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Date: 11-10-2011

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PLANNING COMMITTEE

Date: Thursday 20 October 2011

Time: 1.00 pm

Venue: Council House, Armada Way, Plymouth

Members:

Councillor Lock, Chair

Councillor Mrs Bowyer, Vice Chair

Councillors Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Stevens, Tuohy, Vincent, Wheeler and Williams.

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

Members and officers are requested to sign the attendance list at the meeting.

Please note that unless the chair of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in meetings.

Barry Keel
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 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 6 October 2011.

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 (Pages 7 - 8)

The Assistant Director of Development (Planning Services) 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. Members of the Committee are requested to refer to the attached planning application guidance.

6.1. PUBLIC PATH EXTINGUISHMENT ORDER - RIDGEWAY SCHOOL (Pages 9 - 36)

The Director for Development will submit a report requesting the referral of a Public Path (Special) Extinguishment Order to the Secretary of State for determination by public inquiry.

Appendices are available online at
<http://www.plymouth.gov.uk/pporidgewayschool>

6.2. 12 - 13 SUSSEX STREET, PLYMOUTH. 11/00766/FUL (Pages 37 - 46)

Applicant: Mr Alec Macleod
Ward: St Peter & The Waterfront
Recommendation: Delegated authority to Grant Conditionally subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 6 December 2011.

6.3. 12 - 13 SUSSEX STREET, PLYMOUTH. 11/00768/CAC (Pages 47 - 50)

Applicant: Mr Alec Macleod
Ward: St Peter & The Waterfront
Recommendation: Grant conditionally

6.4. LAND NORTH OF WEST PARK HILL, PLYMPTON, PLYMOUTH. 11/01209/FUL (Pages 51 - 62)

Applicant: Wolf Minerals (UK) Ltd
Ward: Plympton St Mary
Recommendation: Grant Conditionally subject to the Secretary of State not issuing a direction under Section 77 of the Town and Country Planning Act 1990 for the application to be referred to him for determination.

6.5. 28 RIDGE ROAD, PLYMOUTH. 11/01260/FUL (Pages 63 - 70)

Applicant: Mr A Reilly
Ward: Plympton Erle
Recommendation: Grant conditionally

7. PLANNING APPLICATION DECISIONS ISSUED (Pages 71 - 114)

The Assistant Director of Development (Planning Services) acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 12 September 2011 to 7 October 2011, 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 for inspection at First Stop Reception, Civic Centre.

8. APPEAL DECISIONS

(Pages 115 - 116)

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 this schedule is available for inspection at First Stop Reception, Civic Centre.

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.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

Planning Committee

Thursday 6 October 2011

PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs Bowyer, Vice Chair.

Councillors Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Stevens, Tuohy, Vincent, Wheeler and Williams.

Also in attendance: Peter Ford, Head of Development Management, Julie Rundle, Lawyer, Paul Barnard, Assistant Director of Development (Planning Services) and Katey Johns, Democratic Support Officer.

The meeting started at 1 pm and finished at 4.05 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.

45. **DECLARATIONS OF INTEREST**

The following declarations of interest were made by Councillors in accordance with the code of conduct in relation to items under discussion at this meeting –

Name	Minute No. and Subject	Reason	Interest
Councillor Wheeler	49.2 - Former Tennis Courts, Hoe Road-Pier Street, Plymouth 11/01146/CAC	Personal	Member of Local Access Forum
Councillor Churchill	49.2 - Former Tennis Courts, Hoe Road-Pier Street, Plymouth 11/01146/CAC	Personal	Member of Local Access Forum

46. **MINUTES**

Agreed the minutes of the meeting held on 22 September 2011.

47. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

48. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions from members of the public.

49. **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 Conservation Areas) Act, 1990.

49.1 FORMER TENNIS COURTS, HOE ROAD-PIER STREET, PLYMOUTH 11/01145/FUL

(Pier St Limited)

Decision:

Application **REFUSED** for the following reasons –

(1) **Adverse impact on residential properties (Pier Street only)**

The proposed development would have a significant adverse impact upon the residential amenity of neighbouring properties on Pier Street, by virtue of the close proximity, dominant scale, height and massing of the building to neighbouring properties to the rear of the site. Such development is contrary to adopted policies CS01, CS02 and CS34, adopted Development Guidelines Supplementary Planning Document (2009), together with Government guidance contained in PPS1;

(2) **Adverse impact on Hoe Conservation Area**

The proposed development would have a negative impact upon the historic appearance and locally distinctive character of the Hoe Conservation Area by virtue of its dominant scale, height and massing with relation to the rear properties on Pier Street. Such development is contrary to adopted policies CS01, CS02, CS03 and CS34, together with Government guidance contained in PPS1 and PPS5;

(3) **Adverse impact on Public Space**

The proposed development would have a significant adverse impact upon a local amenity feature within an area of public space within West Hoe Park by virtue of its dominant scale. Such development is contrary to adopted policies CS01, CS02 and CS34, together with Government guidance contained in PPS1 and PPG17.

(At the invitation of the Chair, the Committee heard representations against the application from Ward Councillor McDonald).

(At the invitation of the Chair, the Committee heard representations against the application from Ward Councillor Penberthy).

(At the invitation of the Chair, the Committee heard representations against the application from Ward Councillor Tuffin).

(At the invitation of the Chair, the Committee heard representations against the application).

(At the invitation of the Chair, the Committee heard representations in support of the application from the applicant).

(Councillor Wheeler's proposal to refuse the application, having been seconded by Councillor Stevens, was put to the vote and declared carried).

49.2 FORMER TENNIS COURTS, HOE ROAD-PIER STREET, PLYMOUTH II/01146/CAC

(Pier St Limited)

Decision:

Application **GRANTED** conditionally, subject to inclusion of a third condition as follows –

- (3) the existing public access steps from Pier Street service lane to West Hoe Park shall not be demolished, or closed to the public, until the new pedestrian access steps from Pier Street service lane to West Hoe Park have been constructed in accordance with plans which have previously been submitted to and approved by the local planning authority.

(At the invitation of the Chair, the Committee heard representations against the application from Ward Councillor McDonald).

(At the invitation of the Chair, the Committee heard representations against the application from Ward Councillor Penberthy).

(At the invitation of the Chair, the Committee heard representations against the application from Ward Councillor Tuffin).

(At the invitation of the Chair, the Committee heard representations against the application).

(Councillors Wheeler and Churchill declared personal interests in respect of this item).

(Councillor Wheeler's proposal for the inclusion of a third condition, having been seconded by Councillor Mrs Bowyer, was put to the vote and declared carried).

50. **EXEMPT BUSINESS**

There were no items of exempt business.

SCHEDULE OF VOTING

PLEASE NOTE

A SCHEDULE OF VOTING RELATING TO THE MEETING IS ATTACHED AS A SUPPLEMENT TO THESE MINUTES.

PLANNING COMMITTEE – 6 October 2011

SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
49.1 Former Tennis Courts, Hoe Road-Pier Street, Plymouth 11/01145/FUL	Councillors Wheeler, Vincent, Tuohy, Stevens, Williams, Mrs Nicholson, Mrs Foster, Browne and Delbridge	Councillors Mrs Bowyer and Lock	Councillor Churchill		
49.2 Former Tennis Courts, Hoe Road-Pier Street, Plymouth 11/01146/CAC Amendment Officer Recommendation	Councillors Browne, Delbridge, Churchill, Mrs Nicholson, Stevens, Wheeler, Mrs Bowyer and Lock Councillors Mrs Bowyer, Browne, Delbridge, Churchill, Mrs Nicholson and Wheeler	Councillor Tuohy Councillors Stevens, Tuohy and Vincent	Councillors Vincent and Mrs Foster Councillors Mrs Foster and Lock		Councillor Williams Councillor Williams

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PLANNING APPLICATIONS FOR CONSIDERATION

All of the applications included on this agenda have been considered subject to the provisions of the Human Rights Act 1998. This Act gives further effect to the rights included in the European Convention on Human Rights.

Addendums

Any supplementary/additional information or amendments to a planning report will be circulated at the beginning of the Planning Committee meeting as an addendum.

Public speaking at Committee

The Chair will inform the Committee of those Ward Members and/or members of the public who have registered to speak in accordance with the procedure set out in the Council's website.

Participants will be invited to speak at the appropriate time by the Chair of Planning Committee after the introduction of the case by the Planning Officer and in the following order:

- Ward Member
- Objector
- Supporter

After the completion of the public speaking, the Planning Committee will make their deliberations and make a decision on the application.

Committee Request for a Site Visit

If a Member of Planning Committee wishes to move that an agenda item be deferred for a site visit the Member has to refer to one of the following criteria to justify the request:

1. Development where the impact of a proposed development is difficult to visualise from the plans and any supporting material.

The Planning Committee will treat each request for a site visit on its merits.

2. Development in accordance with the development plan that is recommended for approval.

The Planning Committee will exercise a presumption against site visits in this category unless in moving a request for a site visit the member clearly identifies what material planning consideration(s) have not already been taken into account **and** why a site visit rather than a debate at the Planning Committee is needed to inform the Committee before it determines the proposal.

3. Development not in accordance with the development plan that is recommended for refusal.

The Planning Committee will exercise a presumption against site visits in this category unless in moving a request for a site visit the Member clearly identifies what material planning consideration(s) have not already been taken into account **and** why a site visit rather than a debate at the Planning Committee is needed to inform the Committee before it determines the proposal.

4. Development where compliance with the development plan is a matter of judgment.

The Planning Committee will treat each case on its merits, but any member moving a request for a site visit must clearly identify why a site visit rather than a debate at the Planning Committee is needed to inform the Committee before it determines the proposal.

5. Development within Strategic Opportunity Areas or development on Strategic Opportunity Sites as identified in the Local Plan/Local Development Framework.

The Chair of Planning Committee alone will exercise his/her discretion in moving a site visit where, in his/her opinion, it would benefit the Planning Committee to visit a site of strategic importance before a decision is made.

Decisions contrary to Officer recommendation

1. If a decision is to be made contrary to the Head of Planning and Regeneration recommendation, then the Committee will give full reasons for the decision, which will be minuted.
2. In the event that the Committee are minded to grant an application contrary to Officers recommendation then they must provide:
 - (i) full conditions and relevant informatives;
 - (ii) full statement of reasons for approval (as defined in Town & Country Planning (General Development Procedure) (England) (Amendment) Order 2003);
3. In the event that the Committee are minded to refuse an application contrary to Officers recommendation then they must provide:
 - (i) full reasons for refusal which must include a statement as to demonstrable harm caused and a list of the relevant plan and policies which the application is in conflict with;
 - (ii) statement of other policies relevant to the decision.

Where necessary Officers will advise Members of any other relevant planning issues to assist them with their decision.

PLYMOUTH CITY COUNCIL

Subject: Public Path Extinguishment Order – Ridgeway School
 Committee: Planning Committee
 Date: 20 October 2011
 Cabinet Member: Councillor Wiggins, Cabinet Member for Transport
 CMT Member: Director for Development and Regeneration
 Author: Robin Pearce, Public Rights of Way Officer
 Contact: Tel: 01752 304233
 Email: robin.pearce@plymouth.gov.uk
 Ref: HAE.002
 Key Decision: No
 Part: I

Executive Summary:

This report presents to Members an opposed Special Extinguishment Order (SEO) for consideration. The Order was applied for by Ridgeway School, Plympton, Plymouth and seeks to extinguish a public right of way (known locally as Geasons Lane) which runs through the school grounds. The relevant legislation is Section 118B Highways Act 1980. This report sets out the legal criteria to be met and provides members with all relevant evidence.

Corporate Plan 2011 – 2014:

 Implications for Medium Term Financial Plan and Resource Implications:
 Including finance, human, IT and land

Should the Order be referred a public inquiry is likely to be called which will require external legal support. Estimated costs are £10,000 - £12,000 which will be shared 50/50 with the school. Funding would be met from existing revenue budgets.

The school recently became an Academy and the land is subject to a long term lease. This lease would need to react to any changes to public highways within the land subject to the lease.

Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

Community safety – promoting the ethos of our schools being a safe and secure environment for the education of children.

Crime reduction – to reduce the high levels of criminal and anti-social behaviour within Ridgeway school grounds.

Health and Safety – to reduce the risk posed to the staff and pupils of Ridgeway School.

Recommendations & Reasons for recommended action:

That the Order be referred to the Secretary of State for determination by public inquiry.

Reason - The recommendation is made on the basis that the legal tests set out by the Highways Act 1980 have clearly been met and, given there have been objections to closure, that a full and open public inquiry would be the most transparent and fair way to progress the matter further.

Alternative options considered and reasons for recommended action:

Abandonment of the application. This option is not recommended because the legal tests have been met therefore the correct course of action is referral to an external decision maker. Abandonment would fail to help the school deal with the quite serious health and safety issues it faces and deny both the school and the public the opportunity to have their opinions aired.

Background papers:

- Appendix 1:** A copy of the application made by the school
- Appendix 2:** Letters of Representation (Statutory Undertakers)
- Appendix 3:** Letters of Representation (Supporters)
- Appendix 4:** Letters of Representation (Objectors)
- Appendix 5:** Police Crime Statistics – 1 July 2010 – 30 June 2011
- Appendix 6:** Pedestrian Count
- Appendix 7:** School Incident Log and Plan

Sign off:

Fin	Dev F11 120 032	Leg	JAR/ 1285 2	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

1.0 Introduction

- 1.1 The committee has before it a Public Path (Special) Extinguishment Order which seeks to extinguish a public right of way which runs through the grounds of Ridgeway School, Plympton, Plymouth.
- 1.2 This application falls under section 118B of the Highways Act 1980 which allows for a public right of way to be extinguished if it meets specific criteria. Whilst this report will explain in some details those tests which must be met, for the purposes of an introduction Members should be aware that s.118B is a unique power for the extinguishment of a public right of way through school grounds.
- 1.3 This report sets out the schools application for closure, the legal tests Members are asked to measure the application against and advice as to whether, and to what degree, those tests have been met.

2.0 Legal Context and Legislative Background

- 2.1 This application falls under section 118B(1)(b) of the Highways Act 1980 which provides that a special extinguishment Order may be made:

(1) ...where it appears to a council...

(b) that, as respects any relevant highway for which they are the highway authority and which crosses land occupied for the purposes of a school, it is expedient, for the purpose of protecting the pupils or staff from –

- (i) violence
- (ii) harassment
- (iii) alarm or distress arising from unlawful activity; or
- (iv) any other risk to health and safety arising from such activity,

...that the highway should be stopped up.

2.2 In order to fall within section 118B the following criteria must therefore be established:

- (i) Is the route in question a relevant highway?
- (ii) Does the route cross land occupied for the purposes of a school?
- (iii) Is it expedient for the purposes of protecting the pupils or staff from one or more of the specified activities?

2.3 The decision as to whether or not an Order should be made is currently delegated to the Director of Development and Regeneration who, taking advice from *Hockerill College, R (on the application of) v Hertfordshire County Council [2008] EWHC 2060 (Admin)* considers the question of expediency. The process thereafter dictates that the fact that an Order has been made be advertised and representations invited. If the Order attracts objections the matter goes before the appropriate decision making body of the authority who decide its future, if not the Order may be confirmed as an unopposed Order.

2.4 As objections have been received Plymouth City Council no longer has the authority to confirm the Order, this power now lies with the relevant Secretary of State. The options open to Members today is to either abandon the Order or refer the Order to the Minister. Irrelevant of who considers the Orders confirmation the legislation specifies they must have regard to all the circumstances but in particular the matters set out in 118B(8) those being:

- (a) any other measures that have been or could be taken for improving or maintaining the security of the school,
- (b) whether it is likely that the coming into operation of the Order will result in a substantial improvement to that security,
- (c) the availability of a reasonably convenient alternative route, or, if no reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway,
- (d) the effect upon land served by the highway.

