



### **Oversight and Governance**

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Published 18 February 2025

#plymplanning

## **PLANNING COMMITTEE**

Thursday 27 February 2025

4.00 pm

Council Chamber, Council House

### **Members:**

Councillor Stevens, Chair

Councillor Penrose, Vice Chair

Councillors Allen, Mrs Bridgeman, Darcy, Freeman, Goslin, McCarty, McNamara, Ney, M. Smith, Sproston and Ms Watkin.

Members are invited to attend the above meeting to consider the items of business overleaf.

This meeting will be webcast and available on-line after the meeting. By entering the Council Chamber, Councillors are consenting to being filmed during the meeting and to the use of the recording for the webcast.

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**Tracey Lee**

Chief Executive

# Planning Committee

## AGENDA

### PART I – PUBLIC MEETING

#### 1. Apologies

To receive apologies for non-attendance submitted by Committee Members.

#### 2. Declarations of Interest

Members will be asked to make any declarations of interest in respect of items on this agenda.

#### 3. Minutes (Pages 1 - 4)

The Committee will be asked to confirm the minutes of the meeting held on 23 January 2025.

#### 4. Chair's Urgent Business

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

#### 5. Questions from Members of the Public

The Chair will receive and respond to questions from members of the public submitted in accordance with the Council's procedures. Questions shall not normally exceed 50 words in length and the total length of time allowed for public questions shall not exceed 10 minutes. Any question not answered within the total time allowed shall be the subject of a written response.

#### 6. Planning Applications for Consideration

The Director for Strategic Planning and Infrastructure will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990.

- 6.1. 24/01145/FUL - The Grenville Hotel 82-84 Grenville Road, PL4 (Pages 5 - 18)  
9PZ

Applicant: Mr A. Cotterell  
Ward: Sutton and Mount Gould  
Recommendation: Grant Conditionally

6.2 24/01479/FUL - The Old Dairy, School Lane, Plympton, PL7 1NQ (Pages 19 - 28)

Applicant: Mr Nathan Stonecliffe  
Ward: Plympton Erle  
Recommendation: Grant Conditionally

6.3 24/01124/FUL - Land at 53, Newnham Road, Plympton, PL7 4AW (Pages 29 - 50)

Applicant: Mr Neal Hiscocks  
Ward: Plympton St Mary  
Recommendation: Grant Conditionally

**7. Planning Application Decisions Issued (Pages 51 - 62)**

The Director for Strategic Planning and Infrastructure, acting under powers delegated to him by the Council, will submit a schedule outlining all decisions issued from 14 January 2025 to 17 February 2025 including:

- 1) Committee decisions;
- 2) Delegated decisions, subject to conditions where so indicated;
- 3) Applications withdrawn;
- 4) Applications returned as invalid.

Please note that these Delegated Planning Applications are available to view online at:  
<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

**8. Appeal Decisions (Pages 63 - 64)**

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that these Delegated Planning Applications are available to view online at:  
<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

**9. Exempt Business**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) ... of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

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## Planning Committee

Thursday 23 January 2025

### PRESENT:

Councillor Penrose, in the Chair.

Councillor Allen, Vice Chair.

Councillors Mrs Bridgeman, Darcy, Freeman, Goslin, McCarty, McNamara, Raynsford (Substitute for Councillor Ney), M.Smith and Ms Watkin.

Apologies for absence: Councillors Sproston, Stevens, and Ney.

Also in attendance: Stuart Wingfield (Head of Development Management), Julie Parkin (Senior Lawyer), Emily Godwin (Planning Officer), Alex Copsey (Historic Environment Officer), Councillor Allison (Ward Councillor/Referrer, item 6.1) Warren Kressinger-Dunn (Applicant, item 6.1), Daniel Rouse (Objector, item 6.1), and Elliot Wearne-Gould.

The meeting started at 4.30 pm and finished at 5.27 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### Appointment of a Vice-Chair

As apologies had been received from Councillor Stevens (Chair), Councillor Penrose (Vice-Chair) would Chair the meeting today.

Councillor Penrose proposed that Councillor Allen be appointed Vice-Chair for this particular meeting. This was seconded by Councillor Darcy, and agreed by the Committee.

### 62. Declarations of Interest

There was one declaration of interest made:

Councillor	Item	Interest	Description
Raynsford	6.1	Pre-determined	Councillor Raynsford considered she had pre-determined the application and would leave the room at the start of this item.

### 63. Minutes

The Committee agreed the minutes of the meeting held on 12 December 2024 as a correct record, subject to the correction of a grammatical error under minute 52.

64. **Chair's Urgent Business**

There were no items of Chair's urgent business.

65. **Questions from Members of the Public**

There were no questions from members of the public.

66. **Planning Applications for consideration**

The Committee considered the following applications, development proposals by local authorities and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservations Areas) Act, 1990.

67. **24/00920/FUL - Vine Hotel, 5 Admirals Hard, PLI 3RJ**

*(Councillor McCarty arrived at the start of this item.)*

*(Councillor Raynsford left at the start of this item)*

Applicant: Mr Warren Kressinger-Dunn  
Ward: Devonport (St Peter and the Waterfront)  
Decision: Granted Conditionally

Emily Godwin (Planning Officer) highlighted an error within paragraph 28 of the officer's report, which stated that 'The site itself is identified within the "views" outlined in the CAAMP'. This should have instead read 'the site itself is not identified within the "views" outlined in the CAAMP'.

Emily Godwin (Planning Officer) delivered the report to the Committee.

Councillor Lewis Allison Spoke to the application, as ward councillor/referrer.

Mr Warren Kressinger Dunn spoke to the application, as the applicant.

Mr Daniel Rouse Spoke to the application, as an objector.

Following discussions, the Committee agreed to grant the application subject to the conditions set out in the report.

For (7)

Councillors Allen, Mrs Bridgeman, Goslin, McCarty, McNamara. M. Smith and Ms Watkin.

Against (2)

Councillors Darcy and Freeman.

Absent/Did Not Vote (2)

Councillors Penrose and Raynsford.

68. **Planning Application Decisions Issued**

*(Councillor Raynsford returned at the start of this item)*

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 13 December 2024 to 13 January 2025.

69. **Appeal Decisions**

Stuart Wingfield (Head of Development Management) delivered an update to the Committee and discussed:

- a) The Appeal Decision for the Petersfield Close application, which had previously come before committee, had been 'allowed' by the Inspectorate. The Inspector agreed with members refusal reasons (impact on character and appearance, impact on biodiversity, & being contrary to the development plan) however, gave significant weight to the extant planning permission from the 1960's, resulting in its approval.

The Committee noted the schedule of appeal decisions made by the Planning Inspectorate.

70. **Exempt Business**

There were no items of exempt business.

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# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	24/01145/FUL	<b>Item</b>	01
<b>Date Valid</b>	04.09.2024	<b>Ward</b>	SUTTON AND MOUNT GOULD
<b>Site Address</b>	The Grenville Hotel, 82 - 84 Grenville Road Plymouth PL4 9PZ		
<b>Proposal</b>	Change of use of ground floor from public house (Sui Generis) to 3no. flats (Class C3)		
<b>Applicant</b>	Mr A Cotterell		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	30.10.2024	<b>Committee Date</b>	27.02.2025
<b>Extended Target Date</b>	20.12.2024		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Sam Lewis		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to the Planning Committee by Cllr. Sue Dann.

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

The Grenville Hotel is a public house on the corner of Grenville Road and Cromwell Road. Whilst the first floor was previously converted into 3no. flats, the ground floor remains a pub in planning terms - although it is currently not trading. The site falls within the Sutton and Mount Gould ward of the city.

### **2. Proposal Description**

The proposal seeks to convert the ground floor of the pub into 3no. 1-bed flats. No external alterations are proposed. Planning permission has since been granted for the proposal following a recent appeal decision relating to a previous application.

### **3. Pre-application Enquiry**

None.

### **4. Relevant Planning History**

17/00640/FUL - Conversion of existing first floor accommodation into three one bedroom flats (Granted Conditionally).

24/00413/FUL - Change of use of ground floor from public house (Sui Generis) to 3no. flats (Class C3) (Refused but Allowed on Appeal).

The Inspector considered the same supporting information that accompanies this application and concluded: *the public house does not have prospects of remaining open as an economically viable business and there are a sufficient range of alternative venues so as to avoid significant harm to the level of local service. The proposal therefore complies with, in particular, JLP Policies STP2 and DEV18 of the JLP.*

Substantial weight must be given to this decision, which is a material consideration, in the determination of this current application.

### **5. Consultation Responses**

Highway Authority - Raised no in-principle objections to the proposal but recommended a condition pertaining to cycle storage.

Public Protection Service - No objections.

Economic Development - No response received.

Community Connections - No objections.

Environment Agency - No response received.

Natural England - Requested more information pertaining to the potential impacts on designated sites.

Campaign for Real Ale - No response received.

Lead Local Flood Authority - No objections.

### **6. Representations**

43 letters of representation have been received by Officers, although some individuals submitted multiple letters. 19 of these letters express support for the proposal whilst 24 object to it. The reasons raised in support include:

- The public house sector is struggling;
- The site was not added to the Asset of Community Value (ACV) register;
- There is a need for housing;
- Reduction in noise impacts.

These issues will be discussed in Section 8 of this report. Additionally, it has been raised that the pub itself does not meet current planning policy. As the pub is historic, there is no requirement for it to retrospectively accord with current policies.

The reasons raised in objection include:

- Loss of local public house provision;
- Concerns raised with the supporting alternative provision/viability information provided;
- Offers have been made to purchase the pub, but these have been turned down;
- Parking concerns in the area.

These issues will be discussed in Section 8 of this report.

## **7. Relevant Policy Framework**

Section 70 of the Town and Country Planning Act 1990 requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(5B) of the Planning and Compensation Act 2004 sets out that the determination of any matter under the Planning Acts must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise. For the purposes of decision making, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 (2019) (JLP) is part of the development plan for Plymouth City Council. The Plymouth & South West Devon Joint Local Plan 2014 - 2034: Supplementary Planning Document (2020) (SPD) sets out guidance relating to the implementation of the policies of the JLP.

The relevant policies and/or provisions of the following documents also have the potential to be material to the consideration of the application: National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the Plymouth and South West Devon Climate Emergency Planning Statement (2022) (CEPS), and the Joint Local Plan Five Year Review Report (2024).

Following adoption of the Joint Local Plan, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor their housing requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the Five-Year Housing Land Supply (5YHLS) assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 12 December 2024, MHCLG published the HDT 2023 measurement. This confirmed the Plymouth, South Hams, and West Devon's joint measurement as 113% and that there are no policy consequences.

A 5% buffer is required to be applied for the purposes of calculating a 5YHLS at the whole plan level. As a result of the new standard method set out in the PPG, and the housing provisions of the NPPF, the combined authorities are only able to demonstrate a 2.53year housing land supply. This means that the presumption in favour of sustainable development set out in paragraph 11d of the NPPF applies for decision-making purposes, and that planning permission should be granted unless the specific circumstances set out in sub-points (i) or (ii) in the same paragraph are satisfied.

Additionally, the following planning documents are also material considerations in the determination of the application:

- o Technical Housing Standards: Nationally Described Space Standards (March 2015);
- o Review of City, District and Local Centres in Plymouth for the Joint Local Plan (March 2017).

## **8. Analysis**

8.1 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.

## 8.2 Update Following Previous Planning Committee

8.2.1 This application was presented to Planning Committee on 12th December 2024 and, following the discussion, Members resolved they were minded to refuse the application for two reasons. Firstly, that insufficient evidence to justify the loss of the community facility had been provided and the application was therefore in conflict with DEV18. Secondly, the proposal provided insufficient outdoor amenity space to serve future residents contrary to DEV10.

8.2.2 The Committee agreed to defer the decision in respect of the application to allow further consideration of the implications of the updated NPPF, which made significant changes to the Council's 5YHLS position, which had been published on the day of the Committee.

8.2.3 Officers have therefore updated both Sections 7 and 8 of this report to reflect that the Council no longer has a 5YHLS and that significant weight that must now be attributed to the delivery of new housing.

8.2.4 Furthermore, as noted in Section 4 of this report, an appeal decision has been received from the Planning Inspectorate in relation to the previously refused application at the site. The Inspector decided to allow the appeal and permission was granted for conversion of the pub to 3no. flats.

8.2.5 The Inspector considered the same additional information to come to their decision which has been submitted to support this application, alongside the fact that the Council are now unable to demonstrate a 5YHLS.

8.2.6 In addition to the summary in Section 4, above, the Inspector provided the following assessment on the prospect of the business continuing against DEV18:

*The recent leaseholders detailing profits and losses for the years 2019 to 2023, demonstrate that the business was unviable, with three of those four years being shown as loss making rather than profitable...*

*If the number of objectors is in any way representative of the size of the regular customer base in recent times, it is understandable that the business has fallen into economic decline given the increase in costs over the same period. Furthermore, I am mindful of the relatively close proximity of the city centre and waterfront area which offer an attractive range of destinations for drinking and dining. The prospect of the business being reconfigured in such a way that would diversify and increase its income also seem limited, given factors such as its scale, location and licensing restrictions...*

*The premises was marketed via a specialist commercial agent between July 2022 to February 2024 using unambiguous marketing terms including reference to the public house. It was advertised via mailing list, web portals such as Rightmove Commercial, Zoopla Commercial, BusinessesForSale.com, Realla, Loopnet, Facebook, LinkedIn, Google Ads and Instagram. That there were no advertising boards on the premises so as to avoid diverting custom is not unusual. There is also suggestion that an auction was advertised but that little interest was forthcoming.*

*Despite there being 3 viewings and reductions in the asking price on two occasions during the entire marketing period, no formal offers were received. Whilst there is evidence to suggest that interest was expressed by someone known to the business, this does not appear to have been made as a formal offer via the appropriate channels or at the appropriate time.*

*As such, the marketing period of around 20 months surpasses the requirement of the SPD of 12 months and the marketing appears to have been undertaken as required by the Policy DEV18(6) and the SPD.*

*In respect of the level of service that would remain locally in the event of the public house closing permanently... My attention has been drawn to the fact that there are at least 4 traditional pubs within a*

*distance of around 800m - 1.2km from the appeal site... The distances to these alternative venues, whilst in some cases slightly beyond the 800m optimum, are not prohibitive for those that can walk or use non-car modes, but, if necessary, it is sufficiently short a journey over which to utilise an alternative means of transport, such as a taxi. The alternative venues in the area also appear to cater to a wide demographic and cover a range of social activities, including coffee mornings, live music and televised sporting events. I have seen no evidence to suggest that the Grenville Hotel offered anything particularly unique that is not available at least one or a number of the aforementioned alternative venues within reasonable proximity.*

8.2.7 The Inspector did not raise any concerns with the quality of the accommodation being created nor the lack of outdoor space.

