

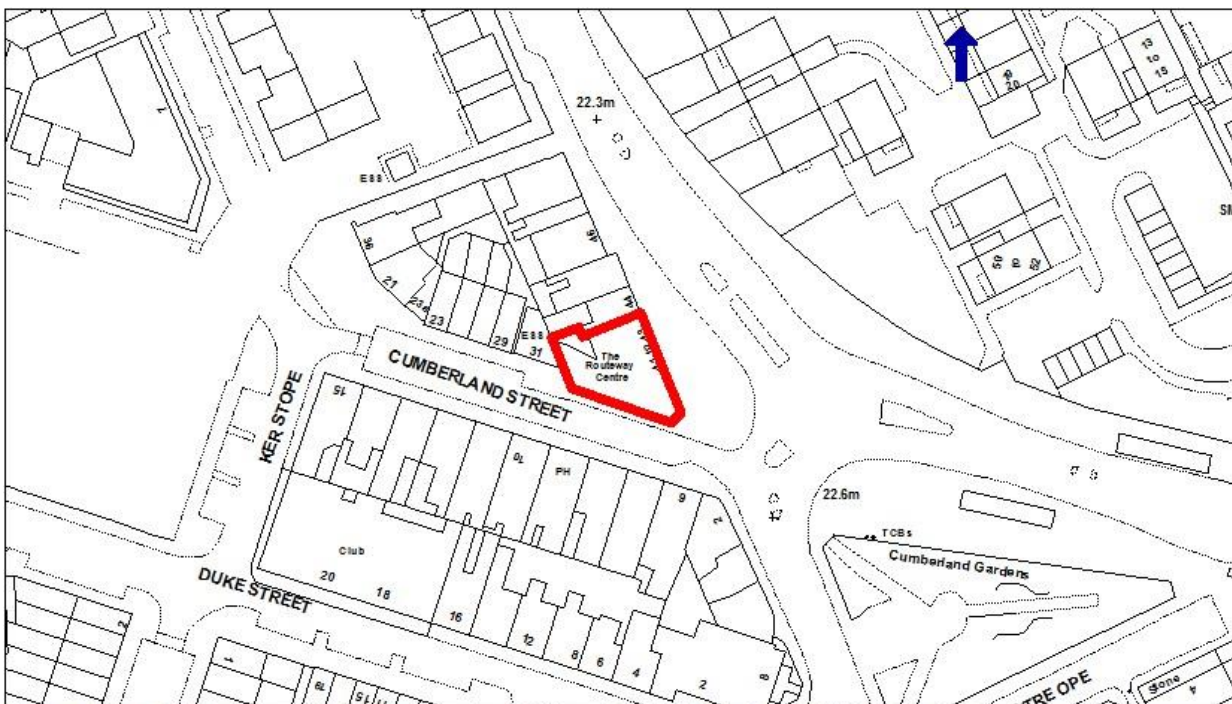
# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/01212/FUL	<b>Item</b>	04
<b>Date Valid</b>	19/07/2016	<b>Ward</b>	Devonport

<b>Site Address</b>	41-43 CHAPEL STREET DEVONPORT PLYMOUTH		
<b>Proposal</b>	Conversion of former hotel to provide 10no residential units and café (Class A3) at ground floor		
<b>Applicant</b>	Direct Property Services		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>18/10/2016</b>	<b>Committee Date</b>	<b>Planning Committee: 01 September 2016</b>
<b>Decision Category</b>	Assistant Director of Strategic Planning and Infrastructure Referral		
<b>Case Officer</b>	Christopher King		
<b>Recommendation</b>	Refuse		

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This application has been referred to the Planning Committee by the Assistant Director for Strategic Planning and Infrastructure due to the finely balanced policy issues

## **1. Description of site**

No.41-43 Chapel Street is the Grade II Listed 19th century Crown Hotel which is located in the Devonport area of the city. At four storeys in height, the building sits prominently on the corner of Cumberland Street and Chapel Street which is within the Devonport Conservation Area, and adjacent the Cumberland Street Local Centre. The building is being used as a drop in centre for employment and training opportunities with associated offices (Use Class D1 & Use Class B1) however is only part occupied.

The application site is a local landmark building and the façade is very typical of its time in the late Victorian style. The building has not been utilised as a hotel for some years, and has a lawful use as B1 office over all floors. The building has no dedicated off street parking, and provides a small amount of private amenity to the rear. All the buildings opposite the application site (south) are Grade II Listed, and demonstrate a mix of uses, and the adjoining buildings to the north are also Grade II Listed.