2.5 Unlike the matters at 118B(1) which MUST be satisfied before the Order can be considered capable of confirmation the matters at 118B(8) are matters that simply have to be taken into account in forming the overall judgement as to whether the confirming of the Order was expedient. Thus it clearly follows some or all of the matters at 118B(8) might not necessarily be made out and yet it could still be concluded that the Order was none the less expedient to be confirmed.

2.6 The tests that would be applied by the Secretary of State if Members authorised the referral of this Order are quite clear. As such this report will proceed to guide Members through those tests.

3.0 Procedural Matters – 118B(1)

3.1 Is the route in question a relevant highway?

3.1.1 Section 118B(2) defines a relevant highway to include footpaths, bridleways and restricted byways. The definition includes BOATS but excludes trunk roads and other special roads.

3.1.2 The footpath subject to this application has sat on the City of Plymouth Definitive Map since 2006 and was recorded on a range of preceding maps including the original parish surveys of Plympton carried out in the 1950's by the rural district authority of the time. There has never been a challenge to its status as a public right of way and no application has been made seeking to correct any error on the definitive map. Furthermore, no objector to the Order has questioned the status of the way nor claimed it does not meet the criteria for 118B(1)(b). Accordingly Ridgeway School relies upon s.118B(2)(a) in that the footpath meets the criteria of being “any footpath, bridleway or restricted byway” and the Order therefore meets this test.

3.2 Does the route cross land occupied for the purposes of a school?

3.2.1 Ridgeway School is an Academy (DfE number: 4178) within the meaning of section 482 of the Education Act 1996 (as amended by the Education Act 2010) and the Academies Act 2010. It transferred from the control of the Local Education Authority on 1 April 2011. There is no dispute within the local education authority and no suggestion by objectors that the land either side of the footpath is not used and occupied by the

school as part of its school premises and grounds. The school use the highway as a means of access to the school site and as a means of ingress and egress between school sites. The footpath splits the school site and if it were not for the existence of the public highway the land would most sensibly be enclosed within the school grounds. This test is therefore considered met.

3.3 Is it expedient for the purposes of protecting the pupils or staff from one or more of the specified activities?

3.3.1 The statute does not say that there has to be actual violence or actual harassment but rather it has to be expedient to protect staff or pupils from such activities. Therefore even if there were no incidents of violence or harassment at all the Order is still supportable under this test.

3.3.2 Rather there is only a requirement for a clear evidential basis to conclude that the making of the Order is expedient to protect staff and pupils from one or more of the specified activities. If one can properly conclude on the basis of the evidence that there is a real threat of one of the specified events occurring and that it is expedient to close the path to protect staff or pupils from that event then this test can be met.

3.3.3 The applicant for the Order has, as part of their application, submitted a range of supporting evidence. Primarily they include a school security audit carried out by an accredited third party professional security consultancy (included in appendix I to this report) and a log of incidents, both police reportable incidents and incidents of anti-social non-criminal behaviour (Included in appendix I to this report with an updated version in Appendix 7). The school security audit is strongly worded to the effect that the footpath facilitates the occurrence of the specified activities and identifies closure as a remedy to the situation. The incident log is supported by the police both in terms of the incidents that occur, most notably the written comments of the local policing team who provide numerous examples of specified activities and from a policy perspective via the police Architectural Liaison Officer and the references to 'Secured By Design' (see Appendix 2). On the basis of that evidence, it is clear that there have been numerous incidents of actual violence against both staff and the children in their care, there has been the threat of violence, there has been harassment and alarm and distress caused and there is a threat to the health and safety of the staff and pupils of

Ridgeway School. There is evidence that the footpath lies at the heart of that activity, that the footpath facilitates a means of entry and escape and it therefore follows that if the footpath remains open then there is an overwhelming likelihood of the reoccurrence of such activities. Taking the information available into account, the evidence indicates that there is violence or the threat of violence, harassment, alarm or distress arising from unlawful activity and other risks to the health or safety of pupils or staff as a result. It is therefore considered that the closure of the footpath would be expedient for the purpose of protecting the pupils and staff of Ridgeway School from those activities. The test is therefore considered met.

4.0 Procedural Matters – 118B(8)

4.1 Given the assessment of the initial tests of 118B(1) above, the resolution of this case comes down to a straightforward balance between whether the problems that occur and the problems that will be prevented are sufficient to warrant the impact upon the amenity of current users of the path. This topic can be conveniently dealt with by considering the tests of 118B(8). These are the statutory tests which the Inspector at any subsequent public inquiry will consider.

4.2 Any other measures that have been or could be taken for improving or maintaining the security of the school.

4.2.1 For a number of years Ridgeway School seems to have taken professional advice as to what should be done to protect its staff and pupils from the behaviour presented to this committee. Evidence suggests that it would be wrong to say that the school have done nothing save pursue headlong a desire to close the footpath. The school have, over a period of years sought advice from a range of bodies including DEFRA, Plymouth City Council, Devon and Cornwall Police, Devon and Somerset Fire and Rescue Service, security consultants, Health and Safety consultants, OFSTED, disabled access consultants and Natural England.

4.2.2 Throughout this period the school appear to have listened to the advice they have received and acted upon the recommendations given which were not dependant upon footpath closure such as staff training, installing Intruder Detection Systems (IDS), key management systems and “lockdown” routines, a visitor pass system, robust incident

logging and installation of CCTV (of which there are 14 digital cameras 6 being on and around the public footpath and sports hall). As time has progressed however the school (and police crime logs – see Appendix 5) say the level of crime and disorder has continued.

4.2.3 The security measures the school have so far taken are under constant review and will have cost the school tens of thousands of pounds. The school take the view that, at present, their spending money on such measures is akin to putting secure fencing around ones home and leaving the front and back doors wide open 24/7. The evidence put forward by the school suggests that security is taken seriously. They have implemented a wide range of additional security measures on the back of independent professional advice over an extended period. They have provided evidence of their external security audits which support this view.

4.2.4 In terms of the comments of objectors (see appendix 4) the only issues raised regarding security measures relate to fencing, both around the school perimeter and adjacent to the path. As the situation currently stands the public footpath is partially fenced with a number of sizable gaps in the fencing. Objectors state that this does little to help school security, that the school should reinstate the fencing and that doing so would improve the situation. The school disagree. They say that at the start and end of each day, at each break, at each lunch and at each lesson changeover some 1200 pupils and 170 staff cross between the various school buildings using the public footpath. The gaps in the fencing are the only means of ingress and egress across the path to move between various school buildings. Further to this the schools emergency evacuation point is on the school playing field. Therefore should the school be required to evacuate in an emergency those 1200 pupils would need to pass through those gaps in a short period of time. The School say the effect of these gaps as they stand today is to create a shocking pinch point of great concern to the school.

4.2.5 Devon and Somerset Fire and Rescue Service have previously advised and as part of our consultation on this order have advised again that the fencing be removed in its entirety to reduce the pressure caused to the movements of crowds of people however the school say they feel forced into ignoring that advice in the knowledge that objectors would take that as the school worsening school security. The gaps in the fence are the absolute minimum recommended by the fire service as being

sufficient to allow the safe evacuation of the school but the recommendation is to remove the entire length of the fencing.

4.2.6 The Fire Service have been consulted as part of this process and have made a number of pertinent observations. Their comments are in evidence (see Appendix 2) but the relevant points can be summarised as:

- There are no alternative options available as an emergency evacuation point other than the current location on the school field. The school therefore cannot assemble at any other location which would avoid having to cross the path. These gaps in the fence are therefore absolutely essential to allow the school to evacuate safely and so must not be closed or restricted any further.
- The gaps at present are sufficient in terms of evacuation but the situation would be improved by the full removal of the railings.
- If the whole area were open plan it would allow for faster and safer evacuation to the specified muster point.
- Full removal of the railings would be considered positive in terms of access to the site by fire Service personal and equipment. In fact it is specifically noted that the existing railings are rusted and pointed and from the operational perspective of the fire Service their removal is preferred.

4.2.7 Ultimately the issue seems a moot point. There is little that the school could do with this fencing that would improve the situation. The school could erect high fencing either side of the path which would undermine the safe evacuation of its pupils, it could leave the situation as it stands today and the catalogue of incidents may continue, it could remove the fencing entirely which would improve its evacuation procedures but make intruder detection all the more difficult or it could erect new fencing of the same height which would not change the situation in the slightest. Any action taken is of no benefit whilst the footpath exists because crucially those gaps absolutely must remain and so any member of the public may still enter into the heart

of the school at any time and therefore there is a strong likelihood of one or more of the specified activities occurring.

- 4.2.8 In terms of the perimeter fencing the situation is similar. Whilst on the face of it one might suggest that the lack of robust perimeter fencing detracts from a secure school environment the advice the school has received consistently states that there is little point securing the perimeter whilst the footpath remains open. The professional advice from several sources states the existence of the footpath undermines all other attempts the school might make to address its security. To reuse the schools previous analogy, the school spending money on the considerable expense of erecting perimeter fencing is entirely pointless whilst their front and back doors are wide open 24/7 and when it is entirely likely that the criminal element would rather enter the school site using the footpath where they can escape detection for longer than to trespass upon the school at other points along the perimeter.
- 4.2.9 A recent decision issued by the Planning Inspectorate addresses this very issue. This decision relates to an application for the extinguishment of a public footpath through the grounds of a school in Buckinghamshire similar in many ways to this case and the decision was issued in February 2010. In his decision report the Inspector, Mr. Martin Elliot, states...

“In my view the school has taken certain steps to improve the security of the premises. However, in respect of the fencing of the perimeter of the school I do not think that the fencing [as it currently stands] as a whole is particularly effective. In cross examination Mr Forrester [Bursar and Clerk to the Governors] accepted that it will be a number of years, possibly five to ten, before secondary hedge planting will become effective. Mr Forrester also accepted that the panel fencing adjacent to the Boss Lane entrance to the school needed to be raised and that other fencing is not as robust as it ought to be.....At the inquiry it was suggested that additional measures could be taken to improve the security. It was suggested that the footpath could be fenced either on one or both sides with an additional security gate on the main drive where it is crossed by the footpath. The Council submitted that this measure could be implemented but regard would need to be given as to the costs involved. In my view whilst these measures could be implemented, the overall costs of any additional gate and fencing would be

considerable, nevertheless Mr Forrester indicated that it would be possible to find the cost from the school budget. As regards the fencing of the way, as suggested by P.C. Gilbert, this would turn the footpath into a tunnel, particularly if the path is fenced on both sides, and therefore increase the fear of crime to walkers. On balance, whilst the provision of an additional gate and fencing would have benefits to the security of the school, given the additional costs and the practical difficulties a gate may present I do not think that this is a reasonable option.”

4.2.10 The Inspector in this case noted that the school had a distinct lack of secure perimeter fencing but concluded that the cost and practicalities were so prohibitive as to remove it as a basis for the rebuttal of the test. The Inspector also displays a clear disdain for the fencing of the edges of the path.

4.2.11 This is a view supported via another credible source. In the case of *Hockerill College, R (on the application of) v Hertfordshire County Council [2008] EWHC 2060 (Admin)* LJ Mackie QC was caused to consider an appeal against the decision of Hertfordshire County Council not to make a Special Extinguishment Order. One of the reasons given by the Council for not making the Order was “*further security works were required to make the college premises more secure and that a Footpath Extinguishment Order on its own would not provide the total solution at the present time*” This was based on the condition of the schools perimeter fencing which although explained in detailed can be summarised as lacking. There were gates which were incapable of being locked and the fencing was not continuous. On this topic LJ Mackie stated in his judgement

“most security measures, as a matter of commonsense, need to be evaluated at the time the potential stopping up order would come into effect. It would be daft for the school to spend public money on taking measures now unless a SEO was to come into force. It would be wrong to expect this school to spend money on security steps which will be useless unless a SEO is made”

4.2.12 Whilst each case should be judged on its merits the decisions above, applied to the Ridgeway case and when combined with the views of the police and the independent security audit commissioned by the school seems to present the view that perimeter fencing would be best employed as part of a package of measures that the school would implement should full closure eventually be granted rather than as an expensive

and likely ineffective pre-requisite to extinguishment. The public right of way facilitates lawful public access to the heart of the school site and the security measures that the act is worded to consider should look to reduce the risk. Perimeter fencing simply cannot do that, it can only become effective once extinguishment is secured and so should be looked at in that light rather than as a solution to the problems the school experiences.

4.2.13 It is suggested that the school have taken all reasonable steps to secure the school site and so this test is considered to be met.

4.3 Whether it is likely that the coming into operation of the Order will result in a substantial improvement to that security.

4.3.1 On the basis of the evidence submitted by the school and the police and in consideration of the professional advice received and the comments of supporters to the Order it would be difficult to suggest that Ridgeway School has suffered anything other than an unacceptable level of unacceptable behaviour over many years. It would be similarly difficult to state that the footpath does anything other than contribute significantly to the level of criminal and anti-social activity that Ridgeway School has suffered. The following incidents given as examples by the local policing team (see Appendix 2) are worthy of note:

- At 20:10hrs on Friday 1 April 2011 a report was made to police that approximately 12 youths aged 15/16 yrs were throwing fireworks around on the site of Ridgeway School in the area behind the sports hall that is adjacent to Geasons Lane.
- At 08:09hrs on 10 March 2011 a report was made to police expressing concerns about a male that had been seen hanging around school taking photos of children.
- At 05:18hrs on 17 October 2010 a motor cycle was stolen from an address in Geasons Lane, pushed up Geasons Lane onto school premises where it was parked up against the school sports hall building adjacent to Geasons Lane and set light to. The bike was completely burnt out and damage was caused to the sports hall building.

- On 21 February two suspects for a serious assault were seen hanging around Seasons Lane trying to intimidate witnesses to that assault who were students at Ridgeway School. One of these males was later arrested nearby and when searched by Police Officers was found to be in possession of a knife. An offence for which the male was later imprisoned.
- 4.3.2 The school have over an extended period of time recorded all incidents which take place on the school grounds. They plot the location of those incidents on a plan of the school. Where the incident is a criminal offence it is reported to the police and the crime reference number is recorded on that list. That plan is attached to this report as Appendix 7. This creates something of a scatter graph which shows the distribution of both criminal and non-criminal incidents within the school grounds.
- 4.3.3 What is immediately apparent is that there are a disproportionate number of incidents taking place on or around the public footpath. This is not unexpected as those who commit crime will wish to act in a way which is ostensibly lawful for as long as possible in order to minimise the likelihood of detection. An opportunistic criminal is unlikely to expose themselves to the risk of detection by acting as a trespasser to enter the school site when they can walk in the metaphorical front door as of right. It is clear from this plan that the footpath facilitates criminal and anti-social behaviour both opportunistic and premeditated. It therefore follows that the threat of the reoccurrence of such behaviour is overwhelmingly likely.
- 4.3.4 During discussions with the school it became clear that they are not so naive as to believe that if the footpath closes the school grounds will become a crime free utopia, self evidently it will not. However it does mean that those with nefarious intent will no longer have a lawful right to enter into the heart of the school unchallenged either with a view to committing a crime or causing trouble or with a mindset that they would be prepared to take advantage of any opportunity to commit a crime or cause trouble.
- 4.3.5 The school therefore have a considerable evidential basis to say that the footpath facilitates the persistent commissioning of specified events and that closure would result in a substantial improvement to school security.

- 4.3.6 It is important to note that this is not simply the uncorroborated opinion of the school but the result, over a period of many years, of advice they have taken from a wide range of reputable sources. To quote a number of those sources.....

“As a result of the footpath being open, the school is unable to secure its boundaries. The open access to the school via Geasons Lane currently prevents the school from securing the site” - PCSO 30068 Elaine Hesketh

“There should be no public footpath through the school ground’s – Paul Shepard, Architectural Liaison Officer, Devon and Cornwall Police.