8.2.8 The appeal decision carries substantial weight, as a relevant material consideration, in the determination of this application.

### 8.3 Principle of Development

8.3.1 Prior to assessing the specifics of the development, Officers first need to consider the principle of the proposal. Although not designated in the Local Plan, the use of the site as a public house is afforded some protection as a community facility under JLP policies SPT2 and DEV18.6, plus paragraph 98 of the NPPF. Redevelopment of the ground floor for residential use would therefore result in a loss of the pub for community use. Other JLP policies, however, including DEV7 and DEV9, plus section 5 of the NPPF, provide strong support for the delivery of new housing in sustainable locations, including giving 'great weight' to the benefits of using suitable sites (windfall sites) within existing settlements for homes (NPPF paragraph 73(d)).

#### 8.3.2 Loss of Community Facility:

At a high level, paragraph 98 of the NPPF states that to provide social, recreational, and cultural facilities and services the community needs, planning policies and decisions should: *guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs.*

8.3.3 SPT2 of the JLP sets out the Plan's strategic approach to delivering sustainable linked neighbourhoods which includes providing for appropriate levels of facilities to meet the identified needs of the local community, including cultural and community facilities (SPT2.9).

8.3.4 DEV18 of the JLP looks to protect local services and facilities, with DEV18.6 specifically stating:

*The change of use to other uses of facilities of local community importance, such as local convenience shops, post offices, public houses, cafes, restaurants and community facilities, will only be supported where there is no significant harm to the level of service locally and where there is no reasonable prospect of the business or community use continuing.*

8.3.5 The implementation of DEV18.6 in the Plymouth Policy Area is supported in part by paragraph 5.60 of the SPD. It states that:

*For development which looks to change the use of a community facility, in order to demonstrate that there is no reasonable prospect of a community facility continuing, the premises needs to have been marketed through appropriate channels (such as local, national and specialist agents, publications and websites relevant to the nature of the facility), registered agent as a business (not as a development opportunity for an alternative use) for its existing use without development potential for a minimum of 12 months.*

8.3.6 These are the key policies and guidance against which the principle of the loss of the public house as a community facility will be considered against.

8.3.7 This application follows 24/00413/FUL, which was refused in July 2024 - although has since been allowed on appeal. The application was refused on the basis that the public house is in an area which is considered to be lacking in suitable alternatives, and it was not demonstrated that the pub's loss was the only viable option. As such it was considered contrary to policies SPT2, DEVI8.6, and paragraph 98 of the NPPF.

8.3.8 Whilst this proposal is for the same development as the scheme which was refused, the applicant has submitted more supporting information to justify the pub's loss - and has also attempted to detail local alternative provision. This is the same information the Inspector considered as part of the aforementioned appeal.

8.3.9 The first matter Officers need to consider is the level of harm to the provision of services locally. In the absence of any study previously, Officers referenced a few relatively close establishments and came to the view that the harm would be significant. In support of this proposal the applicant has provided a detailed list of alternatives - including the distance of them from the site. With this information, Officers have been able to undertake a more meaningful and detailed assessment. Whilst SPT2 does not specifically reference pubs, it generally considers that 800m is a reasonable walking distance to various types of community use - with 800m in planning terms generally equating to a 10-minute walk. Using mapping, Officers have been able to plot an indicative 10-minute walking radius around the site. This map has been added to with similar 10-minute walking areas from other nearby pubs so that Officers could see where there is overlap. Whilst not an exact representation of the likely situation, the mapping exercise suggests that approximately two-thirds of the site's estimated catchment area would be within a 10-minute walk of at least one of the other pubs identified. This would leave approximately a third without such coverage. This suggests a level of harm to local provision, but Officers are not of the view that the level of harm would be significant as set out in DEVI8.6. Officers note that part of the area not serviced by another pub is taken up by both Tothill Park and the railway line - which limits connectivity from parts of Mount Gould to the north to the site, and further supports Officers in coming to the view that the level of harm is not significant.

8.3.10 The second element of DEVI8.6 turns to more viability-related issues with Officers needing to consider whether there is a reasonable prospect of the business or community use continuing. For this assessment regard is had to paragraph 5.60 of the SPD which requires the business to have been actively marketed for its existing use for a minimum of 12 months. The pub ceased trading earlier in the year. The applicant has submitted evidence which includes Profit & Loss Accounts from 2019-2023 in order to demonstrate viability issues. The reports show that for three of the four trading years the business made a net loss and that as such the business is unlikely to be sustainable in its current form over the long-term. The financial struggles of the pub are also set out in the statutory declarations from the applicant and the former leaseholders.

8.3.11 In accordance with the guidance set out in the SPD, evidence has also been provided relating to the property's marketing history - showing that it was on the market between July 2022 and February 2024, during which time the price was dropped twice. It also states that the property went to auction and little interest was forthcoming. During the time that the property was on the market, it received three viewings. No formal offers were made. It has been stated that no 'for sale' signage was erected at the site so as not to damage the pub's trade - but that the site was marketed online and via social media in ways typical to such properties. It was reported in the press during the previous application that an offer was made whilst the application was being considered which the applicant turned down. The applicant's statutory declaration states that the offer was made informally over the phone and not formally in writing via an appropriate agent or with any verifiable evidence of sufficient funds in place. This is disputed in some of the letters of representation received, but no evidence has been submitted to substantiate the offer being made and therefore Officers are unable to give much meaningful weight to this in the planning balance. Officers therefore

consider that the information provided demonstrates adequate marketing for a period in excess of the specified 12 months and further supports that there is no reasonable prospect of the business continuing alongside the other information provided. It should be noted that the Inspector considered the information submitted as part of this application as part of the recent appeal decision.

8.3.12 Some of the letters of representation question the financial information provided and put forward the theory that the pub could be profitable if it was run differently. In particular it has been stated that the business could be run more as a community venture rather than strictly for profit and/or with a more limited floor area. However, it is noted that no offer on these grounds has been made for the pub within the above specified period of marketing, or via the formal agent, and as such the proposal is considered to satisfy the tests of DEVI8.6 and SPD paragraph 5.60.

### 8.3.13 Housing Delivery:

Paragraph 73 of NPPF highlights the important contribution small sites can make to the housing requirement of an area. Support is provided for windfall sites, with great weight being given to the benefits of using suitable sites within existing settlements for homes. This is supported by policy SPT3 of the JLP which expects windfall sites to make an important contribution to the overall housing supply.

8.3.14 Paragraph 125 of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for housing. This is supported by JLP policy SPT1 which promotes the effective use of land for development through optimising the use of previously developed sites. Alongside supporting the provision and retention of community facilities, SPT2 welcomes a good balance of housing types and tenures to support a range of household sizes, ages, and incomes to meet identified housing needs. DEV7 then further expands on the housing need for Plymouth, noting a key need for smaller dwellings most suited to younger and older people.

8.3.15 The development would provide 3no. 1-bed flats in an area where the predominant form of development is terraced housing. Officers therefore consider the development would positively add to the housing mix of the locality.

8.3.16 The publication of the updated NPPF on 12th December 2024, alongside new guidance, sets out a new standard method to calculate local housing need with the clear aim of increasing housing delivery nationally. Policy SPT3 of the JLP sets an overall housing requirement for the Plan Area of 26,700 dwellings (net), which is 1,335 per annum for the Plan Period between 2014 and 2034.

8.3.17 The new standard method, however, identifies a housing need for the Plan Area of 2,643 dwellings per annum. The LPA therefore accepts that, given the provisions of paragraph 62 of the PPG and paragraph 34 of the NPPF, SPT3 is now out of date.

8.3.18 The extent of the shortfall in relation to the 5YHLS is such that significant weight needs to be given to the provision of new housing in the planning balance.

### 8.3.19 Principle Conclusions:

In conclusion, Officers are of the view that, on balance, the applicant has demonstrated that the scheme complies with DEVI8.6. It is noted that not all of the site's catchment would be covered by the catchment of another alternative pub, but quite a large portion of it would be, and the financial information provided appears to demonstrate that the site is no longer viable as a pub. Officers note the public opposition to the proposed change of use but consider the evidence submitted satisfies the requirements of DEVI8 and the guidance in the SPD - and adequately demonstrates the loss can be supported. Furthermore, the development would provide for 3no. 1-bed flats to help meet local housing need in accordance with the aims of the updated NPPF. As such, Officers consider the proposal to be acceptable in principle.



## 8.4 Visual Impact

8.4.1 As no external alterations are proposed to the property, Officers consider that the scheme would not alter the site's existing visual impact in line with DEV20 of the JLP. It is noted in one of the letters of representation received that neither the existing nor proposed plans show the property's chimneys. It has been confirmed by the applicant that no alterations to the chimneys are proposed. Any changes to such would require planning permission and this has been reiterated in an Informative below.

## 8.5 Amenity Impact

8.5.1 This section of the report will consider the impact of the proposal on the surrounding residents as well as the enjoyment of it by its future occupiers.

8.5.2 Regarding the impact of the proposal on neighbouring properties, Officers do not consider that it would be significant. The area is largely residential in nature so the proposal would be in-keeping with the area and is not considered to lead to any noises/activities which would be out of character. As no extensions to the building are proposed and no additional windows are to be inserted, Officers consider that the building's existing privacy, massing, and light impacts would remain. It has also been noted in some of the letters of representation that the loss of the pub would reduce local noise and other amenity impacts. Any impacts relating to the pub's operation are long-established at this point, though, so this point has been afforded limited weight.

8.5.3 Regarding the quality of the accommodation which the proposed flats would provide their future occupiers, Officers consider that it would be of an acceptable standard. All of the flats would meet the Nationally Described Space Standards for a 1-bed 2-person flat and all of the flats would be served by appropriate levels of natural light. There would be a shared courtyard to the rear, but this would not provide a significant amount of useable amenity space. Given the location of the site, though, the lack of meaningful outdoor space is not uncommon - and Officers do not consider this a reason to recommend refusal. This yard would largely be used for bin and bike storage. Whilst the space is constrained, the submitted plan shows that there would be space for 12no. bins - which is what the site would require if 6no. flats were present. Cycle storage is also proposed within the yard.

8.5.4 Officers therefore consider that the scheme would not have a significant amenity impact on neighbouring properties in line with DEV1 and DEV2 of the JLP and would provide an acceptable level of accommodation for any future occupiers in line with DEV10 of the JLP.

## 8.6 Highway Impact

8.6.1 The Highway Authority were consulted on the scheme and they did not object to it. Whilst no off-street parking is proposed, and parking concerns have been flagged in the letters of representation received, Officers do not consider that the scheme would have a significant parking impact. The parking demand of the pub would exceed that of the 3no. flats proposed according to the indicative levels set out in Table 31 of the SPD and the site is also covered by a Controlled Parking Zone (CPZ) which the flats would be exempt from obtaining permits for. This CPZ is only in force for an hour a day, though, but the difference between the parking demand for the pub and the proposed flats means that Officers consider the proposal to be acceptable without off-street parking. The cycle storage referenced above has been conditioned below.

8.6.2 Officers are therefore of the view that the scheme is acceptable in line with DEV29 of the JLP.

### 8.7 Climate Emergency Considerations

8.7.1 As this proposal seeks the partial change of use of an existing building, with part of the building to remain as is, Officers are satisfied that the reuse of this vacant area makes effective use of brownfield land and is in line with DEV32 of the JLP and the CEPS in this instance.

### 8.8 Biodiversity Net Gain

8.8.1 Due to the proposed scale of development the scheme would be exempt from the mandatory requirement to deliver biodiversity net gain. The proposal is considered 'de minimis' because no habitat is impacted by the development.

### 8.9 Other Matters

8.9.1 As the site falls within a Critical Drainage Area, the Lead Local Flood Authority were consulted on the proposal. No objections were raised in line with DEV35 of the JLP.

8.9.2 Additionally, the proposal underwent a Habitat Regulations Assessment (HRA) to ascertain whether there would be an impact on the Tamar Estuary Marine Site. The scheme would trigger a sum of money to be paid through the HRA, however, given that the scheme is £0 CIL liable, this money would not have come from the applicant.

8.9.3 Officers are aware of attempts to place the pub on the Asset of Community Value (ACV) register and that a current nomination is being considered following a previous unsuccessful nomination. This is not a material planning consideration and would only be so if the previous nomination had been successful. ACVs are judged under different legislation to planning applications so no regard has been given to that process here.

### 8.10 Planning Balance

8.10.1 Paragraph 11d and footnote 8 of the NPPF state that, where the policies which are most important for determining the application are out-of-date (including where the Local Planning Authority (LPA) cannot demonstrate a 5YHLS, or where the HDT indicates that the delivery of housing was substantially below the housing requirement over the previous three years) planning permission should be granted unless at least one of two exceptions set out in sub paragraphs (i) and (ii) are met. Given the significant shortfall in the JLP's 5YHLS assessment, it is considered that the most important policies are out-of-date and therefore, unless either of the exceptions apply, the NPPF says that planning permission should be granted.

8.10.2 Exception (i) relates to whether the application of NPPF policies that protect a pre-specified list of assets of particular importance provide a strong reason for refusal. These are set out in footnote 7.

8.10.3 Exception (ii) relates to whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 9 sets out the NPPF policies that this particularly relates to.

