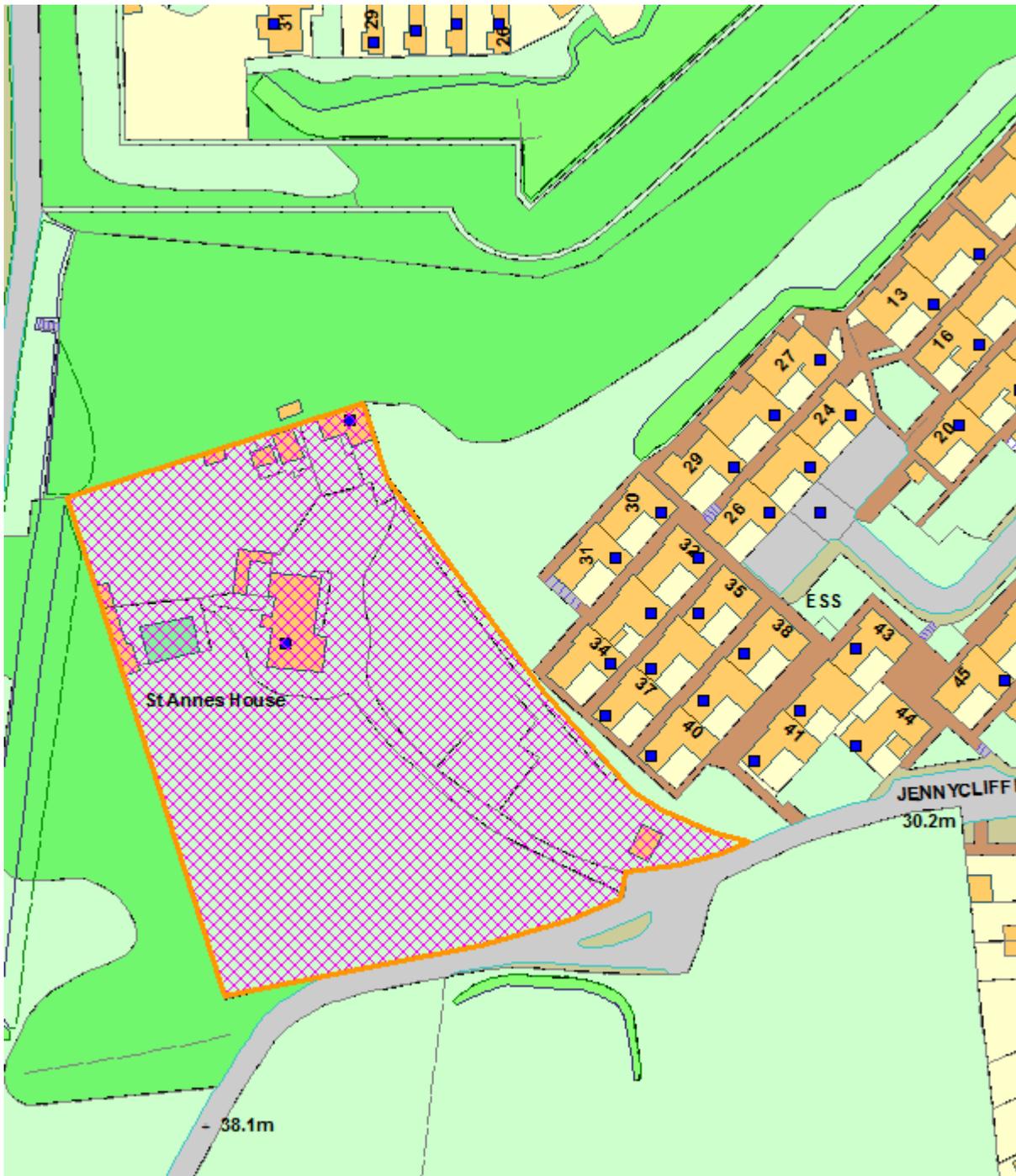


PLANNING APPLICATION OFFICERS REPORT



Application Number	20/00418/FUL	Item	02
Date Valid	15.04.2020	Ward	PLYMSTOCK RADFORD
Site Address	St Annes House Jennycliff Lane Plymouth PL9 9SN		
Proposal	Change of use to wedding venue and hotel/holiday accomodation (re-submission of 19/01144/FUL)		
Applicant	Mr Neal Stoneman		
Application Type	Full Application		
Target Date	10.06.2020	Committee Date	15.10.2020
Extended Target Date	31.08.2020		
Decision Category	Councillor Referral		
Case Officer	Mrs Karen Gallacher		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Councillor R Smith.