“The lane and footpath is a crime hotspot, the frequency of casual and deliberate crime is disproportionate. The footpath enables easy access into the School area which has escalated trespass and criminal activity over a period of time. Teachers and pupils are regularly subjected to verbal abuse and threatening behaviour. During our survey many acts of vandalism were noted. Access through the Footpath should be curtailed so that the boundary of the School can be clearly defined.” – Noble Security consultants

“The single most significant security problem affecting the Ridgeway School is the footpath and all of the crime and misbehaviour it brings into the area of the School, without it a large central area of the School from which a great deal of trouble radiates would become a safer and less hostile place almost immediately.” – Noble Security consultants

- 4.3.7 It is suggested that closure of the public footpath would allow the school the opportunity to implement a package of robust security improvements that, whilst the footpath remains, would otherwise be an expensive and pointless exercise. Primarily closure of the footpath could be met with secure perimeter fencing which would affect an immediate closure of all access points to the school site. This would mean that the school would have the ability to detect and challenge unauthorised access. The security measures already in place (i.e. visitor pass system, CCTV, staff training etc) and the school staffs already keen awareness of school security would mean that there would be an almost immediate relief offered to the school. The only way into the

school would be via manned reception areas where visitor passes would be issued and staff are trained and well familiar with the practise of challenging people on the school site who do not display such a pass. These measures will result in a clear, immediate and substantial improvement to school security.

4.3.8 This test is therefore considered to be met.

4.4 The availability of a reasonably convenient alternative route, or, if no reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway.

4.4.1 In assessing the reasonableness of an alternative route it is not sufficient to simply consider the means of getting from one end of the path to the other. This sort of assessment is of little if any use in considering the convenience of an alternative. Instead the conclusion must be reached that the aim is to understand the trips being taken by the public in using the right of way and for what purpose the public are using the path, i.e. where they are coming from and where it is they intend to reach. Only by understanding the nature of the journey being undertaken may objective consideration be given to the reasonableness of any proposed alternative.

4.4.2 When the public objected to the Order some of them stated that they used the footpath to access various local services and facilities and that the footpath is their preferred route. To better understand the journey those people were making the locations of objectors who lived within 500 metres of the school were plotted. This is shown in fig 1.1 below. It is important to recognise that, in order to avoid pinpointing objectors houses, for the purpose of this report, the centroid of the post code area for the objector was used not the street and house number so the locations only show the general area of the source of the objection.

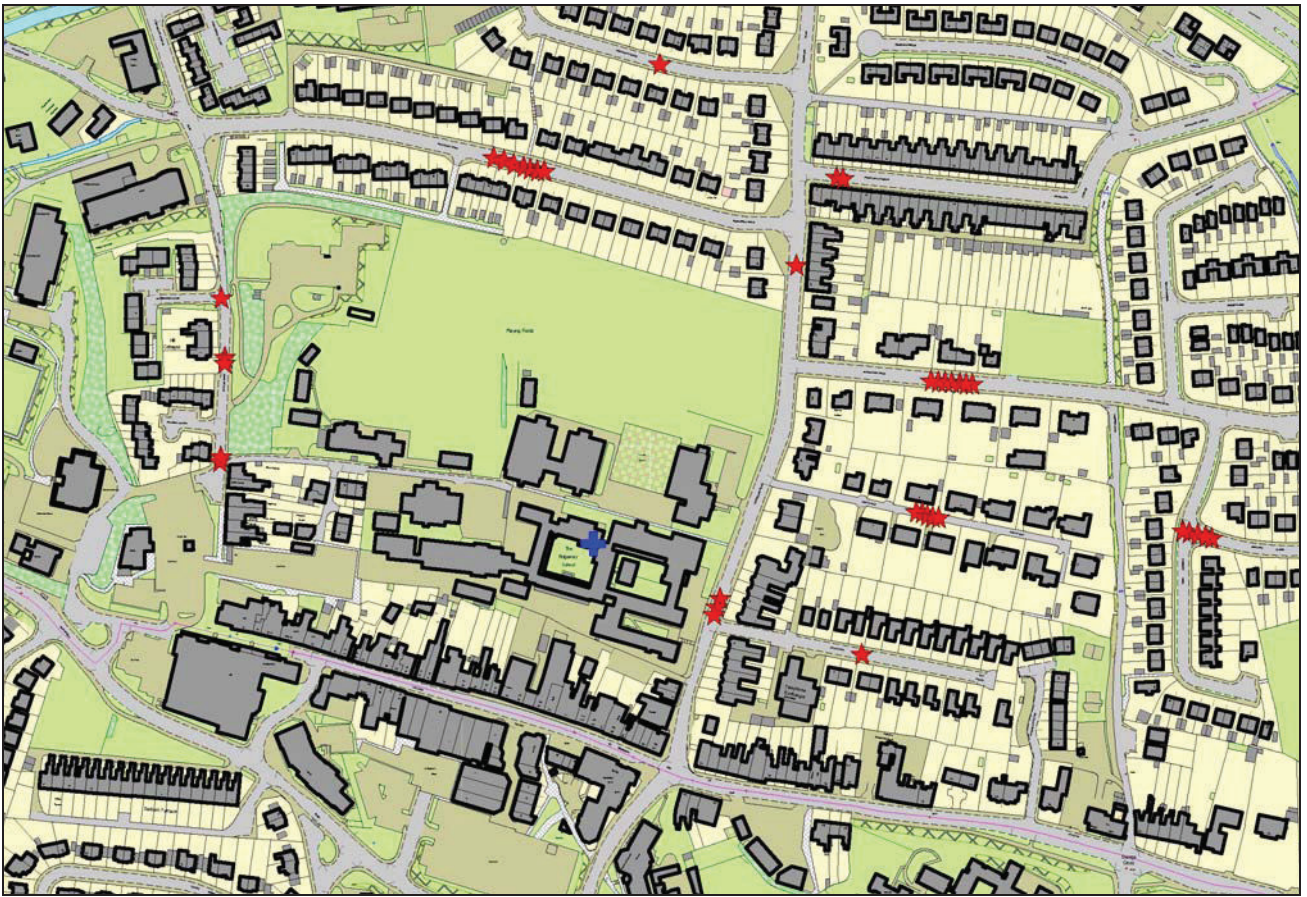


Fig 1.1 – Source Locations of Objections

4.4.3 Based on this data it was possible to identify a number of points where users had a choice of different routes. For the purposes of the assessment those points were identified as shown in fig 1.2. These locations gave measuring points which allowed comparisons to be made between the different routes available to users. Whilst these start points don't allow a direct and precise comparison between each individual objector they do provide sufficient accuracy to make a general comparison for a particular group of objectors. So for example, all the objectors residing in Ridge Park would need to walk to point 4 before a choice of route could be made.



Fig: 1.2 – Starting points for comparison of alternative routes.

4.4.4 With the starting points for trips established the destinations objectors referred to were identified. 4 separate locations were identified marked A – D in fig 1.3 below. These 4 areas cover all the destinations referred to by objectors as the end point of their trips.

Area A: covers the eastern end of the Ridgeway shopping centre.

Area B: covers the western end of the Ridgeway shopping centre.

Area C: covers the tennis courts, bowling green, Harewood House and the library.

Area D: covers Plympton swimming Pool.

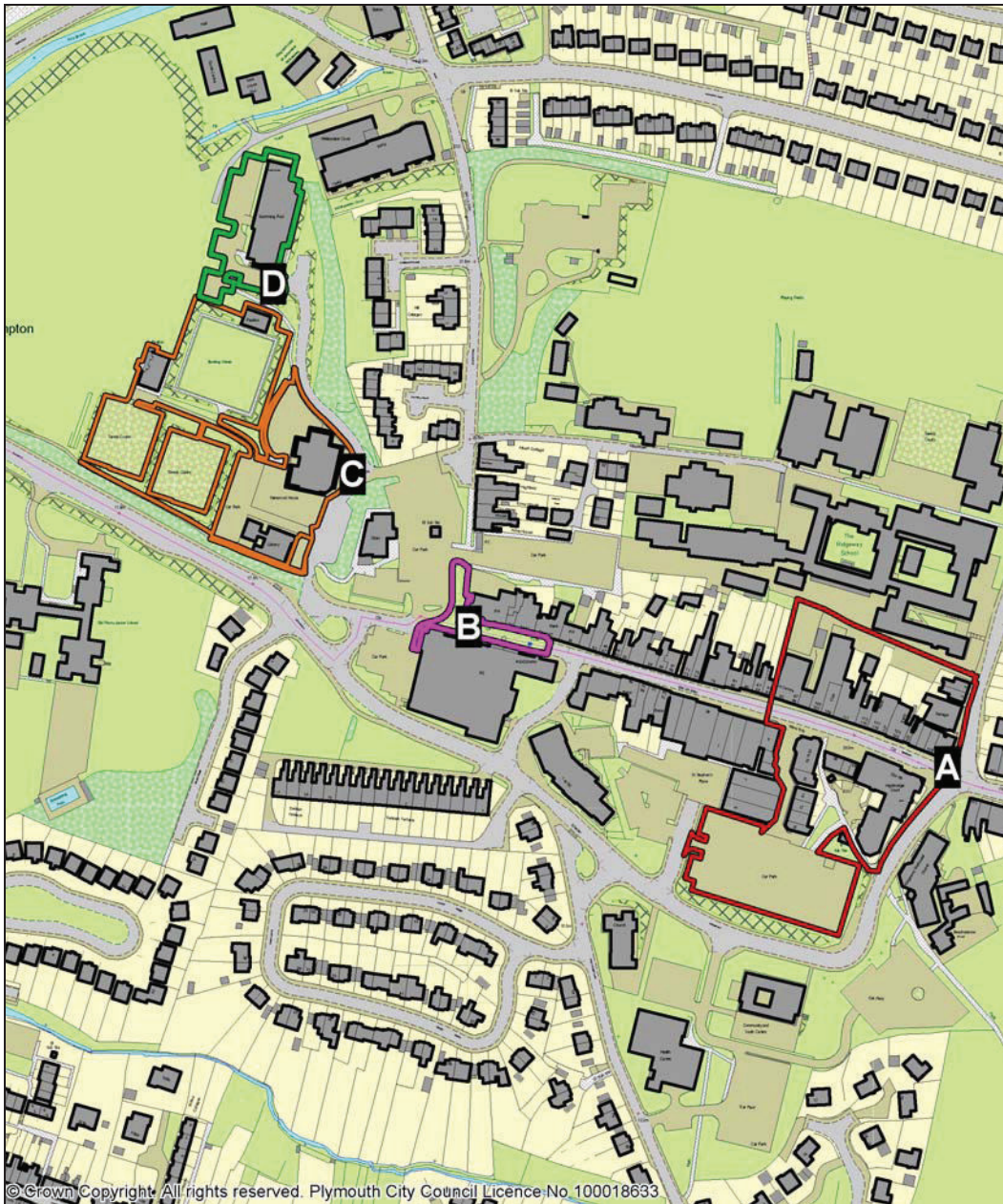


Fig: 1.3 – Destination areas

4.4.5 With this data in place the distances between each start point and each destination were measured and collated as shown in Table I.1. This provides the means to compare the distances between the various routes. Using this table the distance in metres from each of the starting points can be compared with each of the alternatives including the use of the public right of way. The blue cells indicate the distance using the public right of way subject to this application. Certain routes have been disregarded as the route would not be used, for example it is extremely unlikely that someone would walk from Point 6 to destination B via Moorland Road or that someone would walk from Point 5 to destination A via Geasons Lane. However only routes that seem nonsensical have been removed, point 4 to destination C via station Road for example has been included because although it is unlikely someone would use that route it is not altogether unlikely.

	Starting Points					
	1	2	3	4	5	6
A						
Station Road Route						
Moorland Rd/Ridgeway Route	454	303	230	168	78	357
Geasons Lane Route						413
B						
Station Road Route	465	610	680	742		97
Ridgeway Route	830	559	487	425	339	
Geasons Lane Route	720	565	498	436	434	
C						
Station Road Route	412	561	632	694		56
Ridgeway Route	817	666	593	531	443	
Geasons Lane Route	674	524	452	390	393	
D						
Station Road Route	528	675	746	808		172
Ridgeway Route	929	780	707	645	557	
Geasons Lane Route	787	638	566	504	507	

Table: 1.1 – Comparison of routes in metres

4.4.6 To aid members table 1.2 takes analysis of the alternative routes a step further in that it shows the difference in distance travelled between Geasons Lane and the available alternatives. The conditional formatting makes the differences visual using the following criteria: -

- An equal or shorter distance than if the right of way were to be used – Green.
- A longer distance than if the right of way were to be used – Red.

Difference Between Geasons Lane

	Starting Points					
	1	2	3	4	5	6
A						
Station Road Route						
Moorland Rd/Ridgeway Route	0	0	0	0	0	-56
Geasons Lane Route						413
B						
Station Road Route	-255	45	182	306		97
Ridgeway Route	110	-6	-11	-11	-95	
Geasons Lane Route	720	565	498	436	434	
C						
Station Road Route	-262	37	180	304		56
Ridgeway Route	143	142	141	141	50	
Geasons Lane Route	674	524	452	390	393	
D						
Station Road Route	-259	37	180	304		172
Ridgeway Route	142	142	141	141	50	
Geasons Lane Route	787	638	566	504	507	

Table: 1.2 – Difference in length (metres) of alternative routes over Geasons Lane

4.4.7 Table 1.2 shows that there are 13 journeys which are shorter if the right of way is not used and 23 which are longer. It was noted that a number of objectors stated that due to the gradient of Station Road they preferred, or indeed were incapable, of using it therefore table 1.3 below shows the situation were the Station Road route removed.

Without Station Road						
Starting Points						
	1	2	3	4	5	6
A						
Moorland Rd/Ridgeway Route	0	0	0	0	0	-56
Geasons Lane Route						413
B						
Ridgeway Route	110	-6	-11	-11	-95	
Geasons Lane Route	720	565	498	436	434	
C						
Ridgeway Route	143	142	141	141	50	
Geasons Lane Route	674	524	452	390	393	
D						
Ridgeway Route	142	142	141	141	50	
Geasons Lane Route	787	638	566	504	507	

Table: 1.3 - Difference in length (metres) of alternative routes over Geasons Lane without Station Road

4.4.8 As can be seen if users were to avoid using Station Road the numbers change leading to 10 journeys being the same as or shorter than using the right of way and 11 trips being longer. This is likely as a result of the fact that although a number of journeys included Station Road as an alternative the fact of the matter is that the majority of users are unlikely to use it due to the gradient.

4.4.9 The variations in the distances travelled are only one of a range of factors to be considered when determining the convenience of alternative routes. Safety and accessibility should also be given consideration.

4.4.10 As a narrow pedestrian only route it must firstly be noted there are no mechanically propelled vehicles travelling along the right of way. This would seem to be an attractive option in terms of public safety. However it must also be noted that use of the public right of way comes only with the need to travel along Geasons Lane. The public right of way leads onto Geasons Lane which is an adopted public highway which, although providing vehicular access to the school may be considered a “dead end” which serves only the purposes of access to properties adjacent to it. It is not a through route and nor is it known to suffer excessive speeds. The public right of way runs directly onto the public footway lying adjacent to the vehicular highway. The pedestrian footway however lies only to the northern extent of Geasons Lane and it is

noted that the available width of that footway narrows considerably after the end of the right of way to around 50cm wide. This narrowing will certainly force users onto the road and it would not be possible for two pedestrians travelling in opposite directions to pass without one moving off of the footway which is undesirable. It is also impossible for prams, pushchairs, wheelchairs and other mobility vehicles to use the pedestrian footway and so they would be forced to travel along the road for its entire length.

