the rear tenement, a new dormer window and roof lights. It is not considered that the extension will have a detrimental impact upon the character of the area as the material mimics that of the existing unit. In terms of impact upon privacy and the insertion of the new dormer with windows it is not considered that there will be a negative impact.

(6)The new low level boundary screen to the front terrace will accommodate refuse bins and will therefore keep the bins out of sight and Amity Place and the highway. This is a welcomed addition to the design.

(7)At the time of the site visit, the property was boarded up. The building is situated within a predominantly residential area and the existing A4 use class could be seen to create conflict with neighbouring occupiers. In this context, officers do not consider the change of use will have a negative impact. The intensity of use as three flats is likely to be less than its use as a pub and given the upper floors are likely to have been used for residential purposes in the past, officers consider that no significant impact on neighbouring residential amenity is likely to result from the proposed change of use.

(8)The property that is the subject of this application has been designated an Asset of Community Value and was placed on the Council's list on 4 February 2013. The officers view is that an asset of community value(ACV) is capable of being treated as a material planning consideration because an ACV listing reasonably demonstrates that there is a local demand for community facilities within the locality and in particular a demand that those facilities should be provided on the site in question.

(9) The applicant has supplied evidence highlighting that there are approximately in excess of 10 bars and pubs within a 5 to 10 minute walk of the site.

(10) In this particular application little weight is being given to the ACV designation as there is little prospect of any community use being reinstated on the site. It is considered that the loss of the community use of a public house on this site is not sufficient enough to refuse the application.

Transport

(11) In line with our previous advice, which indicated that due to the sites location within a Resident's Permit Zone no parking provision would be required, the Local Highway Authority has no objection to the current application. The applicant should however note, that as the Residents Parking Zone in this area is oversubscribed the three apartments would be excluded from obtaining permits and purchasing visitors tickets for use within the scheme.

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

The provisional Community Infrastructure Levy liability (CIL) for this development £285.67 (index-linking applied, but subject to change before final liability confirmed).

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked. The applicant 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.

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £17,268 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

11. Planning Obligations

Not applicable

12. Equalities and Diversities

Not applicable

13. 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 policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework and National Planning Policy Guidance.

13. Recommendation

In respect of the application dated **08/09/2014** and the submitted drawings site location plan, DBD0719/01, DBD0719/05, Block plan, it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, DBD0719/01, DBD0719/05, Block plan

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.

HOURS OF CONSTRUCTION

(3) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 of Plymouth City Council's Local Development Framework.

Informatives

INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

(1) 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.

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(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.

INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(3)The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.