

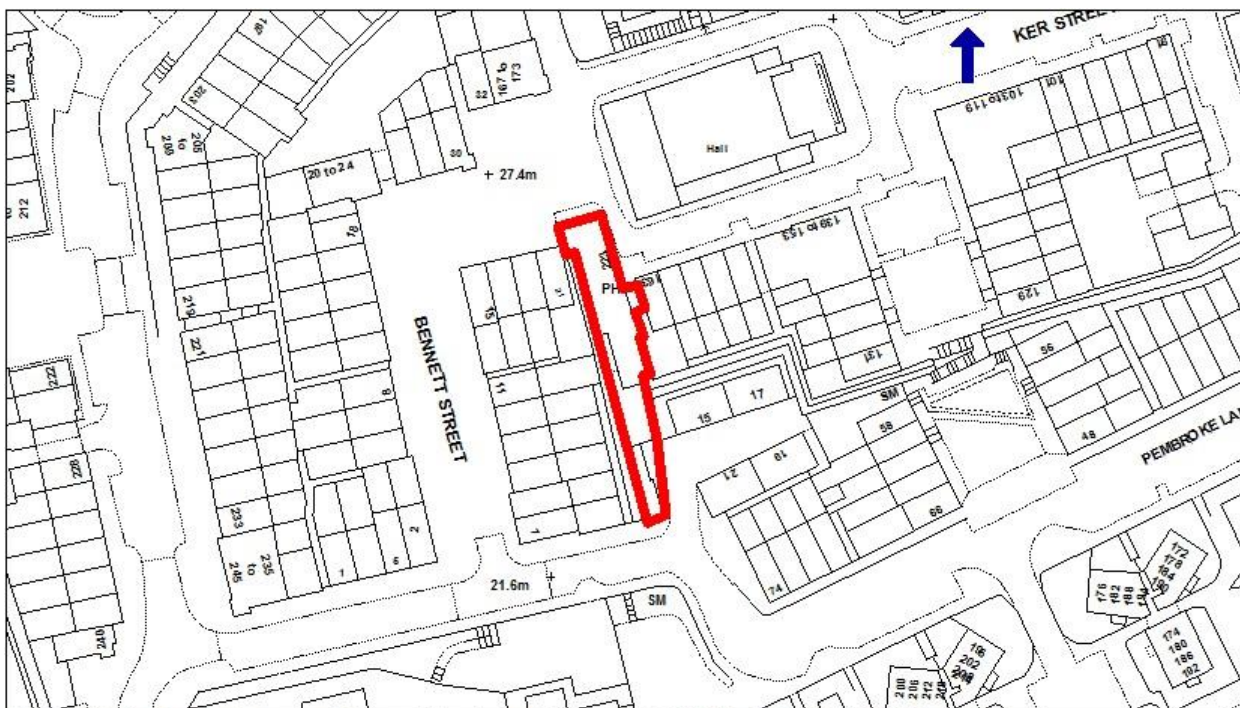
PLANNING APPLICATION REPORT



Application Number	16/00995/LBC	Item	03
Date Valid	26/05/2016	Ward	Devonport

Site Address	CROWN AND COLUMN, 223 KER STREET PLYMOUTH		
Proposal	Change of use, conversion and alteration of Public House and ancillary residential accommodation to 6 flats & associated car parking		
Applicant	Mr Phil Rump		
Application Type	Listed Building		
Target Date	21/07/2016	Committee Date	Planning Committee: 01 September 2016
Decision Category	Member Referral		
Case Officer	Jon Fox		
Recommendation	Grant Conditionally		

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This application has been referred to the planning committee by Councillor Bill Stevens

1. Description of site

The site comprises the vacant and disused Crown and Column public house, which is situated in the Devonport Conservation Area and listed Grade 2. The site is long and relatively slender and is sandwiched on the east and west sides by relatively new residential development in Bennett Street, Mount Street and Ker Street. The public house is four storeys high at the front, Ker Street, end of the site, dropping down to two storeys, then one, as the site slopes down from north to south. There is a raised beer garden at the rear of the building, and a slender garden beyond that, which is separated from a small landscaped part of the site by an old wall.

The grade II listed Crown and Column Public House was designed as a public House by Foulston, the eminent architect, in association with the planned Civic Square for Devonport in the early 19th century. This design group of an eclectic mix of architectural styles consisted of the grade I listed Devonport Guildhall (in a Greek style), grade I listed Devonport Column (in a Roman style), the grade I listed Mechanics Institute (now known as Oddfellows Hall) (in Egyptian style), and the long time ago demolished chapel (in a Hindu style).

2. Proposal description

Change of use, conversion and alteration of Public House and ancillary residential accommodation to 6 flats & associated car parking.

3. Pre-application enquiry

None.

4. Relevant planning history

15/01500/FUL - Change of use, extensions, and conversion of public house and ancillary residential accommodation to seven flats and associated car parking. This application was withdrawn.

15/01502/LBC - Change of use, extensions and conversion of public house and ancillary residential accommodation to seven flats and associated car parking. This application was withdrawn.

5. Consultation responses

Historic Environment Officer

Has no objection to the proposed works to the listed building. However, various items are recommended for improvement, i.e. finishing the proposed steps on the western side of the site in a better material than concrete.

Historic England

Historic England was not consulted on this occasion. They were consulted in respect of the previous LBC application and their concern then was that the proposals resulted in the loss of a

public house of communal value. They concluded that the harm was less than substantial and left the final decision to the Local Planning Authority.

6. Representations

One letter is registered with this application, which raises parking and privacy issues that have been included in the officer's report relating the concurrent application for planning permission, 16/00994/FUL.