- 4.4.11 In the alternative, Moorland Road is a public vehicular highway which runs north to south along the eastern edge of the school site. Moorland Road has pedestrian only footways to either side and is well lit by street lightening. There are a number of road safety features aimed at providing a more “pedestrian friendly” environment. These include a pedestrian crossing point, safety railings, bollards, tactile surfacing and road markings preventing obstructive parking. Although there does appear to be a narrowing of the pedestrian footway at one point the remainder of the footways either side are more than sufficient for users travelling in opposite directions to pass without the need for one to step onto the road.
- 4.4.12 Earlsmill Road is a public vehicular highway which runs east to west along the northern border of the school site between Moorland Road and Station Road. It has public pedestrian footways to either side and has street lighting. Walking from the Moorland Road end to Station Road it has a gentle downhill slope and appears to be a very quiet road through a largely residential area. It has a more than satisfactory width available for use and two users travelling in opposite directions could pass with ease.
- 4.4.13 The Ridgeway is a public vehicular highway which runs east to west along the southern border of the school site from junction with Moorland Road. The western end of the Ridgeway is a pedestrian only zone and at that point the vehicular highway deviates to the south onto Mudge Way. To a large extent the Ridgeway is very pedestrian friendly. As well as the pedestrian only area to the western end the public footway is largely separated from the vehicular highway to the extent that the two separate uses are at different levels and separated by a brick wall. The Ridgeway currently has extensive public use as it constitutes the commercial centre of the area. Whilst it has been stated by objectors that the Ridgeway is narrow two users are more than able to pass each other without need for either to step foot onto the road and in any case the width available is still significantly greater than the width of the public right of way.

4.4.14 As part of the making of their application Ridgeway School commissioned a disabled persons Accessibility Study which is available in Appendix I to this report and which concludes that the public footpath is not a suitable route for disabled people and that disabled people, especially wheelchair users and the visually impaired, use the public right of way at their own risk.

4.4.15 In conclusion my opinion is that for those law abiding members of the public who habitually use the footpath as a short cut that there will be an impact upon their amenity. However when assessing the question as to whether there are alternative routes available which are reasonably convenient it is important to note three points.

- Firstly for every destination for which one might use the footpath there are at least 2 alternative routes that can be taken;
- Secondly whilst those routes might involve travel along pavements adjacent to roads they are on perfectly acceptable footways which are designed to accommodate pedestrians and which however narrow they might be at points they are wider than the public footpath; and
- Thirdly whilst for some walkers there may be an additional distance to walk, when one examines the totality of the routes the additional journey length is very modest. In fact in absolute terms the furthest additional distance is a matter of 143 metres if, as objectors state, Station Road is not considered a feasible option.

4.4.16 Accordingly, whilst the footpath is no doubt an attractive option for many people, for most the alternative is at least as convenient and for the minority of people whose journey lengths are marginally extended the alternatives will be only marginally less convenient. As the test only recommends the consideration of diversion where there are no reasonable convenient alternative routes no consideration has been given to diversion.

4.5 The effect upon land served by the highway.

4.5.1 This matter can be dealt with directly – there is no such land served.

5. Representations to the Order

5.1 The fact that an Order was made was advertised in accordance with the statutory requirements. As a result 53 letters of objection and 256 letters of support were received. Responses from statutory undertakers were also received. Copies of all representations to the Order can be found in appendices 2, 3 & 4.

5.2 A summary of the letters of objection and support have been provided in the table below. It should be noted that many people who submitted representation stated multiple grounds.

Grounds for Objection	Number of Objectors
The path provides a shortcut to local services and facilities or is a preferred route	31
The school have not taken sufficient steps to secure the school site	23
The school built over the footpath / the path was there before the school	18
The historic merits of the footpath	12
There is no suitable alternative	7
Closure will not improve school security	7
Public use of the path improves school security	6
The school has a hidden agenda/wants to develop the site	5
The school have no evidence to support their case	3
We should be encouraging people to walk	2
The school have exaggerated the scale of the problem	2
The police/Neighborhood watch should deal with the issues	2
Closure will cause congestion	2
The school is moving to Chaddlewood	1
The procedure has not been open or transparent	1
The Order should be referred to the Secretary of State	1
The Order fails to comply with Highways Act 1980 S.118B(8)[a]-[d]	1
The effect of extinguishment on land served by the path	1
No reason given	1
Crime statistics are falsified/spurious	1
Council Officers attempted to influence the opinions of individuals	1

Table 1.4 – Summary of objections to the Order

Grounds for Support	Number of Supporters
It is necessary to protect the staff and pupils of Ridgeway from unnecessary danger	256
The safeguarding of children is more important than the convenience of a small number of people	20
I have been involved in incidents on the path	14
There are suitable alternatives	9
Dog(s)(mess) on the school field is unacceptable	8
My child has told me he/she feels unsafe at school	3
It was a problem when I went to Ridgeway XX years ago	2
The path causes parents to think twice about sending their child to this school	2
The school should not be spending so much money on repairing vandalism	2
I don't like to use the lane, its not safe, too many hiding places.	1
The footpath is not widely used	1

Table 1.5 – Summary of letters in support of the Order

6. Officer Recommendation

- 6.1 The legislation gives the council a series of clear tests to weigh applications against. It is incumbent on the school to make every effort to demonstrate how those tests have been met and the law allows for the application to be abandoned where the council feel those tests have not been met. The law also allows for the council to exercise its discretion in considering other matters outside of those matters prescribed by 118B(8) if it so wishes.
- 6.2 It is suggested that the matters set out in 118B(1) and 118B(8) have not only been met but that they have been met by a considerable margin and that none of the objections received have raised any further issues which Officers consider relevant. With the benefit of more time and sight of the schools full case that would be made available should the matter be referred to inquiry then those objections might well become more refined and therefore become more compelling than at present.
- 6.3 The issue at hand is a deeply complex and contentious one. As Members will be aware this committee can not dedicate the time required to give all aspects of the matter the detailed consideration it needs. The Planning Inspectorate however will spend days or if necessary weeks to ensure any person who has a view might be heard and to present their evidence in support of their particular views. On this basis it is suggested that the school only need make out a *prima facie* case for extinguishment for the council to be confident that referral of the application is the correct course of action.
- 6.4 The recommendation of Officers is that committee authorise the referral of the Order to the Secretary of State and allow the confirmation of the Order to be considered by public inquiry. This is the only way to ensure a full and open public debate of each sides views and for the evidence for both sides to be thoroughly tested.

7. Alternative Options

7.1 The alternative option open to the committee is to abandon the application. This option is not advised for the following reasons: -

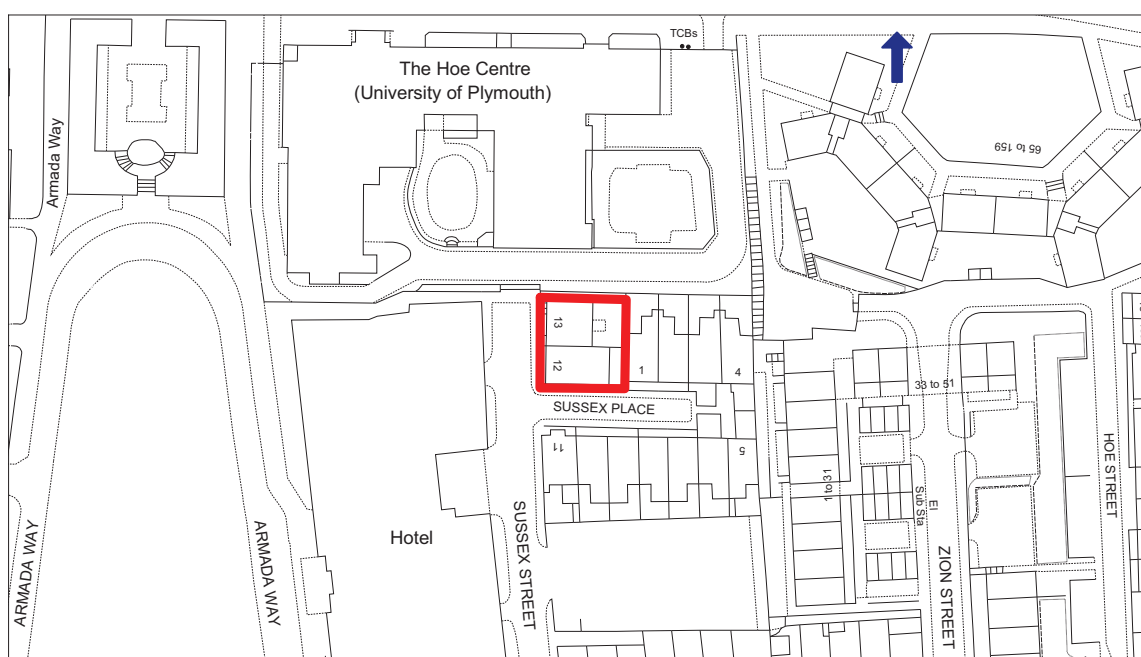
- This is a matter which relates directly to the safeguarding of children and young people and the Council are committed to a joint agency approach via the Plymouth Children and Young People Plan 2011 - 2014. The council is a key partner in identifying ways to work with our schools and their other stakeholders to make them safer places for our children. Referring the application would support council priorities relating to the safeguarding of children.

- The school has gone to considerable expense in making their application and the public have gone to the effort of submitting their considered representations, not only in this scenario but for in excess of 30 years whilst the various proprietors of Ridgeway School have sought to close the footpath. It would seem to be in the public interest to bring this matter to a final conclusion and allow the open debate both sides want to be had.

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PLANNING APPLICATION REPORT**ITEM: 02**

Application Number:	I1/00766/FUL
Applicant:	Mr Alec Macleod
Description of Application:	Change of use from offices to 22 bedroom student house in multiple occupation and housing lettings office.
Type of Application:	Full Application
Site Address:	12 - 13 SUSSEX STREET PLYMOUTH
Ward:	St Peter & The Waterfront
Valid Date of Application:	13/09/2011
8/13 Week Date:	13/12/2011
Decision Category:	Member Referral
Case Officer :	Karen Gallacher
Recommendation:	Delegated authority to Grant Conditionally subject to a S106 Obligation, with delgated authority to refuse in the event that the S106 Obligation is not completed by 6 th December 2011
Click for Application Documents:	www.plymouth.gov.uk



This application is being brought before committee as a result of a member referral from Councillor Penberthy, because the issue of houses in multiple occupation in this area is sensitive, especially given the recent cabinet decision in respect of an article 4 direction.

Site Description

The site comprises 2, four storey buildings within the Hoe Conservation Area. Number 13 fronts Sussex Street and number 12 fronts Sussex Place. The 2 buildings are linked to each other, but detached from the other buildings in the street. The site was last used as an office, but is currently occupied by students. Both properties have a small rear courtyard.

Sussex Place is a residential cul de sac, adjacent to the Hoe Centre Site and the Holiday Inn

Proposal Description

The proposal is to convert the building from office use to a 22 bed House in Multiple Occupation for students with an office on the ground floor for use by the housing lettings company that is responsible for this proposal. The proposal includes 22 bedrooms, 5 kitchen areas, 2 lounges, 9 WCs and a communal laundry. All the bedrooms have showers and washing facilities. The bedrooms vary in size from approx 12m² to 18m². The change of use would involve only minimal external changes.

Relevant Planning History

92/00987/FUL – Change of use of basement from office to meeting place with associated office and crèche - GRANTED

Consultation Responses

Transport – No objection subject to conditions regarding cycle parking.

Public Protection Unit – Recommend that further information is required.

Representations

None as of 10th October.

Analysis

The main considerations are the impact on residential amenity and the character of the area, standard of accommodation, transport considerations, matters of public protection such as contamination, mitigation for the impacts of the development, the loss of office accommodation.

Residential character and amenity

The residential cul de sac is unusually placed within the conservation area, adjacent to the Hoe Centre site and the Holiday Inn and close to the city centre.

It needs to be considered whether the scale and nature of the proposed development would harm the character and amenity of the area. The particular areas

for concern with such a change of use would be increased disturbance, and whether the intensification of the use of the building would harm the character and amenity of the area and its residents.

On the one hand Sussex Place is a relatively quiet residential cul de sac where the properties are all in close proximity to each other. It is a relatively quiet residential enclave in the conservation area. The introduction of 22 students would have an impact on the character and amenity of the area as it would result in significant comings and goings from the building. In the context of the existing residential street, an additional 22 residents has the potential to represent an intensification in the use of the property.

There are however, a number of considerations that need to be taken into account before deciding whether it would represent a significant intensification that would harm the character and amenity of the area.

Firstly, the existing use needs to be considered. The existing office, until recently, contained up to 20 different business uses. The level of disturbance during working hours would therefore have been similar if not worse than the proposal.

Secondly, the site is adjacent to the Hoe Centre site, which has approval for accommodation for 517 students. Most activity associated with this use would be expected to be directed towards Notte Street, but the opening up of a route through the Hoe Centre site into Sussex Street will change its character. The addition of 22 more students, on the adjacent site is unlikely to make a significant difference, given the comings and goings from 517 students.

Finally, the proposal itself includes office accommodation for the agency letting the accommodation. The applicant has agreed to tie this use to the student accommodation. This arrangement is likely to mean that the unit is well managed. The applicant has also agreed to a management agreement, which includes a 24 hour contact in Sussex Place for local residents to contact.

On balance therefore, taking the above into account, and accepting that this is a central location in the city, the introduction of a 22 bedroom student HMO is not considered to represent a significant intensification of the use of the building or cause harm to the character or amenity of the area or residents.

The alterations to the building are minimal. The use of the rooms as bedrooms rather than offices is not considered to introduce additional overlooking. The privacy, outlook and light of neighbouring property would not be not affected by this proposal.

The proposal is considered to comply with policies CS34, CS15 and development guidelines SPD.

Public Protection

The submitted contamination survey requires additional information. It is therefore recommended that a condition requesting this information is included in order to comply with CS22 and PPS23.

Transport

There are no objections to the proposal from the highway authority. The proposed use, although it may generate a need for parking, would not give rise to on street parking difficulties because the property would be excluded from the 24 hour controlled parking zone. Provision can be made for 11 cycles to be parked, and therefore the proposal is not considered to conflict with CS28 in this respect.

Loss of office

The site is an existing employment use and as such its loss needs to be assessed against policy CS05. The site is peripheral to the city centre and is not considered to be necessary to meet the area's economic needs especially given the range of office accommodation close to the city centre. The loss of this space is not therefore considered to be contrary to policy CS05. In addition there has been no objection from City Council's Economic Development Service to the proposal.

Standard of accommodation

All bedrooms are sufficient size to allow for a bed, study area and shower room. There are 5 kitchen areas, communal living rooms and a separate laundry. There is a small external amenity area for cycle parking and bin storage. The accommodation shown is considered to comply with policies CS15, CS34 and development guidelines SPD.

Section 106 Obligations

The proposed development would have direct impacts on local infrastructure and the environment requiring mitigation. This mitigation will be achieved through a combination of planning conditions and planning obligations identified in a S106 agreement. Each planning obligation has been tested to ensure that it complies with the three tests set out in R.eg.122 of the Community Infrastructure Levy Regulations April 20 10.

The impacts relate to the following areas:-

1. Libraries

Library Services advise that development in this area will generate a pressure on the existing Central L1 library facility which The Planning Obligations Evidence Base advises is already in need of additional capital investment as a result of the cumulative impact of population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £ 1,848.

2. Local green space.

By reason of increased population facilitated by the development it will contribute to the cumulative impact on existing green space, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £5,386.

3. Playing Pitches.

The Plymouth Playing Pitch Strategy 2007-2016 identifies that this area of the city is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the

provision of improved access to playing pitches. The estimated cost of mitigating this impact is £9,769.

The total estimated cost of mitigating these impacts would be £ 17,003 if this is to be delivered through financial contributions.

The current scheme is brought forward under the structured approach of the Market Recovery Scheme. The applicants have submitted a financial appraisal to justify this approach and clearly able to commence within 2 years. For this development that represents a 50% reduction and the total financial contribution would be £8,502.