8.10.4 It is acknowledged that the LPA do not currently have a 5YHLS, however, in this instance no conflict has been identified against the development plan. The proposal is considered sustainable development, providing 3no. new flats in an accessible location, close to services and facilities, and providing a good standard of accommodation whilst not prejudicing the amenity of existing residents or the wider area.

8.10.5 The development will provide 3no. smaller properties, when the Council is unable to demonstrate a 5YHLS. This will contribute to an identified and general housing need and must be given significant weight in the planning balance. In addition, the decision of the Planning Inspectorate to allow an almost identical application in January 2025 is a significant material consideration that

carries substantial weight. Officers consider the lack of a 5YHLS alongside the recent appeal decision substantially outweigh the concerns expressed by Members in the previous debate. The application is therefore considered acceptable and is being recommended for approval.

## **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 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).

## **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 are not required due to the size of the 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**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal is acceptable and accords with policies SPT1, SPT2, DEV1, DEV2, DEV7, DEV10, DEV18, DEV20, DEV29, DEV32, and DEV35 of the JLP. Whilst the loss of the pub is regrettable, Officers consider this would not result in significant harm to the provision of facilities locally and that sufficient evidence has been submitted to demonstrate that there is no reasonable prospect of the establishment reopening. Substantial weight must also be given to the decision of the Inspector to approve the previous application relating to the site. Furthermore, the development would deliver 3no. 1-bed flats, which would meet an identified need for smaller dwellings. Therefore, in accordance with paragraph 11 of the NPPF, this application is recommended for conditional approval for the reasons discussed throughout this report.

## **14. Recommendation**

In respect of the application dated 04.09.2024 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 Conversion of Ground Floor into 3 One Bedroom Flats 82 84 Grenville Road Plymouth  
2814 2 Rev A received 04/09/24  
Location Plan 04092024 received 04/09/24

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: CYCLE PROVISION****

**PRE-OCCUPATION**

The 3no. flats hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for a minimum of 3no. bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall then 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 & South West Devon Joint Local Plan 2014-2034 (2019).

**4      **CONDITION: BIN STORAGE****

**PRE-OCCUPATION**

The 3no. flats hereby approved shall not be occupied until the bin storage area shown on the approved plans has been made available for use. This area shall remain available for its intended purpose and shall not be used for any other purpose without the written consent of the Local Planning Authority. Bins shall be stored in this area at all times except for collection day.

Reason:

To prevent street clutter and polluting effects from refuse storage in accordance with policies DEV1, DEV2, and DEV31 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**INFORMATIVES**

**1 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](http://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/communityinfrastructurelevy>

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

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_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 (NO 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, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

**3 INFORMATIVE: PROPERTY RIGHTS**

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

**4 INFORMATIVE: COUNCIL CODE OF PRACTICE**

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):

<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

**5 INFORMATIVE: BIODIVERSITY NET GAIN EXEMPTION**

In accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, this application is exempt from mandatory BNG as the development is subject to the de minimis exemption (development that does not impact a priority habitat and impacts less than 25sqm of habitat).

**6 INFORMATIVE: CHIMNEYS**

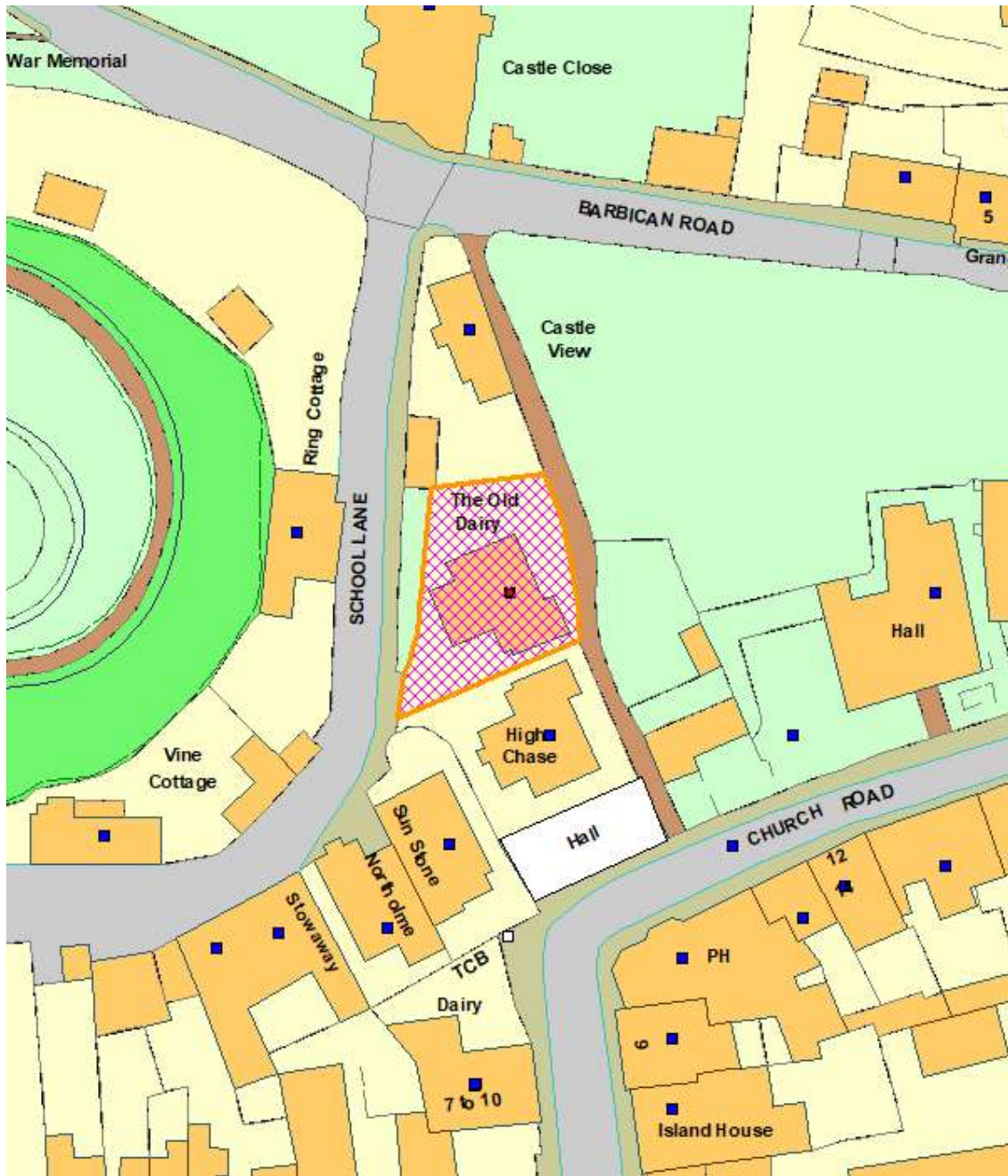
For clarity, this grant of planning permission permits no alterations (including the removal of) to the site's chimneys.

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# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	24/01479/FUL	<b>Item</b>	02
<b>Date Valid</b>	13.11.2024	<b>Ward</b>	PLYMPTON ERLE
<b>Site Address</b>	The Old Dairy School Lane Plymouth PL7 INQ		
<b>Proposal</b>	Partial reduction of western boundary wall		
<b>Applicant</b>	Mr Nathan Stonecliffe		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	08.01.2025	<b>Committee Date</b>	27.02.2025
<b>Extended Target Date</b>	28.02.2025		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Luke Valentine		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to the Planning Committee by Cllr. Terri Beer.

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

The Old Dairy is a two-storey, detached dwelling located in the Plympton Erle ward of the city.

The site is situated within the Plympton St Maurice Conservation Area.

The dwelling is late 20th Century, however the limestone and rough-coursed rubble boundary wall dates to the late 18th to early 19th Century and is typical of the walled gardens of the period.

### **2. Proposal Description**

Partial reduction of western boundary wall.



The application asserts that the south section of the western boundary wall proposed to be removed is unstable and represents a danger to both the applicant and the public.

### **3. Pre-application Enquiry**

No pre-application enquiry associated with this application.

### **4. Relevant Planning History**

87/01819/FUL - Erection of two detached and two link detached houses with integral garages -  
Granted conditionally

23/01097/FUL - Removal of first floor box dormer / bay window and replacement with small balcony, x1 new first floor front window, alterations to existing window openings, relocation of steps and installation of wooden cladding at first floor level. - Grant Conditionally

### **5. Consultation Responses**

Urban Design Officer - No Comment

Historic Environment Officer - No Objection

### **6. Representations**

The Local Authority have received 8 letters of representation opposing the application on the following grounds:

- o Unacceptable impact on the character of the conservation area
- o Unconvincing justification for the works
- o Unacceptable impact on neighbouring amenity and outlook
- o Unacceptable impact on previously agreed planning consents

### **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 of 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).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022, and the Joint Local Plan Five Year Review Report, 2024. Additionally, the following planning documents are also material considerations in the determination of the application:

- o The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).
- o Plympton St Maurice Conservation Area Appraisal and Management Plan (CAAMP) (2008)

### **8. Key Issues/Material Considerations**

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. This application turns upon policies: DEV1 (Protecting health and amenity), DEV20 (Place shaping and quality of the built environment), and DEV21 (Development affecting the historic environment) of the adopted Joint Local Plan.

3. The material planning considerations for this application are:

- o Visual Impact and Impact on Conservation Area
- o Residential amenity

Negotiations Undertaken

4. The original plans submitted were considered acceptable in-principle and the assessment is based on the initial submission.

Visual Impact and Impact on the Character of the Conservation Area

5. DEV 21 of the JLP requires development to sustain local character and distinctiveness of the area and conserve or enhance its historic environment, heritage assets and their settings according to their national or local significance.

6. The NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

7. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

8. Paragraph 210 states:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

9. Paragraph 212 states:

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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10. Paragraph 213 states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

11. The Town Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

12. This is a requirement of the act itself meaning that when considering these proposals, great weight must be given to the impact of the proposals on the character and appearance of the Conservation Area.
13. The proposal is to partially demolish a section of the boundary wall measuring approximately 7.7 metres in width from the south end and 1.5 metres height.
14. The newly created wall end would be capped with blockwork to match the existing and retain the 45-degree angle of the existing wall. The wall coping will be finished in lime putty to match the existing.
15. The application is supported by a Structural Engineering Report. The report found that the section of the wall the applicant proposes to remove currently leans inward, with a typical measurement of 60mm over 1800mm. In contrast, the rest of the wall measures between 10 to 20mm over 1800mm.
16. The report asserts that this movement likely results from the combination of traffic vibrations, plant growth, and the sites topography.
17. It concludes that the wall, as a whole, is vulnerable, if theoretically stable, and that the identified section should be removed as a safety measure.
18. The boundary wall is a surviving remnant of a garden wall dating back to the late 18th to 19th century. The wall is typical of high walled gardens of the period.
19. The wall is limestone with rough-course rubble bonded with a lime mortar and is typical to the vernacular of the area.
20. Whilst the wall is not listed, the CAAMP identifies the survival of the historic local limestone walls as a key characteristic of the Conservation Area.
21. Furthermore, whilst the Old Dairy site is not specifically identified in the CAAMP as making a positive contribution to the conservation area, it should be noted that the omission of any building, feature, or space from the CAAMP should not be taken to mean it has no value to the Conservation Area.
22. Officers acknowledge that the wall in question adds to the tight and enclosed streetscape and provides a vertical street surface which provides character to both School Lane and the Conservation Area.
23. Officers have consulted the Historic Environment Officer (HEO) who has raised no objection to the application nor recommended any conditions. It is the view of HEO that the proposed works would be at the very lowest end of less than substantial harm and result in only minimal loss of character to the Conservations Area.
24. Officers concur with this view, noting that the majority of the wall will remain in situ, retaining the sense of enclosure along School Lane.
25. The reduced section of wall will still measure between 2.2 and 2.7 metres in height on the street side. This height would be in line with, or exceed, other historic limestone walls throughout the Conservation Area and, consequently, would not represent a significant degradation of the Conservation Area's character.

26. As per the paragraph 215 of the NPPF (2024), where a development proposal will lead to less than substantial harm, it must be weighed against the public benefit.

27. As noted by the HEO, the loss of the section of wall would be balanced by the works to make good the remaining south and west facing walls of the historic garden as part of the wider scope of the works. These works have been undertaken and serve to better preserve the remaining elements of the boundary wall against further degradation, protecting its presence within the existing streetscape. The works will also remove a potential danger to members of the public.

28. Furthermore, officers have established that it is the intention that the recovered stone will be retained and utilised for further projects within the historic garden. It should be noted that while officers have no reason to believe this will not occur, due to the unknown nature of such works, this has not been secured by condition and therefore may not take place.

29. Finally, officers have queried with the applicant whether repair would be an alternative to the proposed partial demolition. The applicant has advised that whilst remedial repair works have been undertaken, including the clearing of vegetation and repair of loose stonework, it is their view that the wall is too dangerous and further repair works are not a valid path forwards and that they feel that this is supported by the submitted Structural Engineering Report.

30. Whilst officers may not agree that the submitted report fully precludes potential repair, on balance, officers consider that the benefits of the scheme outweigh the harm. The public good achieved through the removal of a potentially dangerous element of the wall, together with the work to make good the remaining north and west facing walls of the historic garden would be proportionate to outweigh the less than substantial harm caused to the character of the character of the Conservation Area.

31. Consequently, officers conclude that the proposal complies with policy DEV20 and DEV21 of the JLP.

### Amenity

32. Officers have considered the impact of the development on neighbouring amenity against the guidance in the SPD and consider it acceptable.

33. Officers do not consider that the proposal would create a breach of the 45-degree guideline, nor would it create a materially greater level of overlooking.

34. It is noted that a letter of representation raised concerns about potential overlooking into the east facing window and rear garden of Ring Cottage.

35. Officers consider that the removal of the wall would not create a level of overlooking that would be materially greater than that which would be expected for two facing properties, or for a window facing onto a principal highway.

36. Furthermore, the letter of representation raised concerns regarding a historic planning consent and the proposal's potential impact on said consent should it be revisited. Officers have reviewed the relevant planning consent, 18/01431/PRDE, and do not consider that the removal of the wall section would have any impact on its viability.

