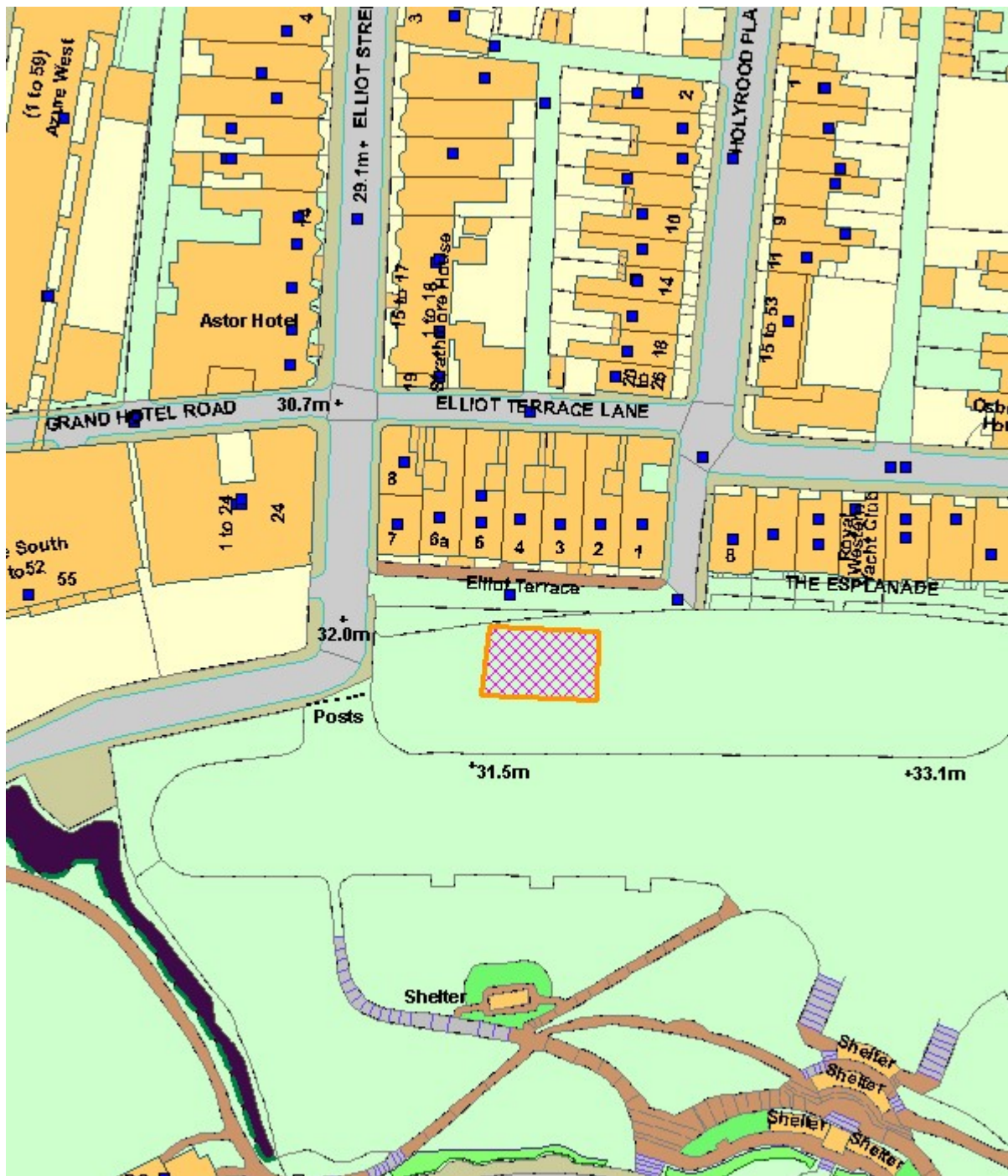


PLANNING APPLICATION OFFICERS REPORT



Application Number	19/00280/FUL	Item	01
Date Valid	28.02.2019	Ward	ST PETER AND THE WATERFRONT
Site Address	Grassed Area In Front Of Elliot Terrace Plymouth		
Proposal	Statue to commemorate Lady Nancy Astor		
Applicant	Mrs Alexis Bowater		
Application Type	Full Application		
Target Date	25.04.2019	Committee Date	30.05.2019
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Mrs Karen Gallacher		
Recommendation	Grant Conditionally		



The planning application has been referred to Planning Committee by Cllr Penberthy

1. Description of Site

The proposed site is located on the grassed area of Plymouth Hoe in front of Elliot Terrace, which is one of a terrace of listed buildings fronting The Hoe. The statue is located close to number 3 Elliot Terrace (Grade 2 star) which was a former residence of Nancy Astor. The site falls within the Hoe Conservation Area and is part of a Registered Park and Garden.

2. Proposal Description

The proposed statue would be a bronze figure of 2.2m sitting on a 1.85m Plymouth Limestone plinth. The base would measure 900 by 1000m and is surrounded by a stone pavement of 1.5 m on which people who donated money to the statue will have their names engraved.

The proposal has been amended twice; once to include a paved path and surround to allow access to the statue and a second time to remove the paved path, but retain the 1.5m paved area around the base of the statue.