Given that the development will not provide for the complete mitigation of its impacts, it is necessary to ensure that the planning contributions are allocated to the address the impacts of greatest need. The following priorities are recommended, having regard to the specific needs of the neighbourhood within which the development is located.

Libraries £925

Green Space £2,693

Playing Pitches £4,885

Section 106 Obligation Heads of Terms:

The following Heads of terms are therefore proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

1. Libraries: £924 to be allocated to the provision and upgrade of local library facilities.
2. Local Green Space: £2,693 to be allocated to the upgrade and management of local green space.
3. Playing Pitches: £4,885 to be allocated to the provision of improved access to playing pitches.

There would be no requirement for a Planning Obligations Management Fee as the scheme is being considered under the Market Recovery Scheme.

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 in the Development Plan and Central Government Guidance.

Equalities & Diversities issues

The likely users of the development are students mainly aged 18 - 25 years. It will be available to men and women, people of all faith and race groups. There is no requirement for Lifetime Homes given its specialised target group. As the site is close to family houses it is essential that the facility is properly run and there is a robust management agreement to ensure that existing residents do not suffer from any undue nuisance and disturbance. It will not have a negative impact on any group. The application is considered to comply with CS34 in this respect.

Conclusions

The impact of the development on the residential amenity and the character of the area, the standard of accommodation, transport considerations, matters of public protection such as contamination, mitigation for the impacts of the development and the loss of office accommodation are considered to be acceptable and it is recommended that the development proposal be granted conditional consent subject to the satisfactory completion of the Section 106 Obligation. Delegated Authority is sought to refuse the application if the S106 Obligation is not signed by the 6th December 2011.

Recommendation

In respect of the application dated **13/09/2011** and the submitted drawings: site plan, block plan, 31157/SD01 rev A, 31157/SD02 rev A, it is recommended to: **Delegated authority to Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 6th December 2011**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1) The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

DEVELOPMENT IN ACCORDANCE WITH APPROVED PLAN NUMBERS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans site plan, block plan, 31157-SD01, 31157/SD02

Reason: To ensure that the development accords strictly with the submitted plans hereby approved in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy

CYCLE PROVISION

(3) Within 3 months of the date of this notice, space shall be laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 11 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STUDENT USE RESTRICTION

(4) The units of residential accommodation within the building shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by delegates attending conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

MANAGEMENT ARRANGEMENTS

(5) Within 2 months of the date of this notice, details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BIN STORE DETAILS

(6) Within 1 month of the date of this notice, details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- Bin storage. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATION

(7) Within 4 months of the date of this notice, unless otherwise agreed by the Local Planning Authority, points 1 to 3 below shall have been complied with.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a desk study characterising the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) an assessment of the potential risks to:
human health,
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
adjoining land,
groundwaters and surface waters,
ecological systems,
archeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

If the investigation and risk assessment identify its need, then a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring and are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(1) The applicant is hereby advised that the management details to be submitted and agreed under the above management condition should comprise the following elements:-

- 1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations.
- 2 - To employ a warden who is resident at the property,
- 3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request. Each tenancy agreement must contain advice that the on site car parking spaces must only be used for drop off purposes and not be used by tenants or visitors for car parking.
- 4 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.
- 5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.
- 6 - Details of the proposed arrivals/departures procedures.
- 7 - Details of the proposed Management of the bin stores.
- 8 - Details of the operation of the office accommodation

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: affect on the character and amenity of the area, loss of office, impact on the highway network, contamination considerations and standard of accommodation the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

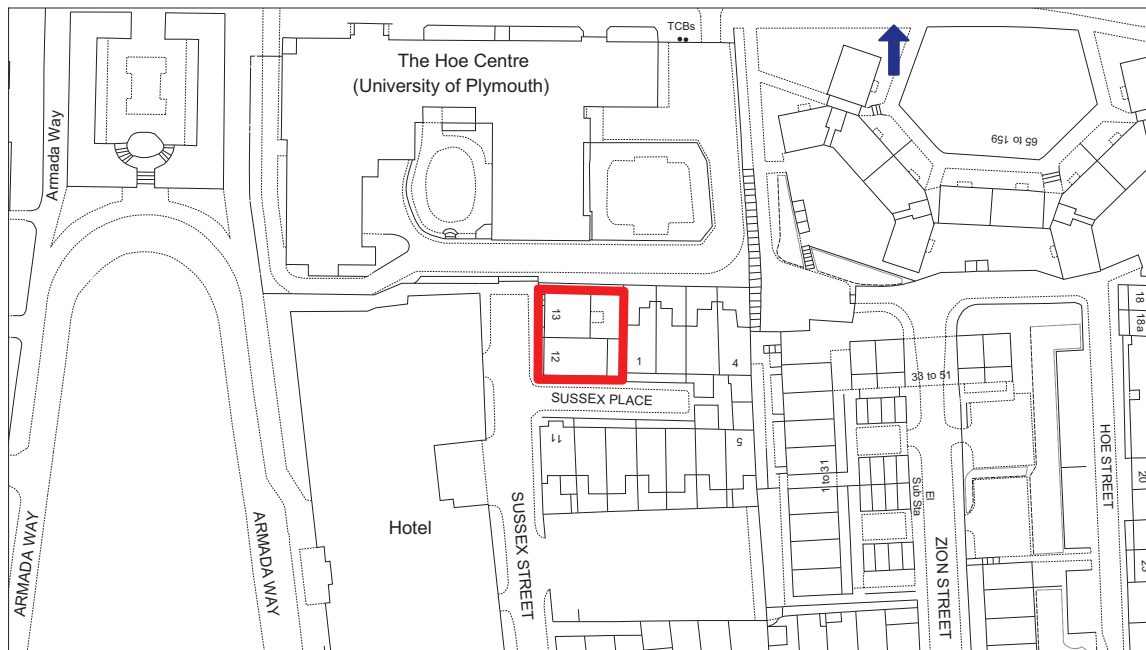
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS05 - Development of Existing Sites
- CS03 - Historic Environment
- CS02 - Design
- CS15 - Housing Provision
- PPS5 - Planning for the Historic Environment

PLANNING APPLICATION REPORT



ITEM: 03

Application Number:	11/00768/CAC
Applicant:	Mr Alec MacLeod
Description of Application:	Works associated with a change of use for use as student (HMO) houses in multiple occupation
Type of Application:	Conservation Area
Site Address:	12 - 13 SUSSEX STREET PLYMOUTH
Ward:	St Peter & The Waterfront
Valid Date of Application:	13/09/2011
8/13 Week Date:	08/11/2011
Decision Category:	Member Referral
Case Officer :	Karen Gallacher
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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This application is being brought before Planning Committee as a result of a member referral from Councillor Penberthy because the issue of Houses in Multiple Occupation (HMOs) in the area is a sensitive one particularly given the recent decision by Cabinet regarding the Council's approach to Article 4 Directions.

Site Description

The site comprises 2, four storey buildings within the Hoe Conservation Area. Number 13 fronts Sussex Street and number 12 fronts Sussex Place. The 2 buildings are linked to each other, but detached from the other buildings in the street. The site was last used as an office, but is currently occupied by students. Both properties have a small rear walled courtyard.

Sussex Place is a residential cul de sac, adjacent to the Hoe Centre Site and the Holiday Inn.

Proposal Description

The proposal is to convert the building from office use to a 22 bed House in Multiple Occupation for students with an office on the ground for use by the housing lettings company that is responsible for this proposal. The works are for the removal of down pipes.

Relevant Planning History

92/00987/FUL – Change of use of basement from office to meeting place with associated office and crèche – GRANTED

Consultation Responses

None.

Representations

None as 10th October 2011.

Analysis

The main considerations are the impact on the character and appearance of the conservation area.

The removal of these unsightly down pipes on the main and rear elevation would enhance the character and appearance of the conservation area. The proposal would therefore comply with the requirements of policy CS03 and PPS5.

Section 106 Obligations

There are no planning obligations in respect of this proposal.

Equalities & Diversities issues

There is no conflict with policy CS34 in this respect.

Conclusions

The proposal would enhance the conservation area and comply with policy CS03 and PPS5.

Recommendation

In respect of the application dated **13/09/2011** and the submitted drawings site plan, block plan, 31157/SD01 rev A, 31157/ SD02 rev A, it is recommended to: **Grant Conditionally**

Conditions

TIME LIMIT FOR COMMENCEMENT (LBC)

(1)The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

CS03 - Historic Environment

PPS5 - Planning for the Historic Environment

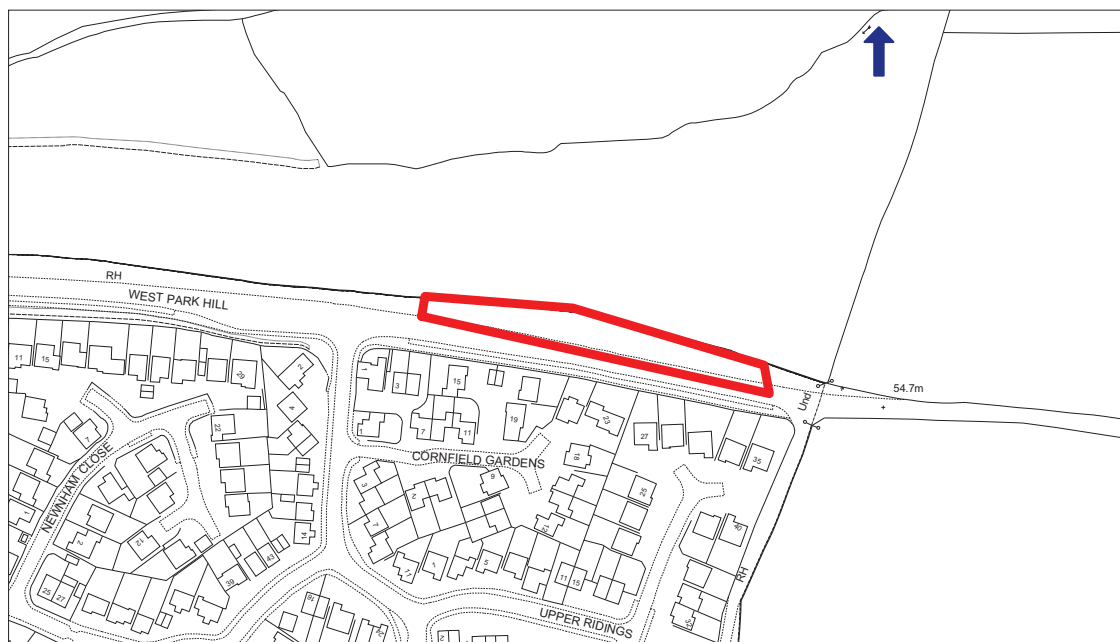
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PLANNING APPLICATION REPORT



ITEM: 04

Application Number:	I1/01209/FUL
Applicant:	Wolf Minerals (UK) Ltd
Description of Application:	Alterations to approved Hemerdon Mine link road junction
Type of Application:	Full Application
Site Address:	LAND NORTH OF WEST PARK HILL PLYMPTON PLYMOUTH
Ward:	Plympton St Mary
Valid Date of Application:	21/07/2011
8/13 Week Date:	15/09/2011
Decision Category:	Member Referral
Case Officer :	Robert Heard
Recommendation:	Grant Conditionally subject to the Secretary of State not issuing a direction under Section 77 of the Town and Country Planning Act 1990 for the application to be referred to him for determination
Click for Application Documents:	www.plymouth.gov.uk



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Update

Members will recall that this application was deferred at the previous planning committee for:

- fuller consultation with residents at public meeting on 30th September 2011;
- to consider further mitigation in terms of traffic movements;
- to consider further mitigation in terms of landscaping;
- to enable further negotiation on the code of practice for construction.

In relation to the issue regarding fuller consultation with residents, a public consultation meeting was held on the 30th September and was attended by local residents and Councillors Nicholson and James. Three representatives from the applicants, Wolf Minerals, were present and the purpose of the works and the application was explained to residents. The comments and views of residents were noted and any specific comments on mitigation were also noted. The applicants have subsequently engaged with Planning Officers and Highways Officers of Plymouth City Council to consider the specific mitigation measures identified and to address what other mitigation measures may help to meet residents concerns.

In relation to the issue of traffic movements, information on, and surveys of, traffic movements are currently being collected. Whilst this information is not available now it will be available prior to the Planning Committee meeting and presented to members in an addendum report. In relation to the impact of traffic movements, the applicants are considering with Highways Officers various mitigation measures, details of which will also be available prior to the Planning Committee and reported in an addendum. Any agreed works will be encompassed within a S278 agreement.

In relation to landscaping, some further landscape mitigation is proposed to the south of the junction. The precise details of the planting scheme have not yet been agreed. In this circumstance it is recommended that a Grampian condition stating that no works can be undertaken until a scheme of planting and maintenance has been agreed with the Local Planning Authority be attached to any grant of planning permission. As this planting will be in the verge of the public highway the actual works will be encompassed and secured within the S278 agreement.

In relation to the Code of Practice, the original officer's report to Planning Committee (below) included under condition 5 a standard format condition requiring the submission of a construction Code of Practice. Whilst the details of the construction programme cannot be finalised until confirmation of the alterations to the planning application, in order to satisfy members' concerns it is recommended that the condition is amended so that the Code of Practice is required to be submitted and approved in writing by the Local Planning Authority prior to development commencing, and strictly adhered to thereafter.

A late letter of representation has been received from the South West Local Enterprise Project, stating support for the application due to it's:

- strategic contribution to the growth of the economy;

- and its potential to create a strong element of both direct and indirect economic benefit which will include links to a local supply chain and offer good quality skills, productivity growth and training opportunities.

The report below is the original report presented to the Planning Committee on the 22nd September 2011 with the amended and additional conditions listed.

This application is being reported to Planning Committee following a referral by Councillor Patrick Nicholson on the grounds that “the original application was approved by Devon County Council before much of the Newnham Downs housing estate was built and the impact on this estate could be assessed. As there are potentially considerable impacts on 400 houses neighbouring this proposal and considerable public interest it is inappropriate for the planning application to be decided under delegated authority.”

Site Description

The land affected by this proposal that is within the Plymouth City Council boundary comprises of a small area of land that is approximately 0.14 hectares in size. It is located on West Park Hill in Plympton, which is just to the north of an existing housing estate built in the 1980s and often referred to as Newnham Downs.

Proposal Description

This application proposes to alter an already-approved junction that formed part of an approved application for the construction of a new link road between West Hill Road and Lee Moor Road, in connection with a grant of consent to win and work tungsten and tin from land at Hemerdon Mine. These applications were dealt with by Devon County Council in the 1980s, being the authority at that time responsible for highways development in the City and County.

This application relates only to the southern junction of the link road and proposes a new junction alignment to change the priority so that traffic using the new link road has priority over traffic travelling east on West Park Hill, the minor road leading east to the villages of Hemerdon and Sparkwell. Whereas before, traffic travelling north towards the mine would have to stop and turn at the junction, this application seeks permission to change the junction arrangement so that traffic wishing to keep travelling in an easterly direction has to stop and turn at the junction.

This means that the majority of the traffic would not be required to stop, therefore reducing the noise of gear changes and air brakes affecting those properties on the southern side of West Park Hill (which were not built when the planning permission was granted). The prioritisation of the new road will also make it less likely that Heavy Goods Vehicles (HGVs) would accidentally carry on through the narrow lane leading to the villages.

At the request of the Environment Agency, the applicant has extended the red line (on the Devon County Council side) around the original application site to incorporate a surface water management (or SUDS) pond to the west of the new road and the north west of the junction.

The applicant has also agreed (along with interested landowners) to enter into a voluntary legal agreement (or Unilateral Undertaking) with Devon County Council to provide, on adjacent land, a bridle path between Stoggy Lane and Hemerdon Lane, as well as the planting of native broadleaved woodland on either side of the bridle path. Additionally, the agreement volunteers to improve the landscaping of the road itself by the provision of hedgerows and tree screens. This landscaping is a considerable enhancement on that required by the original permissions.