37. The proposed works have therefore been considered against the development guidance in terms of natural light levels, privacy and outlook and concluded to be acceptable and in accordance with policy DEVI of the JLP.

## Climate Emergency Considerations

38. Officers have assessed the submitted Climate Emergency Compliance Form. Given the scale of the works under this household planning application, mitigation measures should be proportionate to the scale of the development proposed.

39. Officers merit the potential retention and reuse of the recovered stone.

40. Therefore, by virtue of the scale of the works, the details as submitted are acceptable in this instance.

## **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**

N/A.

## **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 therefore 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 The Town Planning (Listed Buildings and Conservation Areas) Act 1990 and, for the reasons given in this report, have concluded that the proposal accords with policy and national guidance (specifically JLP Policies DEV1, DEV20, and DEV21). The proposal is therefore recommended for conditional approval.

## **14. Recommendation**

In respect of the application dated 13.11.2024 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**

Location Plan 11112024 received 11/11/24  
Block/Site Plan and Photographs 312/GA/01 received 11/11/24  
Existing and Proposed Elevation 312/GA/03 received 11/11/24

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.

**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: PROPERTY RIGHTS**

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

**3 INFORMATIVE: COUNCIL CODE OF PRACTICE**

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):  
<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

**4 INFORMATIVE: SUPPORTING DOCUMENTS**

The following supporting documents have been considered in relation to this application:

- Heritage Statement
- Design and Access Statement
- Structural Engineering Report / Brody Forbes (21/01/2025)

**5 INFORMATIVE: HEO RECOMMENDATION**

The Historic Environment Officer has recommended the use of NHL lime mortar as an alternative lime putty mortar. Whilst lime putty mortar is acceptable, NHL lime mortar is harder wearing and less likely to wash out.

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

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# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	24/01124/FUL	<b>Item</b>	<b>03</b>
<b>Date Valid</b>	14.10.2024	<b>Ward</b>	PLYMPTON ST MARY
<b>Site Address</b>	Land At Newnham Road (inc. The Curtilage Of No.53 Newnham Road) Plymouth PL7 4AW		
<b>Proposal</b>	Erection of 3no. detached dwellings with formation of vehicular accesses and new garage (part retrospective)		
<b>Applicant</b>	Mr Neal Hiscocks		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>09.12.2024</b>	<b>Committee Date</b>	<b>27.02.2025</b>
<b>Extended Target Date</b>	<b>28.02.2025</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Macauley Potter		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to the Planning Committee by Councillors Patrick and Sally Nicholson.

**1. Description of Site**

The application site comprises of a parcel of land immediately north of the now demolished 53 Newnham Road in the Plympton St Mary ward of Plymouth. The site can be accessed from Newnham Road adjacent to the footprint of 53 Newnham Road or from the north east off Clifton Avenue. The site slopes steeply from the west down towards the south and east boundaries. The trees along the southern boundary of the site are protected (00/00498/TPO).

**2. Proposal Description**

Erection of 3no. detached dwellings with formation of vehicular accesses and new garage (part retrospective).

### **3. Pre-application Enquiry**

22/00761/MOR - Pre-application for the erection of two new dwellings (x2 dwellings). Officers had reviewed the information provided with this pre-application enquiry and considered the principle of developing two dwellings on the site to be acceptable subject to proposed plans being in accordance with Local and National adopted policy.

Notwithstanding the principle, officers had significant concerns regarding the protected trees along the south boundary of the site. The layout of the site may be significantly impacted by the RPAs of the protected trees. Any forthcoming application would need to demonstrate that there would be no damage to the protected trees through submission of a Tree survey and an Arboricultural Impact Assessment (AIA).

Adequate off-street parking and outdoor amenity space can be provided with each new dwelling, however the layout of both dwellings should be carefully considered as to not create any adverse amenity impacts.

### **4. Relevant Planning History**

23/01125/FUL - Erection of 2no. detached dwellings with formation of vehicular accesses and renovation of existing dwelling to include additional storey and new renovated garage (re-submission of 22/01836/FUL) - grant subject to Section 106 Obligation.

22/01836/FUL - Erection of 2no. detached dwellings with formation of vehicular accesses and renovation of existing dwelling to include additional storey and new renovated garage - refused - appeal dismissed.

20/01321/TPO - 3x Lime (606-608) - reduce height by 4m and crown raise over house, garden and road to give between 4m-5m clearance above ground level and varying degrees of crown reduction as detailed in covering letter/report by Aspect Tree Consultancy dated 2/9/20 - grant conditionally.

### **5. Consultation Responses**

Local Highway Authority - no objection subject to recommended conditions.

Lead Local Flood Authority - no objection subject to compliance with recommended conditions.

Public Protection Service - No objection subject to compliance condition on the reporting of unexpected contamination.

Plympton St Mary Neighbourhood Forum - Objects to the application.

Natural Infrastructure - objects to the application on the ground of pruning pressure.

South West Water - standard response on asset protection and the drainage hierarchy.

Environment Agency - no comments received.

Housing Delivery Team (HDT) - Did not consult on this application as consulted on previously. However, during the pre-application HDT supported the delivery of policy compliant housing in sustainable locations and notes that the applicant is proposing to meet one of the identified local needs, i.e. larger family housing (comments from previous application: 22/01836/FUL).

### **6. Representations**

26 letters of objection were received in total, 3 letters were received during the original 21-day advertisement period and 23 letters were received outside of the public consultation.

The letters highlighted the following:

- Plot 3 would be situated in too small of an area.
- Buildings overshadow houses in Clifton Avenue, Mayhew Gardens and Newnham Road.
- Application results in significant loss of habitat / ecological value.
- Application turns the site into an environmental wasteland / overdevelopment of garden space contrary to local plan.
- Colebrook Lane is of significant historic interest and application now proposes a hard retaining wall.
- Net biodiversity gains should be secured on site.
- Non-compliance with conditions 10 (LEMP) and 15 (Tree Protection) of previous application: 23/01125/FUL.
- Demolition of dwelling on-site may have damaged protected tree roots.
- The applicant has claimed that the demolished dwelling has been used partly for residential purposes.
- Clearance works were carried out on site following a previous planning refusal.
- Remaining biodiversity on site must be significantly less than at the time of the planning inspectorate's decision.
- Plot 3 should not be re-built at all due to encroachment of roots.
- Protected trees require Local Planning Authority consent in terms of pruning / cutting etc - application should be conditioned to account for this.
- Wall poses a safety risk as it starts near ground level and quickly becomes a drop in excess of 10 feet due to topography (ledge is wide enough for a child to walk along as completely unguarded).
- Plot 2 does not fit in area and ridge height is higher than previously approved plans.
- Application has resulted in a loss of natural outlook.
- Traffic safety concerns raised / proximity of development to junction.
- Any off-site mitigation should be provided at the Newnham Nature Reserve and not at Ham Woods.
- Small Sites Metric is incorrect.

### **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(5B) of the 2004 Planning and Compensation Act sets out that the determination of any matter under the planning Acts must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly 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). The Plymouth & South West Devon Supplementary Planning Document provides amplification of the policies of the Joint Local Plan.

The relevant policies and/or provisions of the following documents will also have the potential to be material to the consideration of the application: National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022, and the Joint Local Plan Five Year Review Report, 2024.

Following adoption of the Joint Local Plan, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor the Housing

Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the Five Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 12th December 2024 the Ministry of Housing, Communities and Local Government published the HDT 2023 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 113% and there are no policy consequences.

A 5% buffer is required to be applied for the purposes of calculating a five-year housing land supply at the whole plan level. As a result of the new standard method set out in national planning practice guidance, and the housing provisions of the NPPF, the combined authorities are only able to demonstrate a 2.53year housing land supply. This means that the presumption in favour of sustainable development set out in paragraph 11d applies for decision-making purposes, and that planning permission should be granted unless the specific circumstances set out in sub-points (i) or (ii) in paragraph 11d are satisfied.

## **8. Analysis**

1. An application of this type will be considered under the adopted Joint Local Plan and its Strategic Policies: SPT1 (Delivering sustainable development), SPT2 (Sustainable linked neighbourhoods and sustainable rural communities) and SPT12 (Strategic approach to the natural environment); Development Management Policies: DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise, land and light), DEV7 (Meeting local housing need in the Plymouth Policy Area), DEV9 (Meeting local housing need in the Plan Area), DEV10 (Delivering high quality housing), DEV20 (Place shaping and the quality of the built environment), DEV23 (Landscape character), DEV26 (Protecting and enhancing biodiversity and geological conservation), DEV28 (Trees, woodlands and hedgerows), DEV29 (Specific provisions relating to transport), DEV32 (Delivering low carbon development), DEV35 (Managing flood risk and water quality impacts).

2. Other documents include the National Planning Policy Framework (2024), the National Design Guide: Planning practice guidance for beautiful, enduring and successful places (2019) and the Joint Local Plan: Supplementary Planning Document (Adopted July 2020). The material considerations for this application are:

- Site History and Principle of Development
- Design and Visual Impact
- Sustainable Linked Neighbourhoods
- Affordable Housing
- Accessibility
- Need for Housing Development
- Nationally Described Space Standards
- Amenity
- Flood Risk Consideration
- Highway Considerations
- Environmental Health
- Refuse Disposal
- Natural Infrastructure Considerations
- Climate Emergency
- Planning Balance
- Unauthorised Development

3. The most important development plan policies which are relevant to the determination of this application are set out in the analysis below. Following publication of the NPPF, some policies may be considered out of date or partially out of date.

4. SPT3 - Provision for new homes- this policy is now seen as out-of-date (i.e. overtaken by matters that have happened since it was adopted, either on the ground or in some change in national policy, or some other reason). This is because the supply of housing proposed to be delivered within the plan period as set out in SPT3 is now significantly lower than what would be required under the new standard methodology, as set out above.

### Site History and Principle of Development

5. The history of the proposed development began back in April 2022 when a pre application (ref: 22/00761/MOR) was submitted for 2no. proposed dwellings. At the time officers advised the applicant that the principle of the development was considered acceptable however there were significant concerns regarding the protected trees along the southern boundary and that any forthcoming application would need to demonstrate that there would be no damage to the protected trees.

6. In November, 2022 an application was submitted (ref: 22/01836/FUL) for the erection of 2no. detached dwellings with formation of vehicular accesses and renovation of existing dwelling to include additional storey and new renovated garage. The application was refused as it was considered that there would be a significant loss of habitat / ecological value. The application was appealed (ref: APP/N1160/W/23/3321016) and dismissed by the Planning Inspectorate who concluded that the proposal would be in conflict with Policy DEV26 and SPT12 of the Joint Local Plan. The Inspectorate raised no other concerns with the rest of the development proposal.

7. In August, 2023 an application was submitted (ref: 23/01125/FUL) for the same proposal, this time however the applicant demonstrated that ecological mitigation could not be secured on site and that an off-site contribution would be required. Officers secured a financial contribution to be put towards an active PCC project at Ham Woods. A Section 106 agreement was finalised - thereby overcoming the previous refusal reason.

8. There were unfortunately complications once construction commenced on site. Firstly, the reinstated hedgerow on the northern boundary could not be delivered due to a proximity issue involving the position of the approved dwellings and the edge of the site boundary. In short, whilst a wall could be constructed, a hedgerow is typically much wider and would have conflicted with the geometry of the approved layout, leading to loss of light to ground floor windows as well as maintenance issues for occupants. Secondly, the existing bungalow (no. 53) was demolished contrary to the previous application description and should have gone through the Prior Approval (demolition) process.

9. The current application therefore is an attempt to regularise these 2no. deviations under one application. It is important to note that the principle of the residential development on site has already been established through the previous permission, and is a material consideration, which must be given significant weight in the consideration of this application. Therefore this application will primarily focus on the impacts of the deviations and whether they introduce new material planning concerns.

10. In practical terms plot 3 (formally no. 53) has already been approved - it is rather the construction process which is the issue, therefore, the officer considerations on design, visual impact, loss of light, outlook and privacy remain consistent with the previous approval.

11. The deviation from reinstating the hedgerow to constructing a boundary wall on the northern boundary must be considered in terms of ecology (see Natural Infrastructure Section) and visual impact. Following negotiations with the applicant, a variety of options were considered including purchasing additional land along Colebrook Lane to allow sufficient space to reinstate a hedgerow. This would have required a Section 247 application to the Department for Transport as well as a

change of use planning application. There were however severe limitations with this proposal due to the proximity of South West Water sewer assets and an objection from the Local Highway Authority due to the reduced width of the lane. The applicant therefore revised the internal layout of the site to include wider hedgerows within the site, this has had some impact on the outdoor amenity spaces of plots 2 and 3. In summary the following 4no. changes are the key differences from the previously approved plans:

- 1) Revised northern boundary design (paras 22-23)
- 2) The demolition and rebuild of plot 3 (paras 64, 69-71)
- 3) Minor height increase of plot 2 (para 19)
- 4) Reductions to the garden sizes of plots 2 and 3 (paras 34-36)

12. Overall and having considered the above 4no. matters, officers maintain that the principle of residential development within the site is acceptable and consistent with the previous recommendation of approval under application: 23/01125/FUL

### Design and Visual Impact

13. In relation to the impact of the development on the character of the area, Policies DEV10 and DEV20 are also of relevance. This policy requires development to contribute positively to both townscape and landscape, and protect and improve the quality of the built environment.

14. Para 4.142 of the SPD states that: 'Gardens are not defined as being previously developed land within built up areas and a higher test of suitability will be taken when considering applications of new housing in gardens. Local Planning Authorities (LPAs) will carefully consider new development proposals of this type to ensure it only takes place on appropriate sites in residential areas and where it does not harm the character of the area.'

15. The application proposes 3no. new detached, executive dwellings on land at the junction of Clifton Avenue and Newnham Road. The proposed dwellings are contemporary in design and finished in high quality materials, which continue an established design aesthetic observed in the new Mayhew Gardens development immediately to the west of the site.