I. Description of Site

The site is a large grade 2 listed, detached, single family dwellinghouse set in extensive grounds with numerous outbuildings. The main house is a single family dwelling that has also been used as a holiday let. It is a large house with 7 bedrooms and 2 large reception rooms.

Within the grounds there is an original stable block, which is currently being occupied by the owner's family, a static caravan, which is lived in by the owner's family, a swimming pool with a marquee covering and bar, a café within a marquee and various buildings and structures for use by members of staff and for animals. There is a Coach House outside the site close to the North East boundary, which is in the applicant's ownership and is occupied by the applicant when the main house is let to holiday makers. The planning status of these buildings is discussed later in this report.

The site is within the Jennycliff Green Space, a biodiversity network and is covered by a Tree Preservation Order. The adjacent land at Jennycliff is within a Strategic Landscape Area, the Undeveloped Coast and the Urban Fringe. Access to the site is from Jennycliff Lane, which is one way at the site entrance, and leads out to the public car park at Jennycliff.

The closest residential property, other than that occupied by the applicant or their family, is in Stamford Close, some of which share a garden boundary with the site and are 45m from St Anne's House.

2. Proposal Description

The proposal is a resubmission of a previous scheme for weddings and holiday let accommodation for 100 guests which included a marquee, and was refused on grounds that noise from the marquee would be unacceptable, there was inadequate parking and insufficient information was submitted to show that it would not harm the landscape or listed building setting. This application is now subject to an appeal reference APP/N1160/W/20/3256121.

The revised proposal is to use the property for wedding ceremonies and for holiday letting, but for a reduced number of guests and for the weddings to take place within the main house. The application does not include a marquee. The details have been amended since this application was first submitted and it is now for a maximum of 30 house or wedding guests. The proposal also includes an allocation within the site for the parking of 10 vehicles.

The revised proposal is for guests to hire the house as a holiday home and organise their own wedding, catering and entertainment. The applicant has confirmed that the wedding parties will end by 11pm, catering will take place within the house and there will be no fireworks or amplified music outside the house. The application is for 28 weddings a year. The holiday let would be year round.

Officers have taken the view that due to the large size of the property and the proposed number of guests that the use as a holiday let constitutes a change of use from a C3 dwelling use, to a sui generis use, and therefore requires planning permission. This element of the proposal for the holiday let is retrospective.

3. Pre-application Enquiry

There was a pre application enquiry for application 19/01144/FUL, but the level of information that was submitted was limited. There was no in principle objection, but the evidence provided lacked, in particular, adequate transport and noise information.

4. Relevant Planning History

06/01147/FUL - conversion of coach house to separate dwelling - Granted

07/00368/LBC - construction of swimming pool in garden - Returned as not required

14/00744/MIN - pre app for 2 houses not supported due to impact on listed building.

15/01851/MIN - pre app for 5 static caravans not supported due to impact on listed building.

16/00844/FUL - erection of 5 new dwellings - withdrawn with associated LBC application.

17/02211/FUL - retrospective for fencing approved with associated LBC

18/01365/FUL - erection of fencing and animal houses - Granted with associated LBC

19/00244/MOR - pre app for wedding venue and holiday let - no in principle objection, but subject to details

19/01144/FUL - Use as wedding venue and holiday accommodation, including marquee, portable toilets and ancillary owner's accommodation. REFUSED due to inadequate parking, unacceptable noise and visual impacts on landscape and listed building.

20/00418/LBC - There is a listed building consent application associated with this planning application that has yet to be determined.