Relevant Planning History

Planning permission for the link road (ref: 0543/85) between West Hill Road in Plympton and the B3417 Lee Moor Road which would provide improved access to the Hemerdon Mine was originally granted in June 1986 at the same time as, but separately from the Hemerdon Mine permission (ref: 0542/85). In 1991, a revised planning application (9/49/0405/91/3) was submitted which slightly altered the line of the road and planning permission was granted on 29 May 1991. The applicant subsequently carried out works in the highway at the northern junction between Lee Moor Road and the proposed link road to implement this consent. The County Council confirmed by letter that sufficient works had been undertaken to safeguard the permission in July 1993.

The link road will join West Park Hill in Plympton with the B3417 Lee Moor Road which currently carries traffic on the approved HGV route to the Lee Moor, Shaugh and Headon China Clay Quarries to the north as well as local traffic heading north to Dartmoor National Park and the villages and settlements along its southern and south western boundary.

The principle of this link, to bypass Loughter Mill, was accepted by the Government Inspector at the time of the original Public Inquiry into the Tungsten Mine where he noted that *'it is essential that the proposed link road from West Park Hill be provided before any significant development takes place at the mine site...because the existing Lee Moor Road in the vicinity of Loughter Mill is inadequate.'* The improvement of access to the mine from the Plymouth area - both for use by the China Clay traffic and also during the construction phase of the mine - was perceived at the time to be of great public benefit.

Once completed, the road would be adopted by the County Council to provide improved access to the north and a diversion around the "pinch point" at Loughter Mill adjacent to the Newnham Park Estate entrance on the existing road. The existing B3417 from West Park Road to the point where the link road would join it is essentially a country lane with passing places. It is evident from inspection of this road that there is damage to the verges caused by HGVs and the new road would alleviate this narrow section of the B3417 and provide a safe, modern link to the tungsten mine and the China Clay Quarries at Lee Moor/Headon to the north.

The original road permission comprised of a two-lane highway with post and rail fence leading from the right-angled bend in the B3417 dropping south across fields and crossing the Smallhanger Brook then climbing to a T-junction with West Park Hill just to the west of the point at which it becomes a narrow country lane leading to the villages of Hemerdon and Sparkwell.

On 7th September 2011 Devon County Council's Development Management Committee considered planning application DCC/3240/2011 "Alteration to previously approved junction layout and additional surface water management and flood alleviation measures to Hemerdon Mine Link Road, Land north of West Park Hill, Plympton, Plymouth". Conditional planning permission was granted at this Committee. However a letter dated 8th September 2011 was issued to Devon County Council which stated that the Secretary of State under Article 25 of the Town and Country Planning (Development Management Procedure) Order 2010 directs Devon County Council not to grant permission on this application without specific authorisation. This direction was issued to enable him to consider whether he should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to him for determination.

In light of the direction made by the Secretary of State and the expectation that the Secretary of State will issue the Article 25 Direction if Planning Committee is minded to approve this application, the recommendation for Members is worded accordingly.

Consultation Responses

Highways Officer

Supports, subject to conditions, and comments as follows:

The creation of a new haul road to serve the proposed tungsten mine workings at Hemerdon was a requirement of a planning condition attached to a grant of planning permission which dates back to 1986. Therefore the principle of the construction of the haul road in this location has already been established.

This current application is a result of changing the priority of the junction of where the new haul road meets West Park Hill. The current layout proposes a give-way junction layout at the top of the haul road where it meets West Park Hill, with priority to traffic movements on this road (West Park Hill). However due to the uphill incline on the approach to the junction, it is likely that this former layout would have given rise to noise and air quality issues for the properties located directly opposite the junction in Cornfield Gardens as loaded HGVs would have to both stop at the junction and then pull-away on the handbrake resulting in engines being heavily revved etc.

In order to address the noise and air quality concerns associated with the approved give-way junction layout, it is now proposed to change the priority here to the new haul road so that there is now a bend where there was previously a junction.

In addition to helping address the noise and air quality issues mentioned above, the new layout will also help reduce the speed of traffic travelling back towards

Plymouth from Sparkwell as there is currently a tendency for vehicles to speed-up as they leave the narrower lane into the wider section of West Park Hill. A combination of both the width of the road and good visibility leads to high vehicle speeds along this section of West Park Hill which has resulted in this road being classified as a mobile speed camera enforcement site. Changing the layout of the junction of the Haul Road with West Park Hill and the associated junction priority will result in vehicles approaching from the Sparkwell direction having to stop and give-way to those using the Haul Road.

Furthermore at present most vehicles exiting High Glen Drive do so turning left towards Plymouth. Therefore reducing the speed of traffic approaching this junction from the right (Sparkwell direction) will help improve safety at this junction. Changing the priority of the junction will also improve 'way-finding' as HGVs accessing the Tungsten Mine or China Clay Works would do so travelling along one continuous route and would not have to turn-off. This should prevent such vehicles from taking 'wrong' turns and the associated safety issues that would arise with such vehicles driving along the single carriageway width section of West Park Hill.

In view of the above-mentioned comments I would not wish to raise any highway objections to this application. However the applicant will be required to enter into a Section 278 Agreement with the Local Highway Authority in order to secure the alterations to the existing highway. As part of the new junction also falls within land that is in jurisdiction of DCC, they will also have to be party to any such Legal Agreement.

Furthermore an application will also need to be made by Plymouth City Council / Devon County Council to a slight change in the classification of the B3417 to now run along West Park Hill and the new Haul Road.

Public Protection Service (PPS)

Land Quality - PPS states that it has no comments it wishes to make in respect of land quality.

Air Quality - There has been no air quality data submitted with the application, however PPS advises that it does not trigger any requirements for undertaking an air quality assessment. Although this application does not require the formal submission of an air quality assessment, PPS has assessed the potential impact on surrounding residents during the construction and operational phases.

With regard to the construction phase PPS advises that the site preparation and clearance works could potentially give rise to short term elevated levels of dust etc which may impact in terms of nuisance upon surrounding residents. Therefore it requests that a condition be applied that a construction management plan for the construction phase be submitted and approved prior to commencement of works.

With regard to the operational phase PPS has assessed the baseline air quality in the area through monitoring data provided by South Hams District Council and the National Background Maps provided by Defra. The pollutants of concern are

Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). PPS has concluded that neither pollutants will adversely impact on the residents in the area.

Furthermore the redesigned junction where it is now proposed to change the priority to the new haul road will mitigate any potential short term air quality impacts.

Noise impact – PPS has also assessed the impact of noise both from the construction and operational phases. With regard to the construction phase ground preparation and construction works are a potential source of noise nuisance and therefore PPS has advised that the applicant should submit a detailed construction management plan which will detail how the impact of construction noise on nearby residents will be controlled and mitigated.

With regard to the operational phase PPS can only look at the impact of traffic using this junction on local residents (rather than traffic generated on the highway itself). PPS considers that impact to residents will be negligible. In addition and as with the air quality, the redesigned junction, where it is now proposed to change the priority here to the new haul road, as detailed in the Transport and Highways Service formal response, will help mitigate any potential short term noise impacts.

Representations

40 letters of representation have been received, all in objection to the application.

These objections have been made by residents of the adjoining residential estate to the south of West Park Hill. Some of these properties were already built in 1991, a number were under construction at that time, and some were built after the planning permission was granted.

Most of the objections relate to the principle of the road itself rather than the current application, which is only for the minor amendment to the road junction.

Residents to the south of West Park Hill who reside within the boundary of Plymouth City Council appear to have been generally unaware of the original permission and that it had been legally implemented. Additionally, there is local concern that the road was not discovered in Land Charges searches relating to their property purchases. Whilst neither of these are material to the actual proposal, the Land Charges section within the County Council has advised that the likely reason for the problem related to searches is that the existence of a permission for a private road is an additional question that must be specified and paid for separately.

The principal planning concerns of local residents are increased HGV movements on West Park Hill, noise, dust and danger to pedestrians although comments have also been made on the visibility of the proposed junction with the new road from the Sparkwell Road and the concern that the new line would allow speeds to be increased.

The applicant has engaged with the highway officers from both Devon County and Plymouth City Councils to agree the design of the proposed layout and junction and the Highway Authority (for Devon County Council) has raised no objection subject to a combined Section 38/278 Agreement for works adoptable and on highway, to be in place prior to commencement of on-highway works.

Objections have also been raised over the validity of the original Devon County Council planning permission for the mine and road access.

Analysis

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.

The principle of the provision of the link road has already been established following the permission granted by Devon County for the re-opening of the Tungsten Mine (the original permission being back in 1986) and provision of the new link road (applications 0542/85 and 0543/85). The applicant subsequently carried out works in the highway at the northern junction between Lee Moor Road and the proposed link road to implement this consent. The County Council confirmed by letter that sufficient works had been undertaken to safeguard the permission in July 1993.

This current application needs to look at the highway works on their own merits, but having regard to the fact that a consent has already been granted for a new road. This relates both to the junction design and the effect the works will have on nearby properties in terms of disturbance, noise and air quality.

There have been a number of objections related to air quality and noise impacts for residents of neighbouring properties. These impacts have been assessed by the officers from Council's Public Protection Service. Their view is that the impacts to residents will be negligible.

It is considered that changing the geometry and priority at this already-consented road junction would be of benefit to both users of the highway and nearby local residents. The benefits of permitting the road with the access as proposed are that the traffic will not be required to give way at the junction with West Park Hill which will reduce the noise of lorries having to brake at the junction and wait on the hill to turn right towards Plymouth. This is considered to be a safer and more environmentally-friendly solution that has less impact than the consented scheme on the amenities of nearby residential property occupiers.

The redesign of the junction has been agreed with the Highways Officers of both Plymouth City and Devon County Councils and is a more up-to-date design in terms of safety and visibility.

Section 106 Obligations

None required

Equalities & Diversities issues

None

Conclusions

It is considered that the proposed amendments will result in a junction that is an improvement in terms of the highway alignment with respect to both highway safety and the amenity of the surrounding area. However a final decision on this application may need to be deferred to the Secretary of State if a direction is made under Section 77 of the Town and Country Planning Act 1990 referring the application to him for determination.

Recommendation

In respect of the application dated **21/07/2011** and the submitted drawings 9025.503B, 9025.582A, 9025.581A, 9025.038.530G, supporting statement, it is recommended to: **Grant Conditionally subject to the Secretary of State not issuing a direction under Section 77 of the Town and Country Planning Act 1990 for the application to be referred to him for determination**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) 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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 9025.503B, 9025.582A, 9025.581A, 9025.038.530G.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF NEW JUNCTION

(3) Development shall not begin until details of the junction between the proposed haul road and the highway have been submitted to and approved in writing by the Local Planning Authority; and the haul road shall not be used until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SIGNING STRATEGY

(4) No works shall commence on-site until a signing strategy has been submitted to and approved in writing by the Local Planning Authority. The said strategy shall sign the alternative route for Heavy Goods Vehicles accessing Hemerdon Mine and the existing China Clay works along the new haul road and those signs shall be erected prior to the commencement of the use of the new haul road.

Reason:

To ensure that the HGV routes are adequately signed in the interests of highway safety and convenience in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF PRACTICE

(5) Prior to the commencement of development approved by this planning permission the developer shall submit a Code of Practice for the site that outlines how they intend to prevent or control any nuisance arising from any work carried out. The Code of practice must comply with all sections of the Public Protection Service, Code of Practice for construction and demolition sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust. All sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed. The Code of Practice shall be approved in writing by the Local Planning Authority prior to any works commencing and the development shall be undertaken in strict accordance with the approved Code of Practice.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(6) No development shall take place until full details of landscape works and a programme for their implementation and maintenance have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: SECTION 278 AGREEMENT

(1) The applicant will need to enter into a Section 278 Agreement in order to undertake the alterations to the existing public highway.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be the transport and other impacts of the proposed changes to the junction

design, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

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PLANNING APPLICATION REPORT



ITEM: 05

Application Number: 11/01260/FUL

Applicant: Mr A Reilly

Description of Application: Variation of condition 2 of appeal decision APP/N1160/A/09/2118855 (Appendix A Schedule A) to allow a single commercial vehicle of up to 10 tonnes in weight (up to 15 tonnes gross weight) to be parked at the site

Type of Application: Full Application

Site Address: 28 RIDGE ROAD PLYMOUTH

Ward: Plympton Erle

Valid Date of Application: 28/07/2011

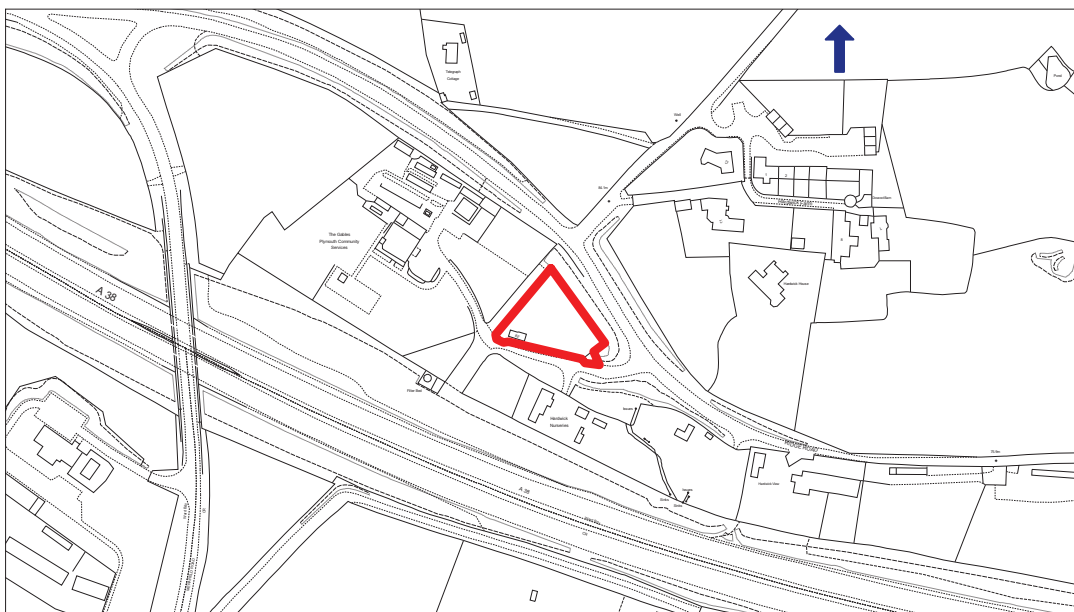
8/13 Week Date: **22/09/2011**

Decision Category: Member Referral

Case Officer : Jon Fox

Recommendation: Grant Conditionally

Click for Application Documents: www.plymouth.gov.uk



This application is being reported to the planning committee following a referral by Councillor John Lock on the grounds that it is one of the conditions of the Planning Inspector's decision notice that there would be no parking overnight of heavy goods vehicles and the proposals would be a contravention of the Inspectors decision and would lead to more applications of this kind.

Site Description

The site consists of land forming part of a gypsy site occupied by two families, each with their own mobile home. There is a separate building providing day room accommodation for each family. The site is set below Ridge Road and access from the main road is via a road shared with Hardwick Nurseries and The Gables Hospital. The access road and Ridge Road do not have footways. The site, which is surrounded to all sides by a tree/hedge screen, is designated as Greenscape land and is of city-wide importance for its visual amenity quality, as a separation/buffer zone and as an area for countryside/food growing. The site is also within the countryside park as outlined in the adopted North Plymstock and Minerals Area Action Plan (NPAAP).

The site is surrounded to the west by the hospital; to the south by another gypsy site; to the south and east by Hardwick Nurseries, which is a single residence with attached land; and to the north by Hardwick House and Hardwick Farm (on the opposite side of Ridge Road), which some time ago was converted to a number of residential properties.