16. Whilst taking account of the intended site layout, due regard has been given to the character of this plot of land, which for many years comprised of dense, tree coverage and overgrown vegetation as well as 3no. protected large trees which border the southern section of the site. The southern access point (adjacent to the now demolished lodge) previously provided access to Colebrook Manor (also demolished). The boundary treatment plan details the reinstatement of the original rendered gate posts which will be done upon completion of plot 3. Officers consider that reinstatement would go some way to retaining the original character of the plot. Internally, the site has since been cleared and opened up with poor quality weeds, plants and various foliage remaining. Under the proposals, the 3no. dwellings would be positioned within the site to appear more subordinate and set back from both Clifton Avenue and Newnham Road. The 3no. TPOs would provide a good level of screening to the low-density housing development and would retain the natural character on the southern boundary which has been enjoyed for many decades.

17. At the time of writing this report, plots 1, 2 and the detached garage have been built following the previous planning approval. The construction of plot 3 has been halted pending the outcome of this planning application.

### *Plot 1*

18. Plot 1 is a 4-bedroom detached property with a total internal floor space of 172sqm. All living space is contained on 2no. floors. The external walls are finished in grey brick, sand/cement render,

natural stone and natural timber cladding. The roof is finished in smooth grey slate (all materials specifications are detailed on plan).

### *Plot 2*

19. Plot 2 is a 4-bedroom detached property with a total internal floor space of 139sqm. All living space is contained on 2no. floors. The external walls are finished in grey brick, sand/cement render, natural stone and natural timber cladding. The roof is finished in smooth grey slate (all materials specifications are detailed on plan). The installation of roof insulation has resulted in a minor height increase of 130mm of which officers are of the opinion that there would be no measurable change in terms of the visual appearance of plot 2 nor its impact on the wider street scene.

### *Plot 3*

20. Plot 3 would replace a 1930s bungalow which would occupy the original footprint and would include the construction of an additional storey. Plot 3 would be a 2-bedroom detached property with a total internal floor space of 89.7sqm. The external walls would be finished in grey brick, sand/cement render, natural stone and natural timber cladding. The roof would be finished in smooth grey slate (all materials specifications are detailed on plan).

### *Garage*

21. The scheme includes a new detached single garage of 30sqm which serves Plot 1. The new garage is situated on an existing concrete platform which previously served an old garage/outbuilding of identical dimensions. Similarly, to the design palette of the 3no. dwellings, the external walls will be finished in grey brick and sand/cement render. Moreover, the roof is finished in smooth grey slate (all materials specifications are detailed on plan).

### *Revised Northern Boundary*

22. As previously noted, plans to re-instate the hedgerow on the northern boundary could not be delivered due to a proximity issue involving the position of the approved dwellings and the edge of the site boundary.

23. Given it is not viable to use part of the public footpath to deliver the hedgerow, the applicant proposed a redesign to include a white rendered wall on part of the northern boundary with a re-instated hedgerow to the north of plot 1 and various hedgerow reconfigurations in the centre of the site. A white rendered wall was initially proposed to include a low-level wooden fence on top of the structure. This design was considered a harsh feature adjacent to Colebrook Lane and was resisted. The applicant then proposed a natural stone boundary wall of the same height with the same fence design. The applicant then proposed a final design which maintained the natural stone appearance but removed the wooden fence line. This wall has already been erected and the top of the wall is now proposed to be replaced with planting with hardy species such as Hawthorn. The latest revision is considered acceptable and softer in appearance over the original design. Officers acknowledge that the planting will take some time to establish and currently the lowest point at the top of the path could make it susceptible to being climbed on. Deterrent options were discussed with the applicant including the possible installation of a 100x100mm 'birdsmouth' timber strapped to the coping stones. However, given the extensive negotiations on the northern boundary, officers are of the view that it would have an overall negative impact on the aesthetics of the wall with no guarantee that it would be completely effective in providing a suitable deterrent. Moreover, the installation would have to be removed once the planting becomes established, and a judgement would need to be made on when this removal would take place. Officers have recommended the removal of permitted development rights to ensure that there are no alterations to the approved boundary treatment.



## Concluding Comments

24. Consistent with the previous 2no. applications on this site, it is concluded that from a visual impact perspective, the dwellings are high quality in appearance and in-keeping with the residential character of the area as well as the materials used on existing dwellings. On this basis, the development does not conflict with policy DEV20 in this regard.

## Sustainable linked neighbourhoods

25. In relation to the requirement of Policy DEV10 for the proposal to contribute positively to the creation of sustainable linked communities, the provisions of strategic JLP policies SPT1 and SPT2 are of relevance.

26. Policy SPT1 sets out the overall sustainable development objectives of the Plan. Point 3i, seeks to reduce the need for green field development and protect natural assets by optimising the re-use of previously developed sites. The proposed development is on land comprising of curtilage belonging to 53 Newnham Road as well as land which previously was associated with Colebrook House (the latter of which was demolished to make way for the 14-home Mayhew Gardens development). It is considered that the development would accord with the strategic objectives of SPT1 subject to addressing the biodiversity considerations below.

27. Policy SPT2 set out a series of principles that aim to ensure that development contributes to the delivery of sustainable linked neighbourhoods. Of particular significance to the current proposal are points:

- (7) 'Have a safe, accessible, healthy and wildlife-rich local environment ...',
- (10) 'Provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.'

28. Whilst paragraph 7 is subject to addressing the biodiversity considerations below, it is considered that the development is in broad accordance with paragraph 10 in terms of place, identity and good quality design. As mentioned, the plots would be on a prominent residential corner, side-by-side with existing historic trees and therefore would contribute positively to a key landmark feature within the area.

## Affordable Housing

29. Officers note that the scheme is significantly below the affordable housing threshold as set out in Policy DEV7. Therefore, it is concluded that the development would not conflict with this policy nor the wider aims of the Development Plan.

## Accessibility

30. Officers note that policy DEV9 requires 20% of dwellings on schemes of 5 or more to meet national accessibility and adaptability standard M4(2). The proposal falls below this threshold and is therefore not required to provide any units to M4(2) standard. Therefore, it is concluded that the development would not conflict with this policy nor the wider aims of the Development Plan.

## Need for housing development

31. The publication of the updated NPPF on 12th December 2024, alongside new guidance, sets out a new standard method to calculate local housing need with the clear aim of increasing housing delivery nationally. Policy SPT3 (Provision for new homes) of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) (JLP) sets an overall housing requirement for the JLP Plan Area of 26,700 dwellings (net), which is 1,335 per annum for the Plan Period between 2014 and 2034.

32. The new standard method, however, identifies a housing need for the Plan Area of 2,643 dwellings per annum. The LPA therefore accepts that, given the provisions of NPPG (Paragraph: 062, Reference ID: 61-062-20190315, Revision Date: 15/03/2019) and paragraph 34 of the NPPF, that SPT3 is now out of date.

33. The extent of the shortfall in relation to the 5YHLS is such that significant weight needs to be given to it in the planning balance.

### Nationally Described Space Standards NDSS

34. Officers have considered the development against the NDSS and consider each plot to meet the minimum internal standards. Given the layout changes within the site and the partial reconfiguration of hedgerows (to address ecology matters) plot 2 has seen a reduction in outdoor amenity space from 100sqm to 85sqm. This is due to the reconfiguration of a retaining wall in the north-west corner of the site. Officers note that the far corner of plot 2 would still be within the curtilage however it is not considered 'useable space' as outlined in the Joint Local Plan SPD due to its steep topography and dense vegetation / small trees. Moreover, plot 3 has seen a reduction in outdoor amenity space from 100sqm to 82sqm due to an expanded hedgerow. The curtilage of plot 1 maintains an outdoor space standard of 265sqm which meets and exceeds the minimum space standards for the Joint Local Plan SPD.

35. Whilst not ideal, officers do not consider the reduced garden spaces of plots 1 and 3 a sufficient reason to warrant refusal of the overall application, particularly in light of the recent NPPF updates which gives significant weight to delivering housing. It is also worth noting that Peacock Meadows is approximately 230 metres away which provides a large open public parkspace. On this basis, officers have recommended the removal of permitted development rights for plots 2 and 3 given their limited garden spaces.

36. The development therefore, on-balance, accords with Policy DEV10 of the Joint Local Plan in this specific regard.

### Amenity

37. In terms of Plot 2, the plans and the supporting site section drawing demonstrate a 17-19 metre elevation-to-elevation separation distance (variance due to Plot 2 being slightly angled toward no. 1 Mayhew Gardens). Moreover, and as evident on site, the ground levels slope down from 1 and 2 Mayhew Gardens (see section drawing). Further to this, the rear elevation of Plot 2 does not have any window openings at first and second floor levels and therefore there would be no new vantage points from these levels. Whilst there would likely be no substantial harm from such openings, in the event of approval, officers would recommend a restrictive condition for window openings on the rear elevation as the distance would be within the 21 metre separation guidance as outlined in paragraphs 13.19 of the Joint Local Plan SPD.

38. It is important to note that there are window openings and bi-fold doors on the ground floor level, however these would be set into the hillside and would therefore have no clear line of sight into Mayhew Gardens due to the topography of the land and boundary treatments.

39. Overall, officers have considered the development regarding natural light, privacy and outlook and conclude that the plans do not conflict with Policy DEVI of the Joint Local Plan.

### Flood Risk Considerations

40. The Lead Local Flood Authority (LLFA) were consulted and note that the site is located in Flood Zone I, which the Environment Agency (EA) defines as being at a low risk of fluvial or tidal flooding.

41. Surface water flood risk mapping provided by the Environment Agency indicates the site is at low risk of surface water flooding from a 1% AEP (1 in 100 year return period) flood event. Unmanaged surface water run-off from this site has the potential to increase the risk of flooding to the south east of the site.

42. The site is located in a Critical Drainage Area (CDA) where the EA considers the existing drainage to be at or close to capacity.

43. The LLFA note that a drainage strategy has been submitted for the proposed development. Infiltration tests have been completed at two locations that provided adequate rates, however further investigations concluded that infiltration drainage is not viable due to the slope of the site and constrained area due to site layout and tree root protection areas.

44. Moreover, the applicant has proposed to discharge surface water at an attenuated rate of 1 l/s to an existing SWW surface water sewer.

45. Attenuation storage is provided with an underground tank measuring 3m x 11m x 0.5m deep. This system drains all three properties and appears to be located in the curtilage of Plot 1.

46. Written correspondence from South West Water (SWW) has been submitted (received 7th October, 2022) that approves the proposed connection and discharge rate.

47. A plan has been submitted identifying exceedance flows and a bund has been proposed to contain excess surface water flows.

48. An easement has been proposed to allow access and maintenance to the surface water drainage and attenuation tank.

49. A Construction Environment Management Plan has been submitted that includes details about how the new surface water drainage system and wider environment is to be protected from surface water run off during construction.

50. Having reviewed the submitted information and updated LLFA response, officers consider there to be no in-principle concerns and therefore the development would not conflict with Policy DEV35 in this regard. Submitted details have been conditioned.

### Highway Considerations

51. The Local Highway Authority (LHA) were consulted and raise no in-principle objection to the proposed development.

52. The LHA notes that the site is served by two established points of access/egress, the principal one in Newnham Road which would continue to serve both the existing Lodge (Plot 3) and Plot 2, with the second access in Colebrook Lane serving Plot 1. Forward and inter-visibility would need to be established and preserved at both exit points in accordance with the application details shown on drawing titled and numbered: - Boundary Treatment Plan - 2054-4DAS-DR-A-100-004 REV P07.

53. Parking and turning would be provided at each plot for 2 - 3 cars to the Council's standards - Plot 1 would be served by a garage and three driveway parking spaces, Plot 2 would have a double Carport and driveway/turning - and Plot 3, a double hardstanding off the driveway with a fronting margin. Parking spaces would be constructed using a no dig method to allow spaces to be provided within the root protection area of the trees. Plot 3 would use a raised platform for root protection whilst also addressing the difference in the ground levels.

54. There is sufficient space at all three plots for the provision of cycle storage, and Electric Vehicle Charging connections. To ensure the driveways would provide safe and practical access for all users the driveways and parking areas on this sloping application site must not have or exceed a gradient of 1:10 at any point.

55. Following the submission of a Construction Traffic Management Plan (CTMP), a condition has been recommended to ensure the works are carried out in accordance with the submitted CTMP.

56. Subject to compliance with recommended conditions, officers consider that the proposals would be acceptable and in accordance with Policy DEV29 of the Joint Local Plan.

### Environmental Health

57. A Preliminary Investigation Report (PIR) was submitted with the application and reviewed by the Public Protection Service (PPS). PPS have reviewed the application and are satisfied with the conclusions of the PIR, including the carrying out of a Phase 2 intrusive investigation. A Remediation Strategy was submitted on the 15th January, 2024 under application 23/01 125/FUL and identified elevated arsenic and lead within the Made Ground and elevated arsenic within the Topsoil across the site. The report concluded that excavation and capping should be the adopted method for the remediation work which is accepted by PPS. A document detailing the implementation of the remediation scheme was submitted to the Council for written approval of which was considered acceptable by PPS. Moreover, a separate condition has been recommended in terms of the reporting of unexpected contamination.

58. Subject to compliance with the recommended condition, officers consider that the proposals would be acceptable and in accordance with Policies DEV1 and DEV2 of the Joint Local Plan.

### Refuse Disposal

59. The proposed site layout plan shows details of bin storage locations which are acceptable and would not conflict with Policies DEV1, DEV2 and DEV20 of the Joint Local Plan.

### Natural Infrastructure Considerations

60. Given the nature of the site, the Council's Natural Infrastructure (NI) Team have been consulted on this application (see below).

### *Tree Preservation Order TPO*

61. The site is surrounded by two TPO patches (TPO No. 498) and has a strip of trees along the Newnham Road frontage also under the same TPO.

62. The NI Team originally considered that the scheme adversely affects existing and protected trees, and that the harm would be unacceptable due to infringement upon root protection areas (RPAs). Following further clarification and information from the applicant's ecologist, the NI team state that there are no concerns regarding the Plot 1 house impact on tree T3. The plans include the application of a specialist suspended construction for Plot 3 and no dig construction for Plot 1. The NI Team note that Cellweb or similar should only be used as a last resort as development should not take place within the RPA of a tree in the first place. Cellweb is also only useful on particular types of soil and dependent on traffic.