20/00281/ENF - there is an open enforcement case relating to unauthorised development on the site, that is pending consideration of recently submitted planning applications.

5. Consultation Responses

Highway Authority - No objection

Public Protection Service - No objection subject to conditions

Natural Infrastructure Team - No objection subject to conditions

Lead Local Flood Authority - No objection

6. Representations

There have been 31 letters of objection and one letter of support from a total of 23 contributors, as some people have written in more than once. The main concerns are listed below.

The majority of letters raise concerns about noise and parking as follows:

Noise

Due to the location with no natural barriers, local property will be unacceptably affected by noise from events, traffic and fireworks.

Recent events have already caused unacceptable noise levels.

Prevailing wind would carry noise to residential nearby.

People celebrating outside will disturb neighbours.

The noise impact assessment is inaccurate and unconvincing.

Traffic

The proposal would have insufficient parking which would lead to parking in residential streets and over use of the public car park.

Traffic would continue to drive the wrong way out of St Annes.

Increased traffic would be dangerous, as the road is not lit and there is no pavement.

There is no public transport after 11pm and the bus stop is located at Tapson Drive.

Staff will not want to cycle or take taxis after work.

Amenity and other concerns

Restrictions will not be adhered to especially if people organise their own events.

Increasing fencing will create an eyesore.

There have been a number of unauthorised events and developments at the site.

Plymouth City Council needs to take action against all the unauthorised works.

Another wedding venue is unnecessary.

It is unclear how the weddings could be accommodated inside the building.

Serving food with animals is unhygienic.

Trees and wildlife have been removed.

It will harm wildlife and conservation within the AONB.

It will put pressure on police to visit.

Air pollution from waiting vehicles will increase.

Local residents' wellbeing and health will be affected.

A number of emails have been received in support of St Anne's House, but these do not relate to the planning application or listed building consent. They appear to have been generated by a Facebook post. There is one letter submitted in respect of the application that supports the proposed use.

The application has been amended to remove the applicant's house from the red line and to confirm the location of proposed parking spaces. New site notices have been erected to notify the public of these changes and the publicity period ends on the 14th October 2020. Any new issues raised by

representation following this amendment will be included in an addendum report to the Planning Committee.

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. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.4 years at end March 2019 (the 2019 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2019 (published 26 July 2019). The methodology and five year land supply calculations in the Housing Position Statement are based on the relevant changes in the revised National Planning Policy Framework published 19 February 2019 and updates to National Planning Practice Guidance published by the Government in September 2018, subsequently amended by NPPG Housing Supply and Delivery published 22 July 2019.

As a result of Government policies and guidance regarding lockdown due to COVID-19, the 2020 Housing Survey was delayed by approx. 2 months as site visits could not take place. The 2020 5YLS update is therefore delayed by 2 months and will now be published in September 2020. The impact from COVID-19 is likely to slightly reduce the supply identified for 2020/21 due to 2-3 months of limited/nil construction activity during lockdown. This however would not have the effect to result in a material change to the JLP Authorities 5YLS position, given the substantial 5YLS position at the 2019 monitoring point i.e. 6.4YLS which represents a surplus of 1,977 deliverable dwellings above what is required over the period 2019-2024 to demonstrate a 5YLS.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Supplementary Planning Document 2020.

8. Analysis

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

2 The main considerations are the effect on residential amenity (Policies DEV1 and DEV2), highway safety and convenience (policy DEV29) and natural infrastructure (Policies DEV26, DEV27 and DEV28).

Residential amenity

3 The application is for holiday lettings and use for weddings. Both of these uses, given the size of the property, have the potential to cause disturbance to neighbours. The main concern raised by the letters of representation is the effect on local residents caused by noise disturbance from weddings. Neighbours have written in to say that events that have already taken place have caused unacceptable disturbance. The previous scheme for larger weddings was refused because it was considered that noise would be unacceptable.