3. Pre-application Enquiry

Informal discussions about planning application requirements were held, but no formal pre application enquiry was made.

4. Relevant Planning History

None.

5. Consultation Responses

Historic England – support the principle of the statue in this location, but raised objection to the paved path.

Garden History Society – support the principle of the statue in this location, but raised objection to the paved path.

Economic Development Department (Property Services) – no objection to the location of the statue as submitted

Economic Development Department (Events and Marketing Team) – no objection to the location of statue, but there were concerns about the provision of the path.

Hoe Neighbourhood Forum – object for practical and philosophical reasons detailed below in report.

Natural Infrastructure Team – no objection providing maintenance is provided.

6. Representations

Four representations have been received. The letters all express support for a statue of Lady Astor, but the concerns raised are listed below.

The statue would restrict the everyday use of the space for recreation.

The grass will get worn and muddy as people walk across to see the statue

Access would be restricted for people who find it difficult to cross grass.

The statue is not in a prominent enough location.

7. Relevant Policy Framework

The Plymouth & South West Devon Joint Local Plan was adopted by Plymouth City Council on March 26th 2019.

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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Other material considerations include the policies of the National Planning Policy Framework (NPPF), guidance in Planning Practice Guidance (PPG) and the Hoe Conservation Appraisal and Management Plan.

8. Analysis

This application has been considered in the context of the development plan, the submitted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

The main consideration will be the effect on the various heritage assets, the area of planting to the rear and the use of The Hoe.

Effect on Heritage assets and planting

The placing of the statue outside the former residence of Nancy Astor is considered to enhance the significance of the setting of the listed building. In terms of the Conservation Area and the registered park and garden, the peripheral location means that the main views and vistas are maintained, whilst the historic interest in this part of the parkland is enhanced. The proposal preserves and enhances the character of the area. This view is supported by Historic England and the Garden History Society.

The modest size of the statue and high quality materials are considered to be in keeping with the locality, and the use of local limestone is encouraged. These materials would also mean that the statue would need only minimal maintenance in terms of cleaning. The statue has been designed to minimise vandalism. A condition would however be required to ensure the maintenance of the structure would be ensured.

Following concerns about the possibility of the grass getting damaged by footfall to the statue and general access concerns, the applicant amended the scheme to include a path. This path, however, was not supported in terms of the historic setting. It was considered to detract from the linear symmetry and open character of the parade ground/promenade. The path also had the potential to affect the symmetrical composition of the grade 2 star listed Elliot Terrace when viewed from the parade ground. For these reason it was removed from the scheme.

The structure would sit just in front of the planting area, but would not harm any of the planting. There may be some damage to the grass as people walk up to the statue. The area of grass that would be most affected would be the area immediately around the statue, and therefore a larger paved area has been retained in this location. The statue is likely to be approached from many different angles, and it is not therefore considered necessary to have a path to prevent damage to the grass.

The proposal is considered to comply with policies DEV20 and DEV21 of the Joint Local Plan and the NPPF.

The use of The Hoe

The position has been agreed with the Council's Events and Marketing Team, so that it would not interfere with any of the many events held on the Hoe. Officers were concerned that the statue may be blocked from view during some events, but this was not considered to be a problem for the applicants and would not be a reason for refusal in this location.

The location has been agreed to minimise any interference with day to day activities that take place on the grassed area and is balanced against the recreational benefit and enhancement that the statue will bring to the area.

Officers consider that the proposal complies with policy DEVI and DEV3 of the Joint Local Plan and the NPPF.

Access

The statue would be visible from the tarmacked areas of The Hoe, but in order to gain closer inspection, it would be necessary to cross the level grassed area in front of the statue. Given the good visibility, the main function of the statue would be available to all visitors to The Hoe and therefore officers consider that the proposal is in accordance with policy DEVI and the NPPF.

Other concerns raised by letter of representation

There has been concern expressed that the location is not prominent enough. Whilst this is not a planning concern, this has been discussed with the applicant and is the preferred location. The purpose of the planning application is to assess the proposal as submitted and as there is no policy conflict with this location, the proposal is considered to be acceptable.

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 proposal is not CIL liable.

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.

Planning obligations not required due to the nature and size of proposal.

12. Equalities and Diversities

The statue celebrates the first female to take her seat in parliament and will be widely visible from accessible locations on The Hoe. 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 issues raised in the consultation responses regarding access have now been overcome. Therefore officers consider that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

I4. Recommendation

In respect of the application dated 28.02.2019 it is recommended to Grant Conditionally.

I5. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Nancy Astor GA 04 Rev B received 10/05/19
Site Location Plan 1024/01 Rev C received 10/05/19
Block Plan 1024/02 Rev C received 10/05/19
Proposed Site Plan 0124/03` Rev C received 10/05/19

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

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.

3 CONDITION: FURTHER DETAILS

PRE-COMMENCEMENT

No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: lighting details; foundation details; surfacing details; a sample panel showing the finished colour and texture of the statue and a maintenance schedule. The works shall conform to the approved details.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policies DEV20 and DEV21 of the Plymouth and South West Devon Joint Local Plan and the NPPF.

Justification - to ensure the full details are acceptable prior to works commencing.

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: CONDITIONAL APPROVAL (NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.