63. Given the nature of this current application, which now considers the rebuild rather than the renovation of plot 3, the NI team refer to standard: BS5837 which states that 'structures should therefore be designed or located with due consideration for a trees growth so as to reduce the need for frequent remedial pruning or other maintenance'. The NI team acknowledge that there was previously a dwelling in this position, but must assess this application as it stands and currently there is no dwelling under these trees. Moreover, the NI team also raise concerns regarding pruning

pressure at plot 3. Furthermore, the applicant has provided clarity on the number of replacement trees on site which can be viewed on page 21 of the Arboricultural Method Statement (dated 17th Dec) of which is considered acceptable remediation by the NI team.

64. Having taken account of the revised NI response, officers note that whilst the unauthorised demolition of plot 3 is highly undesirable and disappointing, particularly given the previous approval, it is emphasised that the issue lies with the methodology of construction / demolition activity on site rather than the finished proposal / layout itself. Specifically, in terms of pruning pressure raised by the NI team officers recognise that this was an existing factor over many decades with the previous 1930s lodge and its associated residential use. On this basis, whilst there may be a slight increase in pruning pressure, it is not considered to result in any demonstrable harm when considering the long-established residential use of this part of the site. Moreover, the design of plot 3 is inset at first floor level and includes new protection measures such as gutter guards which is considered a positive design feature in terms of minimising pruning pressure. Having taken account of the aforementioned considerations of pruning pressure, officers have recommended the removal of permitted development rights to ensure that there are no alterations to the roof space of plot 3 unless agreed in writing.

65. Finally, in terms of the position of the dwelling itself, the updated tree constraints plan clearly sets out the limits by which the applicant can relay the foundations for plot 3. Coupling this with confirmation that no roots were present inside the footprint of the original Lodge, officers conclude that on-balance the construction of plot 3 is acceptable on this occasion when weighed against other policy considerations (see planning balance section).

### *Ecology*

66. While not a designated wildlife site, from the habitats known to be present, and from the limited results of the species surveys submitted with the application, the site is capable of supporting a diverse range of flora and fauna - some of which are protected by law e.g. bats, breeding birds and reptiles. These features support its allocation as a stepping stone feature in the City's Biodiversity Network.

67. Previously the NI Team requested the submission of a Landscape Ecology Management Plan (LEMP) and Construction Environment Management Plan (submitted 20th November, 2023 and 10th January, 2024 respectively). The LEMP and CEMP had been reviewed by the NI Team and considered to be comprehensive, acceptable and therefore would not conflict with Policies DEV26 and DEV28 of the Joint Local Plan.

### *Biodiversity Net Gain*

68. Since the last application mandatory biodiversity net gain (BNG) has been introduced for minor development. Notwithstanding this, given the development is partially retrospective it is not possible to apply the standard pre-commencement requirement for a biodiversity net gain plan. The application is therefore assessed against policy DEV26. The Small Sites Metric (SSM) submitted shows a -27.06% loss in habitat. The NI team note that most of the proposed site will be made up of privately owned properties and gardens and so there is little opportunity for onsite gains to be secured in the long-term. The applicant has therefore agreed to a financial contribution that can be put towards providing off-site enhancement, which shall be secured through a Section 106 agreement (see section 11 - Planning Obligations).

### Climate Emergency

69. A Climate Emergency Compliance Form (CECF) was submitted with the application along with an Energy Statement. The submitted details have been reviewed and, on balance, are considered to be acceptable. Demolition would not normally be supported where re-build is possible due to the carbon off-setting. However, citing the Climate Emergency Planning Statement:

70. Justification for demolition will only be considered acceptable under the following circumstances;

1. The building is structurally unsafe and is in a condition that cannot be safely remediated as part of a comprehensive retrofit; or,
2. The demolition and rebuild will result in significant social and environmental benefits, such as large-scale regeneration, and affordable-housing led development proposals

71. The applicant asserts that justification for demolishing the building and replacing it is in line with point 1 of the above, adding that the existing structure would not have been able to support the additional storey that was consented. Furthermore, officers have given significant weight to the fact that all 3no. dwellings provide good on-site mitigation. Specifically, the plans detail provision of solar PV and battery storage which will be conditioned along with the Energy Statement. Therefore, and on-balance, there would not be a broad conflict with Policy DEV32 of the Joint Local Plan.

#### Planning balance

72. Paragraph 11 d) and Footnote 8 of the Framework state that, where the policies which are most important for determining the application are out-of-date (including where the Local Planning Authority cannot demonstrate a five-year supply of housing land, or where the Housing Delivery Test ("HDT") indicates that the delivery of housing was substantially below the housing requirement over the previous three years) planning permission should be granted unless at least one of two exceptions set out in sub paras (i) and (ii) are met. Given the significant shortfall in the JLP's 5YHLS assessment, it is considered that the most important policies are out-of-date and therefore, unless either of the exceptions apply, the NPPF says that planning permission should be granted.

73. Exception (i) relates to whether the application of NPPF policies that protect a pre-specified list of assets of particular importance provide a strong reason for refusal. These are set out in footnote 7 of the NPPF.

74. Exception (ii) relates to whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 9 sets out the NPPF policies that this particularly relates to.

75. Exception (i) is not applicable in this instance as the site is not considered an area or asset of particular importance in relation to footnote 7. With regard to point (ii) it is not considered that the adverse impacts would significantly outweigh the benefits when assessed against the framework as a whole.

76. It is acknowledged that the LPA do not currently have a five-year housing land supply, however, in this instance no conflict has been identified against the development plan. The proposal is considered sustainable development, providing three new dwellings in an accessible location, close to services and facilities, providing a good standard of accommodation whilst not prejudicing the amenity of existing residents or the wider area. Officers have discussed at length the new considerations under this application, specifically the demolition of plot 3 rather than its renovation and the reduction of the garden spaces of plots 1 and 3 as a result of the reconfiguration of hedgerows. However, if these elements were proposed from the outset officers are of the view that the recommendation would be the same. The application is therefore considered acceptable for the reasons discussed and is being recommended for conditional approval.

#### Unauthorised Development

77. 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. 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.

78. 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.

79. Officers are mindful that unauthorised development has occurred on this site in the past which has resulted in the Council pursuing enforcement action, the applicant is therefore likely to have understood that works should have been carried out strictly in accordance with the approved plans. Subsequently the applicant has complied with the advice of officers and not commenced works on the construction of Plot 3 pending the outcome of this application.

Therefore, whilst some weight can be attributed to the intentional unauthorised development, on balance the proposals are considered to be acceptable by officers.

### **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 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).

### **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.

In this case the LPA has secured £35,640 through Section 106 to go towards ecological enhancement at Newnham Nature Reserve in the City of Plymouth. A management fee of £1,077 has also been secured within the Section 106 agreement.

In the event that no project at Newnham Meadows is practical in the opinion of the Local Planning Authority, the contribution shall be put towards ecological enhancement in Ham Woods in the City of Plymouth.

## **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 erection of 3no. detached dwellings with formation of vehicular accesses and new garage (part retrospective) accords with policy and national guidance. The proposal is therefore recommended for conditional approval.

## **14. Recommendation**

In respect of the application dated 14.10.2024 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****

Site Sections As Proposed 2054-4DAS-A-005 Rev P04 received 09/09/24  
Plot 3 Parking Bay Specifications 2054-4DAS-DR-A-010 Rev P03 received 09/09/24  
Proposed Sight Lines 2054-4DAS-DR-A-011 Rev P01 received 09/09/24  
Proposed Refuse Strategy 2054-4DAS-DR-A-008 Rev P03 received 09/09/24  
Plot 3 Floor Plans & Elevations As Proposed 2054-4DAS-DR-A-031 Rev P05 received 09/09/24  
Location Plan and Site Plan as Existing 2054-4DAS-DR-A-100-001 Rev P01 received 09/09/24  
Garage - Plot 1 - Floor Plan and Elevations 2054-4DAS-DR-A-041 Rev P02 received 09/09/24  
Plot 1 Floor Plans & Elevations As Proposed 2054-4DAS-DR-A-040 Rev P04 received 09/09/24  
Boundary Treatment Plan 2054-4DAS-DR-A-100-004 Rev P09 received 14/02/25  
Plot 2 Floor Plans and Elevations as Proposed 2054-4DAS-DR-A-020 Rev P09 received 14/10/24  
Biodiversity Enhancements 2054-4DAS-DR-A-100-005 Rev P05 received 27/01/25  
Detailed Site Plan As Proposed 2054-4DAS-DR-A-100-002 Rev P05 received 27/01/25  
Street Elevations 2054-4DAS-DR-A-100-006 Rev P03 received 27/01/25

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: CYCLE PROVISION****

#### **PRE-OCCUPATION**

No dwelling shall be occupied until space has been provided at each of the three dwellings either within the dwelling, garage, shed or cycle locker, for cycle storage provision of a minimum of one (1) per bedroom for bicycles to be securely parked and stored, in accordance with the detailed site plan as proposed (ref: 2054-4DAS-DR-A-100-002 REV P05). The secure area for storing bicycles 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 & South West Devon Joint Local Plan 2014-2034 and Section 9 of the National Planning Policy Framework.

**3 CONDITION: PROVISION OF PARKING AREA**

PRE-OCCUPATION

Each parking space shown on the approved plans shall be constructed, drained, surfaced, and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of cars and for cars to turn so that they may enter and leave the site in forward gear.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway and enter and leave the site safely, 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 & South West Devon Joint Local Plan 2014-2034 and Section 9 of the National Planning Policy Framework.

**4 CONDITION: ON-SITE MITIGATION**

PRE-OCCUPATION

The dwellings hereby approved shall not be occupied until the space for battery storage, ASHPs, EV charging and solar PV panels as shown on the approved plans, have been installed (as per drawings: 2054-4DAS-DR-A-100-002 REV P05 - detailed site plan, 2054-4DAS-DR-A-040 REV P04 - plot 1, 2054-4DAS-DR-A-020 REV P09 - plot 2 and 2054-4DAS-DR-A-031 REV P05 - plot 3). The space for battery storage, ASHPs, EV charging and solar PV panels shall then remain in situ in perpetuity, replacing or repairing them when necessary. Moreover, the development shall be carried out and completed in accordance with the submitted Energy Statement (submitted 9th September, 2024).

Reason:

In order to promote on-site renewable energy systems and ensure a reduction in carbon emissions in line with policies DEV29 and DEV32 of the Plymouth & South West Devon Joint Local Plan 2014-2034, paragraph 7.3 of the Plymouth and South West Devon Climate Emergency Planning Statement (2022) and Sections 2, 9 and 14 of the National Planning Policy Framework.

**5 CONDITION: FLOOD RISK ASSESSMENT**

COMPLIANCE

The development hereby approved shall be carried out in strict accordance with the submitted Drainage Design Statement & Flood Risk Assessment (received 9th September, 2024).

Reason:

To safeguard occupant safety and mitigate flood risk in accordance with policies DEV1 and DEV35 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 14 of the National Planning Policy Framework.

**6 CONDITION: CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

COMPLIANCE

The development hereby approved shall be carried out in strict accordance with the submitted Construction Environment Management Plan (CEMP) (received 9th September, 2024).

Reason:

To maintain occupant safety, mitigate flood risk and safeguard protected ecological features in accordance with policies DEV1, DEV26, DEV28 and DEV35 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Sections 14 and 15 of the National Planning Policy Framework.

**7 CONDITION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN**

COMPLIANCE

The development hereby approved shall be retained and maintained in strict accordance with the approved Landscape and Ecological Management Plan (LEMP) (received 17th February, 2025).

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest in accordance with Joint Local Plan Policies SPT12, DEV20, DEV23 and DEV26 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 15 of the National Planning Policy Framework.

**8 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

COMPLIANCE

The development hereby approved shall be carried out in strict accordance with the submitted Construction Traffic Management Plan (CTMP) and the included highway condition (dilapidations) survey for the highway within the vicinity of the development site.

Reason:

To ensure that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network in accordance with Policy DEV29 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 9 of the National Planning Policy Framework.

**9 CONDITION: DRIVEWAY GRADIENT**

COMPLIANCE

The driveways and parking areas serving the dwellings hereby permitted shall not be steeper than 1 in 10 at any point.

Reason:

To ensure that safe and usable access and off street parking facilities are provided in accordance with Policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 9 of the National Planning Policy Framework.

**10 CONDITION: PRESERVATION OF SIGHT LINES**

COMPLIANCE

No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines shown on drawing titled and numbered Proposed Sight Lines - 2054-4DAS-DR-A-011 REV P01 at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policy DEV29 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 9 of the National Planning Policy Framework.

**11 CONDITION: WINDOWS**

COMPLIANCE

Unless otherwise agreed in writing by the Local Planning Authority, no window openings shall be installed in the north-west (rear) elevation of plot 2 at first and second floor level.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling (Mayhew Gardens) in accordance with Policy DEV1 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 12 of the National Planning Policy Framework.

**12 CONDITION: TREE PROTECTION/RETENTION**

COMPLIANCE

In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies DEV1, DEV20 and DEV26 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 15 of the National Planning Policy Framework.

**13 CONDITION: LAND QUALITY - REPORTING OF UNEXPECTED CONTAMINATION**

COMPLIANCE

In the event that contamination is found at any time when carrying out the approved development that was not previously identified; it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. An investigation and risk assessment shall be undertaken subject to the approval in writing of the Local Planning Authority, and where remediation is necessary a remediation scheme shall be prepared subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policies DEVI and DEV2 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 and Section 15 of the National Planning Policy Framework.

**14 CONDITION: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS**

COMPLIANCE

Notwithstanding the provisions of Article 3 and Classes A, AA, B, C, E and F of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations shall be carried out to the dwellings on Plots 1 and 3 hereby approved without the express consent in writing of the Local Planning Authority.

Notwithstanding the provisions of Article 3 and Class A of Part 2 to Schedule 2 no alterations to the approved boundary treatment will be allowed on any of the plots without the express consent in writing of the Local Planning Authority.