## **2. Proposal description**

Conversion of former hotel to provide 10 residential units and café (Class A3) at ground floor

## **3. Pre-application enquiry**

This proposal was subject to a Pre-application (15/02263/MAJ) for redevelopment to provide residential and café. Officers advised that the principle of the change of use to provide 10 dwellings and an A3 unit was supportable. However without the provision of off street parking in accordance with the Development Guidelines SPD, the Local Planning Authority (LPA) would be unlikely to look favourably on a planning application.

Discussions began between the applicant and the LPA to seek alternative options relating to parking, however this was not fully resolved to the satisfaction of the LPA, the full planning application was submitted for consideration, and as such the Pre-application was closed without fully being finalised.

## **4. Relevant planning history**

16/01214/LBC - Conversion of former hotel to provide 10 residential units and café (Class A3) at ground floor – Under Consideration by the LPA

98/00177/FUL - Change of use and conversion of hotel to drop in centre for employment and training opportunities with associated offices – Permitted

99/00008/LBC - Alterations to convert premises to drop in centre for employment & training opportunities with associated offices – Permitted

## **5. Consultation responses**

Devonport Neighbourhood Forum – No Comments received

Neighbourhood Planning Team – No Objections

Economic Development Department – No Objections

Historic England – No Objections

Historic Environment Officer – No Objections

Lead Local Flood Authority – No Objections

Local Highways Authority – Recommends Refusal due to insufficient parking provision

Low Carbon Team – No Objections

Natural Infrastructure Team – No Objections

Police Architectural Liaison Officer – No Objections

Public Health – No Objections

Public Protection Service – Recommends approval subject to conditions

## **6. Representations**

None Received

## **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 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*
- *Shopping Centres Supplementary Planning Document*
- *Devonport Area Action Plan*
- *Devonport Conservation Area Appraisal and Management Plan*

5 year housing supply:

When determining applications for residential development it is important to give consideration to housing supply.

Paragraph 47 of the NPPF stipulates that “to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”

Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

For the reasons set out in the Authority’s Annual Monitoring Report (January 2016) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2016-21 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:

- Available to develop now
- Suitable for residential development in terms of its location and sustainability; and

- Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.

Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- 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, when assessed against the policies in this framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted”

As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications

## 8. Analysis

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.

1. This application turns upon polices CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS03 (Historic Environment), CS05 (Development of Existing Site), CS11 (Changes of Use in District and Local Centres), CS15 (Overall Housing Provision), CS16 (Spatial Distribution of Housing Sites), CS19 (Wildlife), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy; and Parts 2, 3, 6 and 8 of the Development Guidelines Supplementary Planning Document (SPD) and the Shopping Centres Supplementary Planning Document (SPD).
2. In addition to this, the proposal turns upon Proposal DP01 and Proposal DP03 of the Devonport Area Action Plan (AAP), the Devonport Conservation Area Appraisal and Management Plan (CAAMP) and Policy 28, Policy 29 and Policy 30 of the Emerging Plymouth Plan Part One (Approved)

### Principle of Development

3. When making decisions of this nature, officers must also consider the National Planning Policy Framework, which at its heart, has a presumption in favour of development when a 5 year housing supply cannot be demonstrated. Therefore the key theme running through this report is if the development will cause considerable or demonstrable harm that would significantly outweigh the benefits of granting planning permission.
4. The principle issues relating to this proposal are considered to be the change of use and its impact towards the local centre, the impacts of the proposal towards local highways and parking conditions and the impact of the proposal towards the historic environment. Other

considerations include residential layout and amenity, drainage, contamination, access and sustainable resource.