Proposal Description

Variation of condition 2 of appeal decision APP/N1160/A/09/2118855 (Appendix A Schedule A) to allow a commercial vehicle of up to 10 tonnes in weight (up to 15 tonnes gross weight) to be parked at the site.

Condition 2 states:

2) No more than one commercial vehicle, which shall be for use by the occupiers of the caravans and shall not exceed 3.5 tonnes in weight, shall be kept or parked on each of the two pitches hereby permitted. This condition does not prevent the necessary presence on the land of vehicles making deliveries or collections to and from the site in connection with the residential use allowed by this permission.

Relevant Planning History

09/00983 – Permission granted on appeal for use of land for a two-pitch gypsy site, consisting of two mobile homes and two touring caravans and parking. The proposals included a double stable block now used as day rooms.

The Planning Inspector imposed other conditions including the following:

3) No commercial or business activities shall take place on the land, including the storage of materials, other than is provided for in condition 2.

4) No vehicle exceeding 3.5 tonnes in weight under the control of the occupiers shall be parked in Ridge Road.

In considering the appeal the Inspector said in part that:

'A photograph taken from within Hardwick Nurseries shows that the vehicles and structures on the site at No 28 are visible in winter, whereas in summer there is a good level of screening....

'I also need to have regard to the possible impact of commercial use. It was argued by local residents that there has been an element of business/commercial use demonstrated by the visits of heavy goods vehicles to the sites. This seemed to relate particularly to No 28 and the occupiers confirmed that they own and operate two HGVs for which they claim to have overnight parking elsewhere. The appellants were willing to accept conditions prohibiting commercial use, including the keeping of any vehicle exceeding 3.5 tonnes....

'I also intend to impose conditions preventing commercial/business use. The effect would be to allow the parking of one vehicle up to 3.5 tonnes per plot. This would enable reasonable parking to support employment but would not permit larger vehicles. Local residents are concerned that larger vehicles have visited the sites and argue businesses are conducted from the land. I have given careful consideration to all the evidence at the hearing on this subject. Conditions 2-4 represent reasonable and enforceable restrictions. Visits to the site by vehicles in excess of 3.5 tonnes and their presence on the land (or in Ridge Road) would be detrimental to the character of the area and to the amenities of nearby residents.'

Consultation Responses

Transport

No objections.

Public Protection Service

No objections.

Representations

Three letters were received. The letter from Hardwick Nurseries, which is the nearest residential property, raises objections on the grounds of:

1. The turning of an HGV on the site, between the two dwellings and ancillary accommodation, is dangerous and an accident waiting to happen.
2. Limited visibility on exit from the site will significantly increase the possibility of an accident given the number of vehicular and pedestrian movements associated with Hardwick Nurseries, 30 Ridge Road, the Gables NHS hospital and children walking and riding between No.s28 and 30 Ridge Road.
3. Noise from vehicle movements and use of audible reverse warning horns.
4. The applicant does not, as stated in the application, have to walk miles to his HGV; rather he leaves and returns in a small van.

Hardwick Farm Management Company objects on the grounds of risk to adjacent families; inappropriate transport business; close to homes and in an area delineated a countryside park.

The letter from Hardwick House states that a 10 tonne lorry requires a wide arc to gain access to the site from Ridge road and would present a danger to other users of this highway, which is without the safety of footways. The letter also objects on the grounds that a commercial business with a 10 tonne lorry would be harmful to the aspirations for Saltram Countryside Park.

Analysis

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.

The main issues in this case are the impact of parking and manoeuvring a 10 tonne lorry on the amenities of the occupiers of Hardwick Nurseries and 30 Ridge Road, which are the nearest residential properties to the site, and the character of the area. The impact on Gables Hospital and residences at Hardwick Farm is not considered by officers to be significant because..... It is understandable that a connection is made between the parking of the lorry and some associated business use at the site. However, condition 3 deals with preventing any business use and as such this matter is not a consideration now. With regard to the Inspector's comments in the appeal decision letter, it is clear that a restriction on lorry size had to be imposed because without such a restriction much larger vehicles could presumably be parked at the site, notwithstanding any VOSA (Vehicle and Operator Services Agency) restrictions.

The issue now is whether a larger vehicle would be harmful to amenity. In this respect 28 Ridge Road is screened from Hardwick Nurseries by hedge/trees and while this would be thinner in winter months, it was noted on site that new laurel plants had been planted in the hedge and that further planting is possible in order to screen the area where the lorry would be parked. In addition the degree of separation between the two properties and the fact that the lorry need not pass all the way across the frontage of the neighbour's property, means that the impact would be less than it would otherwise and would not be so out of character in this semi-rural environment.

There could be noise from washing and/or maintenance of the lorry. However, it is understood that the existing VOSA licence in force at the Ride does not allow the maintenance or washing of the vehicle on site. The applicant has confirmed that the lorry is currently maintained at a site in Cattedown Wharf. VOSA has confirmed that there is no operator's licence in force at 28 Ridge Road and that it is likely that any such licence granted at Ridge Road would have the same restriction imposed on it. VOSA can also restrict times of vehicle movements in their licence if need be.

It is also necessary to consider any HGV movements to and from the Gables Hospital, the noise from the A38 and whether there have been complaints about other HGV reversing horns. In this respect the applicant would be happy to fit isolators and or warning reversing lights and speakers that comply with the guidelines of low decibel omissions. However, the HGV would be able to enter and exit the site in forward gear and in these circumstances the reversing horn would not need to be sounded in the morning when the applicant leaves for work.

Nevertheless, despite the ability to screen the site, and to manoeuvre the vehicle to minimise reversing movements, the site is considered to be in a relatively quiet, semi-rural area and that, despite the proximity of the A38 dual carriageway and occasional larger vehicles attending the hospital site, the occupiers of nearby residential properties should not be subjected to the sudden noise impact of early morning engine noises and associated activity. Therefore a restriction on early morning lorry movements is considered vital in order to preserve residential amenity, notwithstanding the need for a VOSA licence and the ability for that authority to impose and administer any such restrictions, if necessary. In this respect the appropriate times are considered to be those set out in the Council's Code of Practice for construction and demolition sites, because such restrictions are designed to prevent, among other things, the impact of lorry engine noises at unsociable hours, which are considered necessary in the context of this site.

Further planting to the site boundary, adjacent to where the lorry would be parked, has already been implemented as part of the original consent. However, it is considered necessary to condition further landscaping works in order to effectively screen the site of the parked lorry from neighbouring occupiers.

In sustainability terms, running the lorry from the site may reduce overall fuel usage but this is unlikely to be significant and would not be a significant factor supporting the granting of permission.

Section 106 Obligations

There is no Section 106 obligation in respect of the proposal.

Equalities & Diversities issues

While the application is made by a member of the gypsy community, the planning issue relates solely to the impact of the proposed lorry parking on amenity and the same considerations and weight would apply if the applicant was not a member of the gypsy community.

Conclusions

There is clearly a need to have regard to the Inspector's decision to restrict the size of the vehicle kept at the site. However, the Local Planning Authority must also ensure that due consideration is given to proposals to vary a planning decision notice. It does not follow that allowing a larger vehicle to be kept or parked at the site would imply a positive view of business or commercial activities taking place at the site, and would not weaken the Local Planning Authority's opposition to such activities were they to arise.

Having considered the matter carefully the proposals are not considered to be demonstrably harmful to residential amenity or the character of the area and it is recommended that permission be granted to vary condition 2, to read as follows:

2) No more than one commercial vehicle, which shall be for use by the occupiers of the caravans shall be kept or parked on each of the two pitches hereby permitted. The weight of the said commercial vehicles shall not exceed 10 tonnes (15 tonnes gross weight) in respect of the applicant's pitch and 3.5 tonnes in respect of the other pitch. This condition does not prevent the necessary presence on the land of vehicles making deliveries or collections to and from the site in connection with the residential use allowed by this permission.

As considered in the above analysis two further conditions should be added in order to preserve residential amenity, which are recommended as follows:

The 10 tonne lorry shall not be parked or kept at the site until full details of soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and a schedule of landscape maintenance for a minimum of five years.

Reason:

To ensure that satisfactory landscaping works are carried out in order to screen the site from surrounding properties, in accordance with Policies CS18 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

The 10 tonne lorry shall not be driven on the site or the access road serving the site before 8am or after 6pm on Mondays to Fridays; before 8.30 am or after 1pm on Saturdays and not at any time on Sundays or public/bank holidays.

Reason:

To ensure that the amenities enjoyed by neighbouring occupiers are not unreasonably prejudiced by lorry movements in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Recommendation

In respect of the application dated **28/07/2011** and the submitted drawings Amended description, it is recommended to: **Grant Conditionally**

Conditions

VARIATION TO ALLOW 10 TONNE LORRY

(1) No more than one commercial vehicle, which shall be for use by the occupiers of the caravans shall be kept or parked on each of the two pitches hereby permitted.

The weight of the said commercial vehicles shall not exceed 10 tonnes (15 tonnes gross weight) in respect of the applicant's pitch and 3.5 tonnes in respect of the other pitch. This condition does not prevent the necessary presence on the land of vehicles making deliveries or collections to and from the site in connection with the residential use allowed by this permission.

LANDSCAPING WORKS

(2) Notwithstanding condition 6, the 10 tonne lorry shall not be parked or kept at the site until full details of soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and a schedule of landscape maintenance for a minimum of five years.

HOURS OF OPERATION

(3) The 10 tonne lorry shall not be started up or driven on the site or the access road serving the site before 8am or after 6pm on Mondays to Fridays; before 8.30 am or after 1pm on Saturdays and not at any time on Sundays or public/bank holidays.

Reason:

To ensure that the amenities enjoyed by neighbouring occupiers are not unreasonably prejudiced by lorry movements in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact of the parking of a 10 tonne lorry on the amenities of neighbours and the character of the area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration

CS22 - Pollution

SPDI - Development Guidelines

NPPF - Draft National Planning Policy Framework 2011

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PLANNING COMMITTEE

Decisions issued for the following period: 12 September 2011 to 7 October 2011

Note - This list includes:

- Committee Decisions
- Delegated Decisions
- Withdrawn Applications
- Returned Applications

Item No **1**

Application Number: 07/01094/OU **Applicant:** Persimmon Homes Ltd

Application Type: Outline Application

Description of Development: Up to 1,684 new homes with none built in the Saltram Registered Parkland and at a net density of approximately 50 dwellings per hectare, with 12.35% affordable housing (208 homes in total). It is also proposed to provide 20% Lifetime Homes (357 homes); Approximately 1.85 ha of land beneath the south quarry face to accommodate 7,825 sqm (gross) of B1 employment uses, B1A, B1B and B1C and B2 and provision of 0.35ha of B1 uses close to the NW boundary of the site designed to accommodate approx 6 B1 units.; A range of community facilities including an extended Primary School, on a site of 2ha. with staff parking children's centre/community centre/ library/place of worship and an all weather dual use synthetic playing pitch; A Main Square with Mixed use Local Centre comprising an A1 supermarket of 2,000m² (gross) with apartments above and a range of complementary shopping, service and food and drink uses (A1, A2, A3, A4, A5, B1, C2, C3, D1 and D2 (400m²gross); Provision of two central building in the Main square comprising a 500sq m (gross) Doctors Surgery/health centre and 4 retail /commercial units with 30 apartments above them. The design of these buildings would be subject to a design competition; Associated highway, pedestrian and cycle access including two main vehicular access junctions with Billacombe Road (one with Broxton Drive) having linked road traffic signals ; an emergency access only to the site from Colesdown Hill ;and junction improvements to the existing Ride with access restricted to construction traffic, emergency and bus users, and commercial traffic to the proposed NW employment area. Provision would be made for a bus route with bus stops or pull-ins for buses within the site and a bus service would be provided between the site and local shops and services in Plymstock. There would also be footpath links with a potential public transport mobi-hub (travel terminal and service centre) on Billacombe Road (outside the site boundary); The provision of informal recreation open space with woodland paths and exercise route; informal meeting spaces for older children (4 locations for potential Youth meeting spaces are indicated and prioritised

); a 'string' of 3 Local Equipped Play Areas (LEAPS); and a 1000sqm formal children's play space comprising a Neighborhood Equipped Play Area (NEAP) as part of the Main Square. A linear open space running east-west would contain a water feature as part of a tree-lined eastern boulevard. An enclosed open space with a circus of development would be located along a tree-lined western boulevard; Phased remodeling of the former Blue Circle Cement works and former quarries would commence within the western end of the site and the phasing would involve excavating and crushing and stabilizing rock faces behind a temporary bund or fence between phases 1 and 2, and then between phases 2 and 3 to help mitigate for disturbance to future residents from blasting, crushing and quarrying/remodeling works underway.

Site Address PLYMSTOCK QUARRY, THE RIDE PLYMSTOCK PLYMOUTH

Case Officer: Alan Hartridge

Decision Date: 16/09/2011

Decision: Grant Subject to S106 Obligation - Outline

Item No 2

Application Number: 10/02031/FUL **Applicant:** Plymouth City Council

Application Type: Full Application

Description of Development: Retention of temporary protective shelters at main and staff entrances to the Civic Centre for five years, alterations to main entrance shelter, installation of cycle shed and erection of fencing around grassed areas to north and east of the Civic Centre

Site Address PLYMOUTH CITY COUNCIL CIVIC CENTRE, ARMADA WAY PLYMOUTH

Case Officer: Olivia Wilson

Decision Date: 20/09/2011

Decision: Grant Conditionally

Item No 3

Application Number: 11/00149/FUL **Applicant:** Persimmon Homes South West

Application Type: Full Application

Description of Development: Erection of 12 detached dwellings with garages and ancillary access road, landscaping and public open space

Site Address LAND OFF CUNDY CLOSE PLYMPTON PLYMOUTH

Case Officer: Robert Heard

Decision Date: 06/10/2011

Decision: Grant Subject to S106 Obligation - Full

Item No 4

Application Number: 11/00199/FUL **Applicant:** Mr G Easson
Application Type: Full Application
Description of Development: Change of use, conversion, and alterations from offices to 2 self-contained flats and 8 letting rooms, with 2 off-street parking spaces, cycle storage, and bin storage
Site Address 12 QUEEN ANNE TERRACE, NORTH HILL PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 04/10/2011
Decision: Grant Subject to S106 Obligation - Full

Item No 5

Application Number: 11/00633/FUL **Applicant:** PCC Argyrou
Application Type: Full Application
Description of Development: Change of use and conversion from offices to house in multiple occupation (12 rooms), associated parking, bin storage and cycle storage
Site Address 125 NORTH HILL PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 15/09/2011
Decision: Grant Subject to S106 Obligation - Full

Item No 6

Application Number: 11/00651/FUL **Applicant:** Turnchapel Developments Ltd
Application Type: Full Application
Description of Development: Erection of 6 dwellings (4 terraced and 2 semi-detached) together with repairs and raising existing sea wall and associated parking area
Site Address TURNCHAPEL BOAT YARD, CLOVELLY VIEW PLYMOUTH
Case Officer: Jonathan Selman
Decision Date: 20/09/2011
Decision: Application Withdrawn

Item No **7**

Application Number: 11/00656/CA **Applicant:** Turnchapel Developments Ltd
Application Type: Conservation Area
Description of Development: Demolition of former shipbuilding yard (in connection with separate application for construction of 6 dwellings C4 terraced and 2 semi-detached) and associated works
Site Address TURNCHAPEL BOAT YARD, CLOVELLY VIEW
 PLYMOUTH
Case Officer: Jonathan Selman
Decision Date: 05/10/2011
Decision: Grant Conditionally

Item No **8**

Application Number: 11/00786/FUL **Applicant:** Mr Daniel Criddle
Application Type: Full Application
Description of Development: Erection of raised decking with steps to rear of property and french window
Site Address 21 DALE GARDENS PLYMOUTH
Case Officer: Mark Utting
Decision Date: 30/09/2011
Decision: Grant Conditionally