Reason:

In order to protect the residential amenity of future residents of the development and the amenity of neighbouring occupiers in accordance with Policy DEVI and to safeguard the amenity of the area in accordance with policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework.

**INFORMATIVES**

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

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.

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

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

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

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_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, 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.

## **3 INFORMATIVE: COUNCIL CODE OF PRACTICE**

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):

<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

## **4 INFORMATIVE: PROPERTY RIGHTS**

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

## **5 INFORMATIVE: WILDLIFE PROTECTION**

The proposed works may take place on a building with suitability for bats or breeding birds. Under the Wildlife and Countryside Act (1981), bats and breeding birds are legally protected against disturbance, injury or killing and bat roosts are protected against obstruction, damage or destruction. If bats or a bat roost is present in the building, a licence to carry out the works from Natural England may be required. For further information please contact Plymouth City Council's Natural Infrastructure Officers.

## **6 INFORMATIVE: BIODIVERSITY NET GAIN (RETROSPECTIVE DEVELOPMENT)**

In accordance with The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024, this application is exempt from mandatory BNG as the development is partly retrospective and the regulations specifically exclude development to which section 73A of the TCPA 1990 applies (applications where development has already taken place).

**7 INFORMATIVE: SUPPORTING DOCUMENTS**

The following supporting documents have been considered in relation to this application:

- Construction Traffic Management Plan
- Planning Statement
- Arboricultural Assessment
- Drainage Design Statement and Flood Risk Assessment
- Technical Note (transport)
- Ground Investigation Report
- Construction Environment Management Plan
- Landscape Ecological Management Plan
- Remediation Statement
- Energy Statement
- 3D Views as Proposed
- Colebrook Lane Perspectives as Proposed

# Planning Applications Determined Since Last Committee

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
14/01/2025	Non-material Minor Amendment Agreed	24/01616/AMD	Plymouth City Council	To remove the battery storage requirement from the planning decision notice (24/00223/FUL) conditions.	Honicknowle Youth Centre Honicknowle Green Plymouth PL5 3PX	Mr Macauley Potter
14/01/2025	Grant Conditionally	24/00678/FUL	Esther Putt	Change of use from commercial (Class E) to two 2-bed self-contained flats	112 Peverell Park Road Plymouth PL3 4ND	Joanna Churchill
14/01/2025	Grant Conditionally	24/01216/FUL	Mr & Mrs Symons	Two-storey side extension, single storey rear extension, front porch and rear decking	76 Priory Drive Plymouth PL7 1PX	Luke Valentine
15/01/2025	Grant Conditionally	24/01276/FUL	University Hospitals Plymouth NHS Trust	Retention of two operating theaters and associated works for a period of 10 years.	Derriford Hospital Derriford Road Plymouth PL6 8DH	Joanna Churchill
15/01/2025	Grant Conditionally	24/01529/FUL	Mrs Gemma Fidlock	Proposed conversion of garage into a single bedroom	2 The Grove Stoke Plymouth PL3 4AL	Ethan Bell
16/01/2025	Agreed Condition Details	24/01570/CDM	Mr Gregory Soper	Condition Discharge: Condition 3 (Drainage Details) of application 23/01744/FUL	11 St Levan Road Plymouth PL2 3AE	Miss Amy Thompson
16/01/2025	Agreed Condition Details	24/01672/CDM	Marks And Spencer Plc	Condition Discharge: Condition 26 of application 22/00129/FUL	Land At Former Seaton Army Barracks Parade Ground William Prance Road Derriford Plymouth PL6 5ZD	Claire Sibley
16/01/2025	Grant Conditionally	24/01241/S73	St Anne's House	Variation of Condition 2 (Approved Plans) of application 22/00837/FUL (approved via appeal APP/N1160/W/23/3318375) to extend the building, amend the roof design and appearance of the building.	St Annes House Jennycliff Lane Plymouth PL9 9SN	Miss Amy Thompson

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
16/01/2025	Grant Conditionally	24/01615/FUL	University Of Plymouth	Continued temporary education use (Class F1) until 30th September 2027	Plymouth Mail Centre 29 Central Park Avenue Plymouth PL1 1AA	Mr Sam Lewis
17/01/2025	Approved	24/01549/TCO	Rayment	T1 - Sycamore - Coppice to near ground level.	Woodville, Mannamead Avenue Plymouth PL3 4SP	Alan Rowe
17/01/2025	Approved	24/01563/TCO	Mr Jeffery	T1 - Conifer - Fell - Inappropriate for location	203 North Road West Plymouth PL1 5DG	Alan Rowe
17/01/2025	Approved	24/01567/TCO	Mrs Antonia Reynolds	T1 - Liquid Amber- Pollard	85 Durnford Street Plymouth PL1 3QW	Alan Rowe
17/01/2025	Grant Conditionally	24/01426/FUL	Miss Tamzin Newton	Single storey rear extension	29 Laira Park Place Plymouth PL4 7HT	Luke Valentine
17/01/2025	Grant Conditionally	24/01447/TPO	Mrs Katie Plant	1. Tree. Evergreen Oak tree. o remove two lower limbs back to fork by (6/7 metres) both limbs. 2. Tree. Sweet Chestnut. stands about (18 metres) I would like to remove 2 metres in height and also remove and branches which are affecting telephone cables. Health and safety concern.	Plymouth College Ford Park Plymouth PL4 6RN	Alan Rowe



Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
17/01/2025	Grant Conditionally	24/01495/TPO	Mr David Young	<p>T4: Ash. Fell due to die back. T6: Beech. Fell due to very poor taper. T16: Ash .Fell due to Die back. T20: Ash Fell due to Die back. T23: Ash Fell due to die back. T25: Sycamore. Reduce N.E. Bough by 2m, leaving the extent of the canopy at 7m from the trunk. G2. A group of 5 Ash trees with Chalara Dieback. Fell. T32: Beech. Reduce north stem by 2m. This will leave this stem at approximately 10m in height but bring it into balance with the southern stem of this tree. T33: Dead tree. Fell. T35: Birch. Fell due to very poor taper and overall condition.G3: 1) Mature Hazel 8m high, overhanging the fence from the council?s land. Reduce back the overhanging branches. 2) Hawthorn (8m). Poor overall condition with a tight union. Reduce by 2m. This will leave the tree height at approximately 6m. 3) Leylandii, 12m height. Crown reduce by 1m. 4) Field Maple. Poor overall condition. Fell. 5) Leylandii. Reduce by 1.5m. This will leave the height at 10.5 metres. 6) No works requested. 7) Field Maple. Height 14m, DBH 10cm. Mature. Leans moderately to the north. A limb has previously split out at 10m. 2m crown reduction to rebalance the tree. This will leave the tree at approximately 12 metres in height. 10) 5 leylandii, 15m height, average DBH 20cm. Fourth tree from the west has a heavy lean into the loading bay. Trees act as a screen. 2 Birch?s 15m height, 20cm DBH amongst the Leyland. Reduce the 5 Leylandii by 2 metres to reduce wind loading. Fell the Birch trees due to their poor taper over height and their generally poor condition. 12) Leylandii. 18m height. Poor taper. Fell to benefit neighbouring tree and due to poor structure. T39: Remove deadwood over road.T42: Leylandii, Fell due to heavy lean and its proximity to the building. T43: Elm.</p>	<p>Airport Business Centre 10 Thornbury Road Plymouth PL6 7PP</p>	Alan Rowe

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
				Fell due to moderate lean towards building and poor taper. G5: Recommended works: 1)2 Ash stem		
17/01/2025	Grant Conditionally	24/01515/FUL	Mr Jonathan Tremblett	Single storey rear extension, single storey side extension, rear dormer and side/rear balcony	14 Amados Close Plymouth PL7 1SW	Cody Beavan
17/01/2025	Grant Conditionally	24/01520/FUL	Sixteen Management Ltd	Removal and replacement of existing combustible cladding and external wall elements with new non-combustible alternatives and associated works.	16 - 20 North Street Plymouth PL4 8DL	Ms Abbey Edwards
17/01/2025	Grant Conditionally	24/01610/TPO	M Alexander	1. T1 Elm- Add cable bracing and reduce crown	10 Yarrow Mead Plymouth PL9 8BQ	Alan Rowe
17/01/2025	Grant Conditionally	24/01619/TPO	Mr Horwell	T1- Recommend reducing by 2 -3m back to original reduction points	36 Deveron Close Plymouth PL7 2YF	Alan Rowe
17/01/2025	Refuse	24/01502/TPO	Mr Ian Darbyshire	Fell 553 Holm Oak 43 Holm Oak 46 Holm Oak 50 Holm Oak 51 Holm Oak 52 Holm Oak 53 Holm Oak 54 Holm Oak 59 x 4 Ash 45 Ash41 Ash	4 Nelson Gardens Plymouth PL1 5RH	Alan Rowe
20/01/2025	Refuse	24/01626/FUL	Mr Micah Faure	Replace existing metal/steel casement and frame windows with uPVC windows	39 Wolsdon Street Plymouth PL1 5EH	Mr Sam Lewis
21/01/2025	Grant Conditionally	24/01094/LBC	Mr Philip Jensen	Proposal for like-for-like replacement of the timber gates and reuse of existing ironmongery	Morice Gate, Morice Yard Devonport Dockyard Plymouth PL1 4NB	Luke Valentine
21/01/2025	Grant Conditionally	24/01514/FUL	Mr & Mrs Koodallur	Proposed dropped kerb and parking hardstand	9 Rogate Drive Plymouth PL6 8SY	Cody Beavan

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
23/01/2025	Grant Conditionally	24/01589/S73	ILudo82 Limited	Variation of Condition 3 of planning permission 97/00754/FUL (allowed under appeal ref. T/APP/L1120/285029/P8) to extend hours of permitted use	65 Ridgeway Plymouth PL7 2AW	Mr Macauley Potter
23/01/2025	Grant Conditionally	24/01640/ADV	Marks And Spencer PLC	The erection of a fascia sign on the front elevation, and vinyl graphic on the side elevation windows.	1 Bravo Way Plymouth PL6 5GA	Joanna Churchill
24/01/2025	Agreed Condition Details	25/00026/CDC	John Stevens	Compliance with conditions of application 20/00917/FUL	Rear Of 24 Grenville Road Plymouth PL4 9PX	Ethan Bell
24/01/2025	Grant Conditionally	24/00920/FUL	Mr Warren Kressinger-Dunn	First floor rear extension, roof alterations including increase in ridge height and hipped to gable alterations to provide second floor extension to residential accommodation, installation of 2no. dormers to west elevation, and 3no. recessed balconies, window and door alterations and associated external works	Vine Hotel, 5 Admirals Hard Plymouth PL1 3RJ	Miss Emily Godwin
24/01/2025	Grant Conditionally	24/01398/FUL	Mr Marcin Slowik	Alterations to house with two-storey side extension	25 Roberts Road Plymouth PL5 1DL	Luke Valentine
24/01/2025	Grant Conditionally	24/01518/FUL	Mr Joynes & Ms Hanigan	Demolition of existing garage and erection of single storey rear extension, side extension and integrated front porch	72 The Mead Plymouth PL7 4HT	Luke Valentine
24/01/2025	Grant Conditionally	24/01551/ADV	Mr Niamtullah Shir Alam	Internally illuminated fascia sign and projecting shop sign	99 Mayflower Street Plymouth PL1 1SD	Joanna Churchill

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
27/01/2025	Agreed Condition Details	24/01641/CDMLB	Mr Chris Duggan	Condition Discharge: Conditions 16 (Mechanical Extraction Plumbing and Electrical Works), 21 (External Lighting) & 22 (Internal Lighting) of application 23/00311/LBC	The Guildhall Royal Parade Plymouth PL1 2EL	Helen Blacklock
27/01/2025	Agreed Condition Details	24/01667/CDM	Mrs Victoria Strickson	Application to discharge condition 12 (external lighting test and results) of planning decision 22/02024/FUL	Marine Academy Plymouth Trevithick Road Plymouth PL5 2AF	Mr Jon Fox
27/01/2025	Grant Conditionally	24/01650/FUL	Mr M Singh	Rear single storey extension and raised terrace	33 Dean Hill Plymouth PL9 9AF	Joanna Churchill
28/01/2025	Grant Conditionally	24/01516/FUL	Mr & Mrs Ellis	Demolition of existing side store and replacement side extension with garage door	59 The Knoll Plymouth PL7 4SJ	Cody Beavan
29/01/2025	Grant Conditionally	24/01457/FUL	Greenshaw Learning Trust	Installation of a ball stop net	Stoke Damerel Community College Somerset Place Plymouth PL3 4BD	Mr Daniel Thorning
29/01/2025	Grant Conditionally	24/01513/LBC	Mr Gareth Williams	Repair and remediation works to 3 Basin vessel entry point, including installation of stainless steel liner, repair of damaged masonry and repointing	3 Basin, HMNB Devonport Plymouth PL2 2BG	Mr Jon Fox
29/01/2025	Grant Conditionally	24/01538/S73	Plymouth City Council	Variation of Condition 1 (Approved Plans) of application 24/01384/S73 to allow roof edge safety railings.	Honicknowle Youth Centre Honicknowle Green Plymouth PL5 3PX	Mr Macauley Potter
29/01/2025	Grant Conditionally	24/01542/S73	Plymouth City Council	Variation of Condition 1 (Approved Plans) of application 24/01385/S73 to allow roof edge safety railings.	Efford Community Centre Blandford Road Plymouth PL3 6HU	Mr Macauley Potter