### Change of Use and Local Centre Vitality

5. In 1998 the Local Planning Authority approved the use of the building to provide a drop in centre for employment and training opportunities with associated offices (Use Class D1 & Use Class B1) which is confirmed in the Design & Access statement. The proposal hereby submitted seeks to once again alter the use of the building to provide 10 self-contained dwellings, and a café (Use Class C3 and Use Class A3).
6. The applicant has suggested in the Design & Access Statement that the existing occupiers are seeking a more suitable premise, and that there have been no alternative offers of occupancy. The Economic Development Department has not objected to the loss of the existing use, and having considered the principles of policy CS05, officers are of the view that there are clear environmental, regeneration and sustainable community benefits from the proposal, that will deliver a mixed use development which continues to provide for a good range of local employment opportunities.
7. The building is located immediately opposite of the Cumberland Street Local Centre, therefore due consideration of Policy CS11 and the Shopping Centres SPD is required. The Shopping Centres SPD seeks to ensure that there is a balance of retail uses in the local centre, and CS11 seeks to protect the primary function of the centre.
8. The Shopping Centres SPD has identified that the Cumberland Street has 15 commercial units, of which 5 are of A1 Use. This proposal would see a net loss in a commercial floorspace, but not A1 Uses. It will provide a new A3 commercial use that is considered complementary to the overall function and vibrancy of the local centre that would not result in an unacceptable concentration of such uses in this location in accordance with paragraph 3.2.18 of the Development Guidelines SPD. The proposal is also considered to be complementary to proposals DP01 and DP03 of the Devonport AAP which seeks to enhance the offer of Cumberland Street, and therefore, in officers' view, accords with policy CS11, as well as Policy CS05.
9. Policy CS01 seeks to provide sustainable linked communities, and when considering the area Vision noted on page 9 of the Devonport AAP, the proposal accords with many of the key themes sought by the Local Planning Authority when consider developments in this location. The proposal would see the provision of good quality open market housing in a sustainable location that would support and enhance the existing services of the Local Centre through the regeneration of a historic brownfield site.

### Local Highways and Parking

10. The regeneration and community benefits of the proposal towards the local centre and need for quality housing is a clear positive, however the development does have an obvious flaw in that no parking has been proposed.
11. As noted in the Local Highways Authority's report, recent changes to housing stock within the Devonport area has resulted in a greater proportion of private residential housing being provided which in-turn has resulted in a higher level of car ownership and associated demand for car parking, and has resulted in the creation of on-street kerbside car parking issues within the area.
12. The applicant has suggested that the existing demand of the building would be far higher than the proposed use. However the local Highways Authority has suggested that change of use would

actually result in an increase in demand for parking due to the differing nature of commercial and residential parking patterns. As the site is not located in a Controlled Parking Zone (which would permit zero provision), the development has a shortfall of 10 off street parking spaces.

13. Policy CS34 (8) of the Core Strategy, and Part 8.2 of the Development Guidelines SPD puts the onus on applicants to provide adequate levels of parking for proposed development. Officers note that Devonport AAP does not reference parking in the area as a specific issue in the locality, however it is a key consideration of any residential development irrespective of the location.
14. On purely parking basis, the proposal does fall short of the requirements of Policy CS34 and Policy CS28 of the Core Strategy and this is principally due to the fact the building is both listed, and the footprint of the building occupies almost the entire area of the site.
15. The Local Highways Authority however recognises that the application site is in an accessible location. Chapel Street/Cumberland Road is a principle public transport route into the city centre, and there is dedicated bikeway along this route. The coastal path and bikeway is only a short distance from the site also. In addition to this, the site is essentially within the Chapel Street local Centre, where there is reasonable amount of local services that means the site could be considered sustainable.
16. Officers also are of the view that the site is well located to community/leisure facilities that can be easily reached without the need of a vehicle, and the proximity to the forthcoming development of the South Yard enclave could provide a significant number of jobs for residents in close proximity.
17. To offset the impact of the lack of parking, officers have discussed alternative parking solutions, such as offsite provision however it is understood that the applicant has not been able to obtain such provision. A commitment to the provision of resident bus passes has also been discussed, however the LPA has not received confirmation that this will be provided. Such a commitment would need to be secured through a S106 agreement.

#### Historic Environment: Listed Building and Conservation Area

18. The existing building is Grade II Listed, and is currently in the process of being vacated by the current occupiers. The building is in reasonable condition and will undergo minor external works and moderate internal works to facilitate the proposal.
19. Page 38 of the Devonport Conservation Area Appraisal and Management Plan (CAAMP) identifies Cumberland Street, on which the former Crown Hotel stands, as part of Devonport's historic centre. It states that:

‘Cumberland Street, Duke Street, Ker Street, and George Street form the principal surviving streets of Devonport's historic civic, administrative and commercial centre. These streets retain many of the best surviving buildings and structures of the town at the height of its economic and civic power and include particularly fine examples of late Georgian and Victorian architecture and town planning. This includes the three remarkable civic structures of the Guildhall, Devonport Column, and ‘Egyptian House’ on Ker Street, and imposing late Georgian and Victorian commercial and residential properties in Duke Street and Cumberland Street, and late Georgian houses on George Street.’

