

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	19/00089/FUL	<b>Item</b>	<b>02</b>
<b>Date Valid</b>	23.01.2019	<b>Ward</b>	ST PETER AND THE WATERFRONT
<b>Site Address</b>	4 Holyrood Place Plymouth PL1 2QB		
<b>Proposal</b>	Demolition of coal bunker at basement level in street side light well		
<b>Applicant</b>	Mr & Mrs Carson		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>20.03.2019</b>	<b>Committee Date</b>	<b>15.03.2019</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<b>Decision Category</b>	Service Director of SPI		
<b>Case Officer</b>	Mr Mike Stone		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to Planning Committee by the Service Director due to probity reasons. The applicant is the father of Councillor Carson.

### **1. Description of Site**

The application site is a large, five storey Victorian mid-terraced property that has been subdivided into flats. The house is in the St Peter and the Waterfront ward, the Hoe Conservation Area and is within the Hoe Neighbourhood Forum Neighbourhood Plan area. The site is opposite 5-9 Holyrood Place, listed grade II. The area is residential in character consisting of similar large, Victorian houses that have converted into flats.

### **2. Proposal Description**

Demolition of coal bunker at basement level in street side light well. In common with other properties in the street, there is a basement level flat with a bay front window facing a light well. Roughly 500 mm in front of the window is a concrete coal bunker that runs the full width of the light well and under the steps to the front door. It is just over 6 metres wide, 2 metres high and is 1.5 metres deep and is overgrown with grass on top.

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

There was no pre-application enquiry.

### **4. Relevant planning history**

89/03160/FUL - Conversion of property in four flats and two bedsits to form five self-contained flats and a maisonette – Granted Conditionally.

89/01338/EXUSE - Six dwellings comprising 4 flats and 2 bed-sit units – Issue Certificate.

### **5. Consultation responses**

Historic Environment Officer – there is no Historic Environment objection to the proposal.

Hoe Neighbourhood Forum – consulted but did not respond within the consultation period.

### **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 Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

\* For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

\* For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision, particularly if there are no substantive unresolved objections. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

Other material considerations include the policies of the Framework itself and the guidance in the National Planning Practice Guidance (NPPG). Additionally, the following planning documents are also material considerations in the determination of the application:

\* Development Guidelines SPD (First Review) (Adopted May 2013).

\* The Hoe Conservation Area Appraisal and Management Plan.

## **8. Analysis**

1. This application has been considered in the context of the development plan, the draft JLP, the Framework and other material policy documents as set out in Section 7.

2. The application turns upon policies CS02 (Design), CS03 (Historic Environment) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021, policies DEV1 (Protecting health and amenity), DEV20 (Place shaping and the quality of the built environment), DEV21 (Conserving the historic environment) and DEV22 (Development affecting the historic environment) of the JLP, the aims of the Council's Development Guidelines Supplementary Planning Document First Review (2013), and the National Planning Policy Framework (NPPF) 2018. The primary planning considerations in this case are the impact on the character and appearance of the conservation area, the impact on the listed buildings opposite and the impact on neighbour amenity and the amenity of future occupants.

### Impact on the character and appearance of the conservation area and the impact on the listed buildings

3. The evidence of neighbouring properties and an examination of historic mapping suggests that the coal store was not part of the original building but was inserted as a later date. In terms of the historic environment, it is not therefore considered to be an original feature. The 'hidden' character of the bunker, which is set slightly below street level, means that there is no current visual impact upon the Listed Buildings opposite. For these reasons, the Historic Environment Officer considers that demolition is therefore a neutral event in terms of impact upon the setting of a listed building. The Historic Environment Officer also feels that the demolition of the store could be considered beneficial in historic environment terms in restoring the original appearance of the frontage area of the basement window.

### Impact on neighbour amenity and the amenity of future occupants

4. The bunker is set below the street level and the Officers consider that its removal would have no impact on neighbours in terms of loss of light or privacy and would improve the amenity of future occupiers of the basement flat.

### **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 applicable.

### **11. 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.

No planning obligations have been sought in respect of this application.

### **12. Equalities and Diversities**

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

### **13. Conclusions and Reasons for Decision**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal would not have an adverse impact on neighbour amenity, the character of the conservation area or the setting of listed buildings. The proposal accords with policies CS02, CS03 and CS34 and national guidance and specifically paragraph 11 of the NPPF which states that development proposals that accord with the development plan should be approved without delay. The application is recommended for approval.

### **14. Recommendation**

In respect of the application dated 23.01.2019 it is recommended to Grant Conditionally.

## **15. Conditions / Reasons**

The development hereby permitted shall be carried out in accordance with the following approved plans:

### **1      **CONDITION: APPROVED PLANS****

Proposed Ground and Basement Plans 2186-003 - received 27/02/19  
Location Plan 28022019 - received 27/02/19

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 124, 127, 130 and 131 of the National Planning Policy Framework 2018.

### **2      **CONDITION: COMMENCE WITHIN 3 YEARS****

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.

## **INFORMATIVES**

### **1      **INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION****

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

### **2      **INFORMATIVE: UNCONDITIONAL APPROVAL (APART FROM TIME LIMIT AND APPROVED PLANS)****

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraph 38 of the

National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.