4 Compared to the previously refused scheme, this proposal is for a significantly reduced scheme. The number of people at the weddings has been reduced from 100 to 30. The house has 7 bedrooms and sufficient space to sleep 30 guests. The revised proposal is for guests to hire the house as a holiday home and organise their own wedding, catering and entertainment. The marquee has been removed from the scheme and the weddings are to take place within the house. The applicant has also confirmed that the wedding parties will end by 11pm, catering will take place within the house and there will be no fireworks or amplified music outside the house. The application is for 28 weddings a year.

5 A noise impact assessment has been submitted with the application. The noise impact assessment is based on a maximum of 30 guests, with entertainment and catering taking place inside the building.

6 Consideration has been given to the fact that the garden would be used for socialising, associated comings and goings and outside photography. The report also considers the potential of noise escaping from open windows. The assessment concludes that on this basis the noise at the nearest affected dwelling would be acceptable even with relatively loud music such as would be expected at a party. The advice from Public Protection Officers is that this level of activity is acceptable, and the methods and the findings of the noise assessment are acceptable, subject to a condition that the wedding events take place inside the main house.

7 These conditions have been put to the applicant who has agreed to no amplified music outside, no activity outside after 11pm, catering to be within the main house and to a maximum of 30 attendees. With these conditions in place, officers consider that the proposal is acceptable in terms of noise and disturbance to near neighbours and the proposal complies with policies DEV1 and DEV2 of the JLP and the NPPF.

Highway considerations

8 The Local Highway Authority has reviewed the application and recommended that 10 spaces be provided for 30 guests and associated staff, together with a condition that cycle spaces be provided. The applicant has provided a plan to show where these car parking spaces would be located. Consideration has been given to the increase in traffic and the fact that the site is on a one way lane, without lighting or a pavement, when determining the number of parking spaces required on the site. While it is possible that some people may drive the wrong way on exit, this cannot be assumed and would be a matter for the police to enforce.

9 Subject to conditions that car and cycle parking spaces are made available there is no objection on highway safety grounds and the proposal is considered to comply with policy DEV29 of the JLP and the NPPF.

Ecology and trees

10 The proposed change of use would not adversely affect the green space or the landscape areas beyond. The proposal does not affect any trees on the site and the ecological enhancement strategy proposes bird boxes and additional planting to bring about a net gain in biodiversity for the site. Details and implementation will need to be secured by condition. For these reasons, the proposal is considered to comply with policies DEV26, DEV27 and DEV28 of the JLP and the NPPF.

Drainage

11 The Lead Local Flood Authority has confirmed that if the application is for the change of use and does not include new building work or marquees there would be no conflict with policies DEV35 and DEV2.

Other considerations raised

12 There have been concerns raised about the unauthorised development at the site. These alleged breaches are currently being investigated and new applications have been submitted for these works.

13 A planning application has been received for a retrospective change of use of part of the garden to a café, including the erection of a marquee, placing of a mobile van and additional parking. The café has been operating over the summer and has also been used for community events and by local businesses.

14 There is a caravan in the North West corner of the site, which does not have planning permission. It has been used as accommodation for the applicant's daughter. A planning application has been sought to regularise this use.

15 The stable block to the rear of the house has also been used by the applicant's family as accommodation. This forms part of a new application to include the fencing and wooden buildings already on the site that are used for animals and staff.

16 There is also an unauthorised marquee over the existing swimming pool for which an application has been submitted. This application also includes proposed works to the bar on the western boundary, a link from the pool marquee to the house and parking.

17 The four additional planning applications (retrospective) and supporting Listed Building Consent applications will be considered on their own merits and if any are refused then the Local Planning Authority will take the necessary proportionate enforcement action.

Intentional Unauthorised Development

18 Since August 2015 national planning policy requires consideration to be given as to whether intentional unauthorised development has been carried out. The new policy applies to all relevant planning decisions made by Local Planning Authorities and Planning Inspectors. The policy has been introduced largely as a result of Government concerns about the harm caused by unauthorised developments in the Greenbelt, but applies equally elsewhere.

19 The policy does not indicate exactly how much weight should be afforded to this in relation to the weight to be given to other material planning considerations. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally.