20. In addition, page 42 of the Devonport CAAMP appraisal has identified a number of issues that impact upon the Devonport Conservation Area. This extract below show how important it is to

safeguard and enhance the historic buildings and character of the area and how important it is to look at viable uses for under-used buildings or those which require repair or refurbishment:

*The most significant issue affecting the 'urban core' of the Conservation Area (i.e. Ker Street, Duke Street, Cumberland Street and George Street), is the fragmented nature of these historic streets and the overwhelmingly negative effect of the adjacent post-war redevelopment and the creation of the Dockyard 'Storage Enclave' in the 1950s... The regeneration of Devonport, which is now underway, presents a particular opportunity to address these issues.*

21. The need to ensure that all buildings and other structures within the Devonport Conservation Area that warrant statutory or other protection are identified and appropriately designated. There is a need to deal with buildings suffering from disrepair and disuse, mainly due to lack of viable economic use, and/or inappropriate additions and alterations such as the installation of plastic doors and windows, the removal of boundary walls and railings, use of pebbledash and other inappropriate wall finishes, and loss of architectural detail. Cables, conduits and satellite dishes also disfigure many properties. The most important of these are identified in the Buildings at Risk register, and include properties that contribute significantly to the character of parts of the Conservation Area.
22. The need to protect those elements of the built heritage that make the Devonport Conservation Area 'special'. Particular regard needs to be paid to the retention, repair and enhancement of historic buildings, boundary walls, historic surfaces and other structures that contribute to its character.
23. Historic England's advice on designated heritage assets is subject to specific policies that require consideration (NPPF paragraphs 132 and 139):
  - great weight to be given to their conservation in all decisions;
  - clear and convincing justification for any harm to significance however slight and whether through direct physical impact or by change to the setting;
  - that substantial harm (direct or by change in the setting) to or total loss of Grade II listed buildings... is expected to be 'exceptional';
24. Historic England's advice relating to harm to conservation suggest this 'can be caused in any number of ways including through development within their boundary or within their setting, with or without demolition being involved. Their conservation should always be given 'great weight' and any harm can only be justified if the application clearly and convincingly shows that the harm will be outweighed by public benefits. Total loss of a whole building or other significant element, such as a square, may amount to substantial or less than substantial harm (paragraph 138). It is more likely to be substantial harm if the building is of a type that makes the area worthy of its conservation area designation.
25. Thus the retention of this important building, and its proposed new uses, are very much part of the Historic England aims and National Policy as well as the aims of the Devonport CAAMP.
26. Paragraph 131 of the NPPF states that 'in determining planning applications, local planning authorities should take account of:
  - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness'



27. Paragraph 132 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional'.
28. In addition to the specific local and national policy issues, officers consider that the proposal is in accordance with the Vision of the Devonport AAP and Policy CS03 of the Core Strategy by protecting, enhancing and reusing historic assets. The proposal will give further life to this landmark building, which will provide uses that support the ongoing regeneration of the Local Centre in a way that is in keeping with the character of the area.
29. The specific works that require Listed Building Consent have been assessed and considered through application 16/01214/LBC which is running in parallel to this application for Full Planning Permission. It is noted however that the Listed Buildings Works are considered supportable given the context and character of the building and Conservation Area.

#### Principle of Development: Conclusion

30. Having considered relevant policy and guidance relating the change of use, and having sought advice from the Neighbourhood Planning Team, the principle of the change of use is supported by the local planning authority as the future uses are considered positive, and would assist the aspirations of the Cumberland Street Local Centre and the Devonport Neighbourhood Forum.
31. Similarly, officers support the regeneration of this historic building, which will soon be vacant and could fall into decline without investment, prejudicing the amenity and character of the area. The development therefore accords with general views and aspirations of the Devonport AAP and the Devonport CAAMP.
32. Officers have considered the advice of the Local Highways Authority, and have balanced this against the clear regeneration benefits that this proposal offers the local area. Plymouth cannot presently demonstrate a 5 year land supply at present, and the NPPF does indicate that there is a presumption in favour of sustainable development.
33. In this case however, and having considered all the positive and negative issues carefully, officers have taken the view that the clear lack of dedicated off street parking would be harmful to, and prejudice existing and future residents and highways users.