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 Planning (Listed Building and Conservation Areas) Act 1990 relates specifically to this proposal, which includes works to the listed building and a change to its use.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). *In the case of this application, it also comprises the Devonport Area Action Plan.*

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*

8. Analysis

8.1 This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. The relevant development plan policy is CS03 (historic environment).

Is the development acceptable in principle?

8.2 The demise of the pub is regrettable, especially as it was designed as a public house by the eminent architect, Foulston, as part of the Civic Square. However, it is understandable those times have changed and that there is not sufficient demand for a traditional pub to sustain one in this area. That is not to say that the premises couldn't, in theory, be remodelled to sell food as well as beer. However, the pub appears to be subsumed by all the recent residential redevelopment and has arguably lost its way to the point where perhaps it is better off being preserved by way of the proposed change of use.

8.3 On this issue it is noted that in the Devonport Conservation Area Assessment and Management Plan the pub building is identified as being a local building at risk/vacant building. On balance it is considered that the proposals are in accordance with policy CS01 (sustainable linked communities). Further analysis of the loss of the pub is made in the concurrent planning application, 16/00994, which concludes that the proposed change of use is acceptable.

8.4 The proposed works to the listed building, required to turn the building into six units of accommodation, are not considered to be harmful to the character of the building or its fabric. The main new build element of the proposals is the raising of the mono-pitch roof. These works are to the rear where there is a flat roof. On the front elevation a blocked up window would be reopened with the provision of a traditional multi-paned window, and the existing modern window, above, would be replaced with a traditional-looking nine-pane casement window, all of which would actually improve the appearance of the building. On the whole the proposed works could be seen as enhancing the overall character and appearance of the building.

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

Not relevant.

11. Planning Obligations

Not relevant.

12. Equalities and Diversities

Not relevant.

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 policy and national guidance and specifically does not harm the character and appearance of the listed building and as such there is no conflict with policy CS03 of the Core Strategy of Plymouth's Local Development Framework. It is therefore recommended that listed building consent be granted.

14. Recommendation

In respect of the application dated **26/05/2016** and the submitted drawings 01 (site survey), 001 (site block plan), 004 (existing floor plans), 006 (existing elevations), 008 (existing and proposed sections - as amended by 005/F and 007/D), 03 (existing context block plan), 001 I/A (demolition floor plans - as amended by 005/F and 007/D), 005/F (proposed floor plans), 007/D (proposed elevations), 012 (significance elevations), 012 (significance plans) and door and moulding detail, it is recommended to: **Grant Conditionally**

15. Conditions

CONDITION: TIME LIMIT FOR COMMENCEMENT (LBC)

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

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 and in accordance with Core Strategy Objective 10(8) (Delivering Adequate Housing Supply) and Plymouth Plan Policy 46.

CONDITION: APPROVED PLANS (LISTED BUILDING CONSENT)

(2) The works hereby permitted shall be carried out in accordance with the following approved plans: 01 (site survey), 001 (site block plan), 004 (existing floor plans), 006 (existing elevations), 008 (existing and proposed sections - as amended by 005/F and 007/D), 03 (existing context block plan), 001 I/A (demolition floor plans - as amended by 005/F and 007/D), 005/F (proposed floor plans dated August 2016), 007/D (proposed elevations), 012 (significance elevations), 012 (significance plans) and door and moulding detail

Reason:

In order to preserve the building or its setting or any features of special architectural or historic interest which it possesses in accordance with sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with advice set out in paragraphs 132 - 134 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: WINDOW DETAILS

(3) No works shall take place until details of the proposed windows where not in the contemporary part e.g. Flat 4 west facing and north frontage have been submitted to and approved in writing by the Local Planning Authority. The new windows shall be traditionally constructed in painted timber single glazed with glass fixed using putty (not beading). Opening lights shall be side hung and flush with the frame. The works shall be carried out strictly in accordance with the approved details.

Reason:

In order to preserve the building or its setting or any features of special architectural or historic interest which it possesses in accordance with sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with advice set out in paragraphs 132 - 134 of the National Planning Policy Framework 2012.

Justification for pre-commencement: To ensure that the historic value of the listed building is not comprised

PRE-COMMENCEMENT: DETAILED WORKS

(4) No works shall take place until full details of the following aspects of the works 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:

- Extent of cornice repairs.
- Generally throughout mechanical extractors routes and exits, and other services e.g. boilers and flues.
- The new block wall with adjacent gate (which should be rendered and painted and with a good quality coping).
- The type and material of pavours to the hardstanding.
- The finish to the new flight of external steps on the west side of the site (which should be finished with good quality materials as the quality of the development should enhance the Conservation Area).
- The external handrail, although not shown, (which should also be of high quality).

Reason:

In order to preserve the building or its setting or any features of special architectural or historic interest which it possesses in accordance with sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with advice set out in paragraphs 132 - 134 of the National Planning Policy Framework 2012.

Justification for pre-commencement: To ensure that the historic value of the listed building is not comprised

Other Conditions

CONDITION: ROOF COVERING

(5) Any new or replacement roof covering shall be clad using natural slate, fixed with nails, not clips. A sample of the slate shall be submitted to and approved in writing by the Local Planning Authority before any works commence.

Reason:

In order to preserve the building or its setting or any features of special architectural or historic interest which it possesses in accordance with sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with advice set out in paragraphs 132 - 134 of the National Planning Policy Framework 2012.

Justification for pre-commencement: To ensure that the historic value of the listed building is not comprised

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(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 conditions to enable the grant of listed building consent.