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
30/01/2025	Grant Conditionally	24/01582/FUL	Mr Michael Swann	Single storey side extension with garage door	28 Meadowfield Place Plymouth PL7 1XQ	Luke Valentine
30/01/2025	Grant Conditionally	24/01597/FUL	C Clemes	Single storey front porch to dwelling, garage conversion, and single storey rear extension	14 Manadon Drive Plymouth PL5 3DH	Luke Valentine
30/01/2025	Grant Conditionally	24/01608/LBC	Mr Paul Bushby	Replacement windows	17 Butt Park Road Plymouth PL5 3NW	Joanna Churchill
31/01/2025	Agreed Condition Details	24/00237/CDM	Urban Splash (Royal William Yard) Ltd	Condition Discharge: Conditions 4, 5, 8, 9, 10, 14, 16, 17 & 21 of application 19/00675/S73	Melville Building Royal William Yard Plymouth PL1 3RP	Miss Katherine Graham
31/01/2025	Agreed Condition Details	24/01008/CDM	Mr Toby Mattacott	Condition Discharge: Condition 3 (Construction Environmental Management Plan), Condition 4 (Planting/Soft Landscaping Plan), Condition 5 (Highway Dilapidation Survey) & Condition 6 (Construction Traffic Management Plan) for application 23/01122/FUL	Land Adj. 96 Sherford Road Plymouth PL9 8BG	Mr Sam Lewis
31/01/2025	Agreed Condition Details	24/01637/CDM	Andy Nisbet	Condition Discharge: Conditions 4 (EV Charging) and 5 (Cycle Provision) of application 24/00894/FUL	Unit 2, 10 Estover Road Plymouth PL6 7PY	Mr Macauley Potter
31/01/2025	Grant Conditionally	24/01235/REM	Plymouth City Council	Reserved matters approval for access, appearance, landscaping, layout, & scale, for South Yard Phase 3.1 of the marine industries production campus to include two industrial units with associated parking and landscaping (following outline approval 14/02269/OUT	Devonport Dockyard, South Yard, (Areas 1 And 5) Devonport Plymouth	Miss Amy Thompson

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
31/01/2025	Grant Conditionally	24/01604/FUL	Mrs Chantelle Souness	New front extension, single storey rear extension with raised terrace above and amendments to roof layout including a new rear dormer.	Winton, Broad Park Plymouth PL9 7QF	Ethan Bell
03/02/2025	Grant Conditionally	24/01607/FUL	Mr Paul Bushby	Replacement windows	17 Butt Park Road Plymouth PL5 3NW	Joanna Churchill
03/02/2025	Grant Conditionally	24/01620/TPO	George Northcott	23 Larch to be removed within 00/00302/TPO group.	121 St Peters Road Plymouth PL5 3FD	Alan Rowe
03/02/2025	Grant Conditionally	24/01638/TPO	Alison Potapi	T47 - Lawson Cypress - Crown Lift to achieve a 3 metre clearance from ground level. T56 - Wild Cherry - Crown lift to achieve a 3 metre clearance from ground level.	1 Cadover Close Plymouth PL6 5NE	Alan Rowe
03/02/2025	Grant Conditionally	24/01649/TPO	Mr Richard Rabin	Turkey Oak (T2) : Crown reduce the radial branch spread back to previous reduction points (no more than 2.5m branch length) from a height of 15m to 13.5m and a spread of 3 to 4m radial spread. Sycamore (T1) in neighbours garden: Whole crown thin up to 20% of the foliage /bud density.	5 Venn Court Plymouth PL3 5NS	Alan Rowe
04/02/2025	Grant Conditionally	24/01618/FUL	Mr & Mrs Boroczky	Single storey extensions to front, rear and side	43 Chaddlewood Close Plymouth PL7 2HR	Cody Beavan
05/02/2025	Agreed Condition Details	24/01573/CDM	University Hospitals Plymouth NHS Trust	Condition Discharge: Condition 14 (External Materials Main Building), and 15 (Gates to Ancillary Buildings) of application 24/00548/S73	Derriford Hospital Derriford Road Plymouth PL6 8DH	Helen Blacklock
05/02/2025	Grant Conditionally	24/01627/FUL	Mrs Debbie Callaghan-Richards	Removal of garage and construction of new enlarged garage and store	1 Boswell Close Plymouth PL5 3LJ	Luke Valentine

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
05/02/2025	Grant Conditionally	24/01628/FUL	Mrs Debbie Callaghan-Richards	Demo of existing garage and erection of new garage/store	2 Boswell Close Plymouth PL5 3LJ	Luke Valentine
05/02/2025	Grant Conditionally	24/01630/FUL	Stephanie Hancock	Single storey side extension	4 Gresham Close Plymouth PL5 4QD	Cody Beavan
05/02/2025	Grant Conditionally	25/00041/ADV	Mr Frank Phillips	Vertical lettering showing the building alias name 'THE GARDENS' with graphic lotus flower symbols (retrospective)	163 - 191 Stuart Road Plymouth PL1 5LQ	Ethan Bell
05/02/2025	Condition Discharge Split	24/01659/CDM	Discovery Wharf (Plymouth) Rtm Company Limited	Condition Discharge: Condition 4 (Maintenance Schedule) & Condition 5 (Construction Traffic Management Plan) for application 23/01470/FUL	Discovery Wharf 15 North Quay Plymouth PL4 ORB	Mr Sam Lewis
07/02/2025	Agreed Condition Details	25/00179/CDC	Mr Peter Warm	Compliance with conditions of application 07/01121/FUL	9A - 9B Haystone Place Plymouth PL1 5DU	Ethan Bell
07/02/2025	Agreed Condition Details	25/00188/CDM	Mr Ronald Kung	Condition Discharge: Condition 5 (Updated Management Plan) for application 23/01500/FUL	43 Sutherland Road Plymouth PL4 6BN	Mr Sam Lewis
10/02/2025	Approved	24/01643/TCO	Mr Luke Foster	Norwegian Maple Crown reduction Magnolia Height reduction, thinning, and lifting of lower branches Magnolia Removal of one main limb. Beech Height reduction to approximately 2 feet above the wall on the main leader. All works are shown on submitted photographs.	4 The Square Plymouth PL1 3JX	Alan Rowe
10/02/2025	Agreed Condition Details	23/01743/CDM	Mr Alistair Macdonald	Condition Discharge: Condition 3 of application 22/00306/REM	Saltram Meadows, The Ride Plymouth Plymstock PL9 7JA	Ms Marie Stainwright

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
10/02/2025	Agreed Condition Details	24/00754/CDM	University Hospitals Plymouth NHS Trust	Condition Discharge: Condition 12 of application 24/00548/S73	Derriford Hospital Derriford Road Plymouth PL6 8DH	Ms Marie Stainwright
10/02/2025	Grant Conditionally	24/01635/LBC	Admirals Rest	Layout alterations and associated external works (retrospective)	Flat 3, 64 Durnford Street Plymouth PL1 3QN	Miss Emily Godwin
10/02/2025	Grant Conditionally	24/01642/ADV	Mr Thomas Fabian	Aluminium internally lit illuminated Fascia sign fixed to wall. Aluminium LED internally lit projecting sign	61A Ebrington Street Plymouth PL4 9AA	Joanna Churchill
10/02/2025	Grant Conditionally	25/00009/TPO	Mr Foulkes	T1; Ash. Fell due to Ash Dieback.	White Oaks, Widewell Lane Plymouth PL6 7HN	Alan Rowe
11/02/2025	Grant Conditionally	24/01577/FUL	Mr B Lynch	Change of use from student HMO to large HMO (Sui Generis)	2 Alma Road Plymouth PL3 4HB	Miss Emily Godwin
11/02/2025	Grant Conditionally	24/01653/FUL	Caretech Community Services Ltd	Change of use from a mixed respite care home and skills hub into a shared supported living service for adults (C2) use.	26 Queens Road Lipson Plymouth PL4 7PL	Mr Daniel Thorning
11/02/2025	Grant Conditionally	24/01674/LBC	Plymouth City Council	Demolition and replacement of two external walls of modern construction and replacement of ground floor slab to Building B	Tinside Pool, Hoe Road Plymouth PL1 3DE	Miss Amy Thompson
11/02/2025	Grant Conditionally	25/00159/ADV	Old Tree Court Limited	Installation of 1x Facia Sign, 1x Informational Sign and 1x Directional Sign.	Old Tree Court, 64 Exeter Street Plymouth PL4 0AJ	Ethan Bell
12/02/2025	Grant Conditionally	24/01568/FUL	Mr Martin O'Halloran	Two-storey side extension	100 Pattinson Drive Plymouth PL6 8RU	Cody Beavan



Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
12/02/2025	Grant Conditionally	24/01590/FUL	Mr John Dean	Two-storey extension to dwelling house including the removal of existing conservatory and porch	5 Widewell Road Plymouth PL6 7DN	Cody Beavan
12/02/2025	Grant Conditionally	24/01670/FUL	Mr Eric Mewdsley	External terrace with glass privacy screening	109 Ridgeway Plymouth PL7 2AA	Mr Macauley Potter
13/02/2025	Refuse	25/00029/ADV	Mr Graham Mallard	Block out vinyl window graphics advertisement	17 William Prance Road Plymouth PL6 5ZD	Joanna Churchill
13/02/2025	Condition Discharge Split	25/00091/CDC	Billy Allen	Compliance of conditions for application 15/00858/OUT	6 Poets Corner Plymouth PL5 3FE	Mr Simon Osborne
14/02/2025	Approved	24/01631/TCO	Harvey	T1 - Sycamore - Coppice to near ground level due to the proximity to the property.	20 Wilderness Road Plymouth PL3 4RN	Alan Rowe
14/02/2025	Approved	25/00002/TCO	Mr Christopher Swift	4 x leylandii trees to be felled and 1 x Bay tree to be felled	4 Osborne Villas Osborne Road Plymouth PL3 4BS	Alan Rowe
14/02/2025	Grant Conditionally	24/00488/FUL	Yvonne Harris	New vehicle maintenance facility, vehicle parking, waste disposal and security fencing	Wakehams Quarry The Ride Plymouth	Miss Amy Thompson
14/02/2025	Grant Conditionally	24/01375/FUL	Mr E Baker	Replacement of existing windows and a new door	The Moneycentre 1 Drake Circus Plymouth PL1 1QH	Ms Abbey Edwards
14/02/2025	Grant Conditionally	24/01680/TPO	Mr James Edmonds	Tree Works	Marsh Mills China Clay Works Coypool Road Plymouth PL7 4QR	Alan Rowe

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
14/02/2025	Grant Conditionally	24/01685/LBC	Miss Kelly Grunnill	Works to stabilise the Amphitheatre which include installation of rock bolts and mesh	Saltram Amphitheatre, Merafield Road Plymouth PL7 1UH	Miss Amy Thompson
14/02/2025	Grant Conditionally	25/00051/TPO	Jonathan Shaddock	Fell the beech tree and remove branches from the oak tree as shown in the submitted photos	30 Medway Place Plymouth PL3 6HB	Alan Rowe
17/02/2025	Approved	25/00023/TCO	Mr Andrew Tregunna	As per professional tree survey. Works required for H&S reasons only	Royal Citadel Hoe Road Plymouth PL1 2PD	Alan Rowe
17/02/2025	Approved	25/00024/TCO	Mr Andrew Tregunna	As per the tree survey	Stonehouse Barracks Durnford Street Plymouth PL1 3QS	Alan Rowe
17/02/2025	Grant Conditionally	24/01561/TPO	Dr Rachael Evershed	Tree (Beech) T4: Reduce tree to 21m in height and install higher SWL flexible bracing system	22 Thornhill Way Plymouth PL3 5NP	Alan Rowe
17/02/2025	Grant Conditionally	24/01678/FUL	Mr Sam Lewis	Single storey rear and side extensions	98 St Margarets Road Plymouth PL7 4SB	Cody Beavan
17/02/2025	Refuse	24/01350/FUL	Mr Tommy Kingdom	Replace the old, rotten timber windows with new UPVC windows	18A Garfield Terrace Plymouth PL1 5NU	Ethan Bell

# Planning Appeal Decisions between 14/01/2025 and 17/02/2025

<b>Date of Decision</b>	20/01/2025
<b>Ward</b>	Sutton and Mount Gould
<b>Application Number</b>	24/00413/FUL
<b>Decision</b>	<b>Appeal Allowed with Conditions</b>
<b>Address of Site</b>	The Grenville Hotel, 82 - 84 Grenville Road Plymouth PL4 9PZ
<b>Proposal</b>	Change of use of ground floor from public house (Sui Generis) to 3no. flats (Class C3)
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mr Sam Lewis
<b>Synopsis of Appeals</b>	<p>Planning permission was refused for the change of use of the public house to 3no. dwellings due to Officers considering that the pub's loss had not been sufficiently justified in line with JLP policy DEV18.6. A lack of information relating to the pub's lack of viability and local alternative provision was provided at application stage, despite Officers inviting such, with only limited marketing information then provided. Further information was attempted to be submitted towards the end of the process which was not accepted by Officers. Following an appeal made by the applicant, and the provision to the Inspector of this additional information, the Inspector disagreed with Officers' views and considered that the pub's loss had been sufficiently justified due to the marketing and accounting information supplied - as well as the presence of other similar establishments in the local area (albeit a larger area than considered by Officers). The appeal was therefore allowed. An application for costs was made by the applicant but none were awarded by the Inspector. The Inspector did not consider that it was unreasonable for Officers to not accept a second round of additional information given that the scheme had been re-advertised once already. The Inspector did consider this additional information, though, largely due to the fact that it was in the public domain as the result of a following application which remains live at the time of writing.</p>

# Planning Appeal Decisions between 14/01/2025 and 17/02/2025

<b>Date of Decision</b>	30/01/2025
<b>Ward</b>	Ham
<b>Application Number</b>	23/01543/ADV
<b>Decision</b>	<b>Appeal Allowed with Conditions</b>
<b>Address of Site</b>	Weston Mill Filling Station Wolseley Road Plymouth PL5 1BL
<b>Proposal</b>	Installation of 1x 48 sheet free-standing LED illuminated advertising display panel and comprising pressed metal frame and sealed LED screen
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Luke Valentine
<b>Synopsis of Appeals</b>	The planning inspector found that the proposed signage would be in line with the commercial character existing petrol garage. Furthermore, whilst the illuminated character of the signage could be eye-catching, a condition is sufficient to moderate the illumination levels. With regards to highway safety impacts, the planning inspector did not see that it would create any additional distraction beyond that which already exists on site and would be reasonably expected on the road network. Furthermore, there was not sufficient detail provided regarding historical road collisions on the stretch of road.