#### Accommodation Layout

34. The development proposes to modify the internal layout of the building to provide 10 self-contained dwellings and the Café spread over the 4 main floors and into the basement. The accommodation schedule includes seven 1 bed apartments, two 2 bed maisonettes and one 1 bed maisonette all of which meet or exceed the internal standards of the Development Guidelines SPD.
35. The Basement Plan includes the lower ground floor living and kitchen areas for two of the maisonettes (1 bed and 2 bed), including two small outdoor courtyards that provide additional light. The residents' cycle and refuse store, café customer/staff toilets and café storage areas are also located in the basement

36. The Ground Floor Plan shows the bedrooms and bathrooms for the two maisonettes located on the below floor, connected by reusing existing stairwells. The principle use of the ground floor is the proposed café, occupying the south corner element of the building taking advantage of the dual street, corner aspect. The main residential access into the lobby is found on the south west facing elevation.
37. The First Floor Plan shows four 1 bed apartments, which are accessed from the existing central stair case and lobby.
38. The Second and Third Floor Plans have two 1 bed apartments each, as well on 2 bed maisonette spread over both levels with its own internal staircase. All the units are accessed from the existing central stair case and lobby.
39. The overall layout makes efficient use of the space, without requiring significant or major changes to the fabric of the building which is considered acceptable by officers. Notwithstanding this however the merits of the alterations to the appearance and character of the listed building are subject to a separate application for Listed Building Consent as noted in the 'Planning History' section of this report.

#### Residential Amenity

40. The site is located in a mixed use area, which has seen an increase in residential developments in recent years, thus changing the general amenity characteristics of the locality. In being adjacent to the Cumberland Street Local Centre, there are uses present that have the potential to disrupt future occupiers' amenity, as could the proximity to Chapel Street which is a relatively busy road. Officers have consulted the Public Protection Service, who has not expressed any concerns about any of the existing adjacent uses of noise generators; therefore the impact on amenity is considered to be acceptable in this regard and as such, will accord with policy CS15 and CS34 of the Core Strategy. Officers are also of the view that the proposal will not cause demonstrable harm to existing residents in this area. Officers' view is echoed by local residents as no representations or objections have been received.
41. The Public Protection Service has made comments however with regards to the relationship of the dwellings and the proposed café on the ground floor. Due to potential conflict of the two uses, specific conditions have been suggested to deal specifically with noise, refuse, odour and smoking to protect residential and general amenity. Officers consider that the suggested conditions will provide suitable mitigation to protect amenity in accordance with policy CS22 and CS34 of the Core Strategy, and the relevant guidance of the NPPF, specifically paragraphs 17, 122 and 123.
42. Officers have reviewed the size of the proposed dwellings, and although the sizes in the Development Guidelines SPD can no longer be referred to, all the units exceed the guidance. There is however a significant shortfall of outdoor amenity space when referring to the Development Guidelines SPD. A development of this size and nature should provide 100m<sup>2</sup>; however as the building occupies almost the entire site area and its modification is restricted, only a small amount of outdoor amenity is proposed. Due to the way this is laid out, only two of the units will be able to access this space, meaning 8 units have no outdoor space
43. Paragraph 2.8.26 of the Development Guidelines SPD states that 'the size and nature of the space will depend upon the type of dwelling, and its location... and within the older, more densely developed neighbourhoods of Plymouth, or in the City Centre, district or local centres, it is not unreasonable to assume that outdoor amenity space provision might be lower'. Devonport is

recognised as one of Plymouth older neighbourhoods, and the site is adjacent the Cumberland Street Local Centre.

44. The application site is within close proximity to Devonport Park and Mountwise Park, and is within reasonable distance to the city centre and numerous public open public spaces. Due to the reasonable sizes of the proposed dwellings, and the proximity of the building to public amenity space, officers are happy that residents will be afforded a good standard of amenity. The proposal therefore accords with policy CS34 of the Core Strategy.

