
Appeal Decision

Site visit made on 27 June 2017

by Rory Cridland LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 July 2017

Appeal Ref: APP/N1160/W/3169760

41-43 Chapel Street, Devonport, Plymouth PL1 4DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jim Woodley, Direct Property Services against the decision of Plymouth City Council.
 - The application Ref 16/01212/FUL, dated 23 June 2016, was refused by notice dated 2 September 2016.
 - The development proposed is residential conversion of a former hotel with café at ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for residential conversion of a former hotel with café at ground floor at 41-43 Chapel Street, Devonport, Plymouth PL1 4DU in accordance with the terms of the application, Ref 16/01212/FUL, dated 23 June 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on highway safety with particular regard to parking.

Reasons

3. The Crown Hotel is situated on the corner of Chapel Street and Cumberland Street in the Devonport area of Plymouth. The surrounding area is mixed use and reasonably well served by public transport. On-street parking is available on most residential roads surrounding the site and consists of a mixture of on-street spaces and parking bays.
4. The appeal property itself is a Grade II listed building which, while presently unoccupied, has previously been used as both offices and a hotel. It is located in a mixed use business and residential area. Listed building consent has already been granted for the proposed alterations.
5. Policy CS28 seeks to develop and promote a high quality and sustainable transport system for the city. It sets out a number of criteria against which proposals will be assessed including whether they comply with the Council's parking standards as set out in the Development Guidelines Supplementary Planning Document¹ ("the SPD"). These set a maximum level of provision for

¹ Development Guidelines Supplementary Planning Document First Review (adopted May 2013).

different types of proposal and are applied within the context of amongst other things, the need to safeguard residential amenity and ensure highway safety.

6. Furthermore, CS Policy CS34 and section 8.2 of the SPD seek to ensure that parking needs generated by development are provided for within the development site and that overspill parking on the highway does not cause harm to the surrounding area in terms of inconvenient to users, highway safety or residential amenity.
7. The Council has identified a parking need of around 10 spaces arising from the proposed residential dwellings. The site, occupying the vast majority of its plot cannot meet this requirement and so fails to accord with the Guidance set out in the SPD. However, the SPD is only a starting point and it is necessary to assess the *actual* impact of the proposed development on parking availability in the surrounding area and judge whether there would be material harm to highway safety.
8. The appellant has carried out a parking survey which indicates that there are sufficient on street car parking spaces available within 200 metres of the site to accommodate the identified parking need. While I note that some of these are located on Duke Street and may be lost following the completion of the nearby residential development, the survey data indicates that there would still be sufficient capacity in the surrounding streets to accommodate the identified need. The Council has not provided any robust evidence to challenge these figures. While I have noted the photographs submitted by the Council, they are undated and provide only a limited snapshot of parking availability in the surrounding streets. They are insufficient to rebut the more detailed surveys undertaken by the appellant. In the absence of further information, I accept the findings of the survey that there is sufficient on-parking available to meet the identified shortfall.
9. Accordingly, I consider that the proposal would not be detrimental to highway safety or would materially impact on the amenity of surrounding residential occupiers. As such, I find no conflict with Policies CS28 or CS34 which seek to guard against such harm.

Other Matters

10. The Council accepts that the proposal would not harm the significance or setting of the listed building and I note that it currently benefits from Listed Building Consent for the works proposed. I have seen nothing which would indicate that the proposal would be harmful to its significance. Accordingly, I have not considered this matter further.

Planning Conditions

11. I have had regard to the various planning conditions suggested by the Council. In addition to a standard commencement condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty.
12. A condition requiring further details of secure cycle storage is necessary in the interests of sustainability and I consider the submission of a Travel Plan to be appropriate in order to minimise the reliance on private cars by occupiers of the proposed dwellings. A condition seeking to protect any hidden features which are

discovered during renovation is also appropriate in view of the building's listed status.

13. Conditions relating to the opening hours of the café, restrictions on deliveries and noise from extraction equipment are necessary in order to protect neighbouring amenity as are those in respect of the storage and removal of refuse.
14. I do not, however, consider a condition in respect of contamination is necessary as no particular risk has been identified to justify it. Furthermore, while I note the condition proposed in respect of outdoor smoking areas, I note that its wording is somewhat ambiguous and, as such, I cannot be certain of its enforceability. I do not therefore consider it appropriate to impose such a condition in the circumstances.

Conclusion

15. For the reasons set out above, and having taken account of all other matters raised, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
PL001-A; PL-002; PL-010; PL-011; PL-012; PL-013; PL-014; PL-015; PL-110; PL-111; PL-112; PL-210; PL-211; PL-212; PL-215; PL-216.
- 3) No dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 10 bicycles to be securely stored and that space shall thereafter be kept available for the intended use.
- 4) None of the flats hereby approved shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall seek to encourage residents to use modes of transport other than the private car to get to and from the premises. It shall include details of measures to be implemented to encourage the use of non-car modes of travel; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the developer shall operate the approved Travel Plan.
- 5) The café shall not be open to customers outside the following times: 0800 to 2200 Mondays to Fridays, 0800 to 2300 on Saturdays and 1000 to 1800 on Sundays and Bank or Public Holidays.
- 6) Deliveries and refuse collections are restricted to the following times: - Monday to Saturday between 0800 and 1800; Sundays and Bank Holidays No deliveries or refuse collection.
- 7) The equipment installed as part of the mechanical extraction ventilation system shall be operated and maintained in accordance with the manufacturer's instructions. The noise emanating from equipment (LAeqT) shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at any time as measured at the facade of the nearest residential property.
- 8) Refuse and waste generated by the commercial activities carried out on the site must be stored in a dedicated, lockable, pest proof facility that is well ventilated and is capable of being cleaned. The facility must not open directly into a room where food is stored, prepared or consumed.
- 9) If, during the course of the works, presently hidden historic features are revealed which are of heritage value, the owner shall immediately stop work and inform the Local Planning Authority, and shall not continue with the works until agreement has been reached as to the retention or recording of those features.

END OF SCHEDULE