20 It is clearly highly undesirable for any development to take place before planning permission has been properly sought, and obtained, in any circumstances. However, it should be noted that this new policy only applies where unauthorised development has taken place with the full knowledge of the person(s) undertaking the work that it lacks the necessary consent. In reality, given the difficulties in interpreting these points, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that unauthorised development is being carried out, and that works have then continued beyond that point, or where there is some other compelling evidence that such work has intentionally been carried out.

21 The use of St Anne's House for holiday lets appears to officers to be intentional unauthorised development, but is considered acceptable subject to the conditions proposed. However, to be clear, officers are not considering other matters within the current red line of this planning application that do not have planning permission. These individual developments will be considered on their own merits either under delegated powers or through the Planning Committee, as outlined above.

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 Community Infrastructure Levy (CIL) assessment has been made based on no additional floor area and therefore there is no CIL liability.

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

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

Subject to conditions the proposal is not considered to have an unreasonable impact on the highway network, the amenity of the area, or the natural infrastructure of the area. 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 is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 15.04.2020 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**

First Floor Proposed Floor Plans 1602-26 - received 13/03/20
Proposed Ground Floor Plans 1602/25 Rev A received 29/09/20
Site Layout Plan 1602/34 Rev E received 29/09/20

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: CAR PARKING PROVISION**

PRE-OCCUPATION

The building shall not be used for wedding purposes as outlined within this application until the car parking areas/spaces shown on the approved plan have been drained, surfaced and demarcated in accordance with details to be submitted to and approved in writing by the Local Planning Authority and those areas/spaces shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by visitors/guests to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2020, the accompanying Supplementary Planning Document 2020 and the NPPF.

3 **CONDITION: CYCLE PROVISION**

PRE-OCCUPATION

The building shall not be occupied for the purposes as outlined within this application 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 4 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2020, the accompanying Supplementary Planning Document 2020 and the NPPF.

4 **CONDITION: RESTRICTIONS ON THE USE**

All catering and music on the site shall only take place within the main house known as St Annes House as shown on plan numbers 1602/25 REVA and 1602/26 and shall not take place outside the hours of 10:00 and 23:00, or include firework displays.

Reason:

To ensure that the proposed use complies with the submitted details and does not give rise to unacceptable noise and disturbance to near neighbours and to ensure compliance with policy DEV2 of the Plymouth and South West Devon Joint Local Plan, the accompanying Supplementary planning Document 2020 and the NPPF.

5 CONDITION: ECOLOGICAL ENHANCEMENT

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the "Preliminary Ecological Appraisal Report and Ecological Mitigation and Enhancement Strategy" dated November 2019 for the site within 6 months of the date of this notice.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Plymouth and South West Devon Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the NPPF paragraphs 170, 175 and 176.

6 CONDITION: NO MORE THAN 30 PEOPLE

In accordance with the submitted details, no more than 30 people, excluding registrar staff, shall attend any one of the licenced wedding ceremonies at the property.

Reason:

To ensure that the proposed use complies with the submitted details and does not give rise to unacceptable noise and disturbance to near neighbours, or cause parking problems and to ensure compliance with policy DEV2 and DEV29 of the Plymouth and South West Devon Joint Local Plan, the accompanying Supplementary planning Document 2020 and the NPPF.

7 CONDITION: NO MORE THAN 28 WEDDINGS PER YEAR

In accordance with the submitted details, there shall be no more than 28 licenced wedding ceremonies in one calendar year at the site.

Reason:

To ensure that the proposed use complies with the submitted details and does not give rise to unacceptable noise and disturbance to near neighbours and to ensure compliance with policy DEV2 of the Plymouth and South West Devon Joint Local Plan, the accompanying Supplementary Planning Document 2020 and the NPPF.

INFORMATIVES

I INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructuralevy>

More information and CIL Forms can be accessed via the Planning Portal:

https://www.planningportal.co.uk/info/200126/applications/70/community_infastructure_levy/5

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

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 including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: PLANNING PERMISSION LIMITATION

This application relates to the change of use of the building and provision of parking. It does not grant planning permission for any of the works on the approved plan that may not benefit from planning permission.