#### Other Matters for Consideration

45. Due to the protected status of the building, it is very difficult to meet the requirements of Policy CS20 (Sustainable Resources). Renewable energy technologies do need to be reviewed and considered (over and above Building Regulation requirements); however as the building is Grade II Listed, officers are satisfied with the proposals included in the Design and Access statement. Should planning permission be given, officers would add a condition seeking further information relating to future proofing the development to connect to a future District Energy network if possible, as well as condition the proposals in the Design and Access Statement.
46. Plymouth City Council's Local Flood Risk Management Strategy for this area aims to improve capacity of combined sewerage systems and reduce the risk of flooding from surface water run off. The Lead Local Flood Authority states that any opportunity to achieve these aims as part of these works should be explored, also to protect against increases in flood risk due to future climate change. Due to the very limited nature of external works, and the limitations of the Listed Building, officers are of the view that the development would not demonstrably increase flood risk on or off site, and would not be contrary to the Policy CS21 or the National Planning Policy Framework.
47. No biodiversity issues have been raised by the Natural Infrastructure Team, indicating that the roof is in a good state of repair and the roof area is converted for accommodation and hence is unlikely to be a bat roost. Landscaping is not proposed as there is very limited space to be landscaped.
48. Due to the protected status of the building, none of the units will not fully comply with Part M4(2) (Accessible and Adaptable Dwellings) of the building regulations. However as the building is listed this can be quite difficult to achieve with significantly altering the fabric of the building. In this instance, officers do not consider this to be a reason for refusal. Level access is proposed into the A3 cafe from pavement level and a new access WC is also proposed within the upper level of the cafe. Residential access to apartments is via existing staircases which is generally wide and possible to retrofit a powered stair lift.
49. Finally, no land contamination issues have been raised by the Public Protection Service.

## **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 is £26,665.18 (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, see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance.

## 11. Planning Obligations

Not Applicable

## 12. Equalities and Diversities

Level access is proposed into the A3 cafe from pavement level and a new access WC is also proposed within the upper level of the cafe. Residential access to apartments is via existing staircase which is generally wide and possible to retrofit a powered stair lift.

## 13. Conclusions

The proposed development has clear regeneration benefits that will enhance the vibrancy of the Cumberland Street Local Centre, and the wider Devonport Area in accordance with the Devonport AAP and the Conservation Area Appraisal and Management Plan. Notwithstanding this, and having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004, officers have concluded that although these benefits may well outweigh the sole negative aspect of the scheme, the proposal would be contrary to policy and would set an unhelpful precedent in the future. The proposal therefore does not accord the Local Development Framework Core Strategy and is recommended for Refusal on the grounds of Insufficient Provision Parking.

## 14. Recommendation

In respect of the application dated **19/07/2016** and the submitted drawings Site Location Plan PL001-A; Site Roof Plan PL-002; Existing Lower Plans PL-010; Existing Upper Plans PL-011; Existing Third Floor PL-012; Existing Elevations PL-013; Existing Elevations PL-014; Existing Sections PL-015; Proposed Lower Plans PL-110; Proposed Upper Plans PL-111; Proposed Third Floor PL-112; Proposed Elevations 1 PL-210; Proposed Elevations 2 PL-211; Proposed Elevations 3 PL-212; Proposed Section PL-215; Proposed Section Stair PL-216; Design and Access Statement and Heritage Statement July 2016, it is recommended to: **Refuse**

## 15. Reasons

### INADEQUATE PROVISION OF PARKING

(1) No adequate provision is proposed to be made for the parking of cars of persons residing at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway giving rise to conditions likely to cause:-

(a) Damage to amenity;

(b) Prejudice to public safety and convenience; Interference with the free flow of traffic on the highway

which is contrary to Policy CS28 and CS34 of the adopted City of Plymouth

Local Development Framework Core Strategy adopted April 2007.

### **Relevant Policies**

The following (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 (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

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

(1) 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](http://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 "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

### **REFUSAL (WITH ATTEMPTED 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 with the Applicant [including pre-application discussions] and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS11 - Change of Use in District/Local Centres

CS22 - Pollution

CS03 - Historic Environment

CS05 - Development of Existing Sites

CS01 - Sustainable Linked Communities

CS02 - Design

CS04 - Future Employment Provision

CS15 - Housing Provision

CS16 - Housing Sites

DP01 - Former Ministry of Defence South Yard Enclave

DP03 - The Bull Ring

SPDI - Development Guidelines First Review

NPPF - National Planning Policy Framework March 2012

Dport AAP - Devonport Area Action Plan

SCSP - Shopping Centres Supplementary Planning Document

PP28 - Promoting Plymouth's heritage

PP29 - Place shaping and the quality of the built environment

PP30 - Safeguarding environmental quality, function and amenity