Item No **9**

Application Number: 11/00787/FUL **Applicant:** Mr Mohamed Naseh
Application Type: Full Application
Description of Development: Change of use to members club
Site Address 12 DERRYS CROSS PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 20/09/2011
Decision: Grant Conditionally

Item No 10

Application Number: 11/00791/FUL **Applicant:** Brook Housing Ltd
Application Type: Full Application
Description of Development: Continue use of former residential care home (Use class C2) as dwellinghouse (Use Class C3 (b))
Site Address PRIORY VIEW, MARKET ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 13/09/2011
Decision: Grant Conditionally

Item No 11

Application Number: 11/00821/FUL **Applicant:** S & A Stonelake
Application Type: Full Application
Description of Development: Change of use of ground floor shop (A1) to residential unit and associated alterations
Site Address 65 VICTORY STREET PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 12/09/2011
Decision: Grant Conditionally

Item No 12

Application Number: 11/00831/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Addition of new condition to planning permission ref 08/01698/FUL listing approved plan numbers
Site Address ESTOVER COMMUNITY COLLEGE, MILLER WAY PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 28/09/2011
Decision: Grant Conditionally

Item No 13

Application Number: 11/00850/FUL **Applicant:** Miss Lorna Rice
Application Type: Full Application
Description of Development: Retention of rear extension enclosing rear elevation balcony to form covered conservatory
Site Address 112 DURNFORD STREET PLYMOUTH
Case Officer: Paul Steen
Decision Date: 22/09/2011
Decision: Grant Conditionally

Item No 14

Application Number: 11/00851/LBC **Applicant:** Mrs Lorna Rice
Application Type: Listed Building
Description of Development: Retention of rear extension enclosing rear elevation balcony to form covered conservatory
Site Address 112 DURNFORD STREET PLYMOUTH
Case Officer: Paul Steen
Decision Date: 22/09/2011
Decision: Grant Conditionally

Item No 15

Application Number: 11/00921/FUL **Applicant:** Mr S Gibbons
Application Type: Full Application
Description of Development: Change of use to create 2 dwellings - resubmission of previous scheme
Site Address 107 BARTON AVENUE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 16

Application Number: 11/00940/FUL **Applicant:** Taylor Wimpey (Exeter) UK Ltd
Application Type: Full Application
Description of Development: Erection of 60 dwellings including 16 apartments and 44 houses, new access, ancillary roads, car parking and landscaping
Site Address LAND ON THE JUNCTION OF TAVISTOCK ROAD AND PLYMBRIDGE ROAD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 21/09/2011
Decision: Application Withdrawn

Item No 17

Application Number: 11/00947/FUL **Applicant:** Mrs J Sheehy
Application Type: Full Application
Description of Development: Temporary removal of section of wall and reinstatement
Site Address 9 AND 11 ALBERT ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 05/10/2011
Decision: Grant Conditionally

Item No 18

Application Number: 11/00997/LBC **Applicant:** Mr Judith Sheehy
Application Type: Listed Building
Description of Development: Temporary removal of section of wall and reinstatement
Site Address 9 AND 11 ALBERT ROAD STOKE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 05/10/2011
Decision: Grant Conditionally

Item No 19

Application Number: 11/01028/PR **Applicant:** Mr Steve Philips
Application Type: LDC Proposed Develop
Description of Development: Installation of solar panels on the roof
Site Address 237 ALBERT ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 15/09/2011
Decision: Refuse to Issue Cert - (Ex)

Item No 20

Application Number: 11/01058/FUL **Applicant:** Mr Robert Burton
Application Type: Full Application
Description of Development: Remove existing rear conservatory and replace with games room
Site Address 10 BELGRAVE ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 21/09/2011
Decision: Grant Conditionally

Item No 21

Application Number: 11/01066/FUL **Applicant:** Mr David Scantlebury
Application Type: Full Application
Description of Development: Develop land comprising former garden area by erection of building containing four self-contained flats, with associated bin storage, garages, gardens and vehicular turning area
Site Address 97 HOWARD ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 30/09/2011
Decision: Grant Conditionally

Item No 22

Application Number: 11/01080/LBC **Applicant:** Anchor Trust
Application Type: Listed Building
Description of Development: Install wall mounted boiler flues to residential units to meet gas safety regulations
Site Address HAM HOUSE, TEWKESBURY CLOSE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 20/09/2011
Decision: Application Withdrawn

Item No 23

Application Number: 11/01091/FUL **Applicant:** Mr Andrew Prince
Application Type: Full Application
Description of Development: Single-storey side extension over garage and two-storey rear extension
Site Address 62 TITHE ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 16/09/2011
Decision: Grant Conditionally

Item No 24

Application Number: 11/01103/FUL **Applicant:** Notemachine
Application Type: Full Application
Description of Development: Retention of ATM
Site Address 95 UNION STREET PLYMOUTH
Case Officer: Adam Williams
Decision Date: 12/09/2011
Decision: Grant Conditionally

Item No 25

Application Number: 11/01104/ADV **Applicant:** Notemachine
Application Type: Advertisement
Description of Development: Illuminated ATM sign
Site Address 95 UNION STREET PLYMOUTH
Case Officer: Adam Williams
Decision Date: 12/09/2011
Decision: Grant Conditionally

Item No 26

Application Number: 11/01136/FUL **Applicant:** Mr D Wraighte
Application Type: Full Application
Description of Development: Extension to care home, new entrance porch and replacement fire escape
Site Address LAMBSPARK CARE HOME, 38 MERAFIELD ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 23/09/2011
Decision: Refuse

Item No 27

Application Number: 11/01140/ADV **Applicant:** Marshall & Kendon
Application Type: Advertisement
Description of Development: Retention of temporary banner
Site Address 52 CORNWALL STREET CITY CENTRE PLYMOUTH
Case Officer: Richard Webb
Decision Date: 23/09/2011
Decision: Refuse

Item No 28

Application Number: 11/01149/FUL **Applicant:** Boringdon Golf Course
Application Type: Full Application
Description of Development: Detached single storey building for use as a dance and fitness studio
Site Address BORINGDON PARK GOLF COURSE,55 PLYMBRIDGE ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 05/10/2011
Decision: Grant Conditionally

Item No 29

Application Number: 11/01150/ADV **Applicant:** The Dolphin House Brazzerie
Application Type: Advertisement
Description of Development: 1 non-illuminated fascia sign and 1 non-illuminated wall-mounted sign
Site Address THE DOLPHIN HOUSE BRAZZERIE DOLPHIN HOUSE, SUTTON HARBOUR BARBICAN PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 16/09/2011
Decision: Grant Conditionally

Item No 30

Application Number: 11/01151/FUL **Applicant:** Persimmon Special Projects We
Application Type: Full Application
Description of Development: Construction of a small single storey pitched roof 'bat house' to accommodate bats affected by the Plymstock Quarry redevelopment proposals
Site Address NORTHERN PASTURES ADJACENT TO POMPHLETT PLANTATION PLYMSTOCK QUARRY PLYMOUTH
Case Officer: Alan Hartridge
Decision Date: 26/09/2011
Decision: Application Withdrawn

Item No 31

Application Number: 11/01152/FUL **Applicant:** Millbridge Builders
Application Type: Full Application
Description of Development: Conversion of store to dwelling for single person
Site Address 17 WILTON STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 27/09/2011
Decision: Refuse

Item No 32

Application Number: 11/01159/FUL **Applicant:** Mr Ian Hodgson
Application Type: Full Application
Description of Development: Change of use of 2 self-contained flats to single dwellinghouse
Site Address 65 HIGHER EFFORD ROAD EFFORD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 33

Application Number: 11/01161/FUL **Applicant:** Mr John Hill
Application Type: Full Application
Description of Development: Reinstate fire damaged garage and erection of additional 1st floor extension above
Site Address 6 TRENTAM CLOSE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 21/09/2011
Decision: Grant Conditionally

Item No 34

Application Number: 11/01169/FUL **Applicant:** Eco Concepts

Application Type: Full Application

Description of Development: Erection of roof solar panels

Site Address HOPE BAPTIST CHURCH, PEVERELL PARK ROAD
PLYMOUTH

Case Officer: Mark Utting

Decision Date: 07/10/2011

Decision: Grant Conditionally

Item No 35

Application Number: 11/01185/FUL **Applicant:** University College of St Mark an

Application Type: Full Application

Description of Development: External alterations to Halls of Residence, including painting concrete panels and installation of vertical cedar cladding

Site Address UNIVERSITY COLLEGE OF ST MARK & ST JOHN
DERRIFORD ROAD PLYMOUTH

Case Officer: Janine Warne

Decision Date: 23/09/2011

Decision: Grant Conditionally

Item No 36

Application Number: 11/01186/FUL **Applicant:** Plymouth City Council

Application Type: Full Application

Description of Development: Installation of fencing, gates, automated gates & automated canopy

Site Address MARTINS GATE, BRETONSIDE PLYMOUTH

Case Officer: Adam Williams

Decision Date: 19/09/2011

Decision: Grant Conditionally

Item No 37

Application Number: 11/01190/FUL **Applicant:** The Marina Club
Application Type: Full Application
Description of Development: Application to vary condition 3 of listed building consent 08/00570/LBC to allow the glazing in the windows to be fixed using beading instead of putty
Site Address MARINA BAR, SUTTON HARBOUR PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 12/09/2011
Decision: Refuse

Item No 38

Application Number: 11/01192/FUL **Applicant:** Mr Martin Holloway
Application Type: Full Application
Description of Development: Two storey side extension with porch
Site Address 2 LITTLEWOOD CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 05/10/2011
Decision: Grant Conditionally

Item No 39

Application Number: 11/01195/FUL **Applicant:** Mr & Mrs S Brown
Application Type: Full Application
Description of Development: Proposed external rear staircase
Site Address 92 MANNAMEAD ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 13/09/2011
Decision: Grant Conditionally

Item No 40

Application Number: 11/01201/PR **Applicant:** Mr Dean White
Application Type: LDC Proposed Develop
Description of Development: Single storey extension
Site Address 25 BULTEEL GARDENS PLYMOUTH
Case Officer: Adam Williams
Decision Date: 12/09/2011
Decision: Issue Certificate - Lawful Use

Item No 41

Application Number: 11/01202/FUL **Applicant:** Mr Richard Browne
Application Type: Full Application
Description of Development: Extension to garage
Site Address 20 CRANMERE ROAD PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 16/09/2011
Decision: Grant Conditionally

Item No 42

Application Number: 11/01220/FUL **Applicant:** Mr Des O'Leary
Application Type: Full Application
Description of Development: Erection of detached dwelling with integral garage (revision to scheme approved under application 08/00996, including new window to front elevation, raising height of eaves and ridge)
Site Address LAND ADJACENT 4 RUSSELL AVENUE PLYMOUTH
Case Officer: Janine Warne
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 43

Application Number: 11/01222/FUL **Applicant:** Sisters of Nazareth House
Application Type: Full Application
Description of Development: Addition of a new condition to planning permission ref 05/01356/FUL listing approved plan numbers
Site Address NAZARETH HOUSE,163 to 165 DURNFORD STREET PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 44

Application Number: 11/01225/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Conversion of flat roof to pitched of 9 blocks of flats
Site Address 2-288 KINNAIRD CRESCENT SOUTHWAY PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 16/09/2011
Decision: Grant Conditionally

Item No 45

Application Number: 11/01226/FUL **Applicant:** Ms Katie Hooper
Application Type: Full Application
Description of Development: Removal of existing garage with subsequent erection of two-storey extension containing integral garage, wc, kitchen, master bedroom and en-suite
Site Address 11 DOLPHIN CLOSE PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 19/09/2011
Decision: Application Withdrawn

Item No 46

Application Number: 11/01227/PR **Applicant:** Mr D Eastlake
Application Type: LDC Proposed Develop
Description of Development: Single-storey rear and side extension (existing single storey rear extension to be removed)
Site Address 8 DUNSTONE AVENUE PLYMSTOCK PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 15/09/2011
Decision: Refuse to Issue Cert - (Ex)

Item No 47

Application Number: 11/01230/FUL **Applicant:** Mr & Mrs Paul Black
Application Type: Full Application
Description of Development: Removal of existing rear extensions and erection of a single storey rear extension with mono-pitched roof
Site Address 34 BEACONFIELD ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/09/2011
Decision: Grant Conditionally

Item No 48

Application Number: 11/01231/LBC **Applicant:** National Trust
Application Type: Listed Building
Description of Development: To install an LPG central heating system to a flat located on the top floor
Site Address STABLE HOUSE SALTRAM, MERAFIELD ROAD PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 16/09/2011
Decision: Grant Conditionally

Item No 49

Application Number: 11/01234/FUL **Applicant:** Mr and Mrs Whitworth
Application Type: Full Application
Description of Development: Single-storey side extension and porch (existing garage to be removed)
Site Address 5 BELLE VUE AVENUE PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 50

Application Number: 11/01235/OU **Applicant:** Mr G Truscott
Application Type: Outline Application
Description of Development: Outline application with all matters reserved for the erection of a new retail unit (demolition of existing buildings)
Site Address LAND ADJACENT TO HOOE BARN, HOOE ROAD PLYMOUTH
Case Officer: Robert Heard
Decision Date: 05/10/2011
Decision: Application Withdrawn

Item No 51

Application Number: 11/01237/FUL **Applicant:** Fr Sam Philpott
Application Type: Full Application
Description of Development: Erection of a single storey side extension and a garden room to the rear of the property
Site Address 21 PLAISTOW CRESCENT PLYMOUTH
Case Officer: Mark Utting
Decision Date: 27/09/2011
Decision: Grant Conditionally

Item No 52

Application Number: 11/01240/ADV **Applicant:** Marks & Spencer PLC
Application Type: Advertisement
Description of Development: Internally illuminated, high level sign with associated vertical lightbox features. New fascia sign (approved) and projecting sign (refused)
Site Address MARKS AND SPENCERS,1 CORNWALL STREET CITY CENTRE PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 04/10/2011
Decision: Advertisement Split Decision

Item No 53

Application Number: 11/01241/FUL **Applicant:** Sisters of Nazareth Charitable T
Application Type: Full Application
Description of Development: Variation to condition 3 of 09/01773/FUL to allow minor amendment showing extension of lift overrun
Site Address NAZARETH HOUSE, DURNFORD STREET STONEHOUSE PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 27/09/2011
Decision: Grant Conditionally

Item No 54

Application Number: 11/01242/FUL **Applicant:** EDF Energy
Application Type: Full Application
Description of Development: Three new electrical substations
Site Address 334 OUTLAND ROAD PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 55

Application Number: 11/01244/FUL **Applicant:** Mr & Mrs Akhlaque Rahman
Application Type: Full Application
Description of Development: Replacement of existing porch, with erection of a single-storey rear extension and associated decking
Site Address 2 RAYNHAM ROAD PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 56

Application Number: 11/01246/FUL **Applicant:** Mr Peter Anderson
Application Type: Full Application
Description of Development: Increase size of side extension and build new roof to incorporate extension
Site Address 9 BEAUMONT AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/09/2011
Decision: Grant Conditionally

Item No 57

Application Number: 11/01247/FUL **Applicant:** Mrs J Marsh
Application Type: Full Application
Description of Development: Application to vary condition 10 of planning permission 11/00468/FUL to allow for revised surface finishes on the south elevation
Site Address 23 COBOURG STREET PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 20/09/2011
Decision: Refuse

Item No 58

Application Number: 11/01248/EXU **Applicant:** Ms Marion Harbinson
Application Type: LDC Existing Use
Description of Development: Use as five self-contained flats
Site Address 7 WILDERNESS ROAD PLYMOUTH
Case Officer: Janine Warne
Decision Date: 16/09/2011
Decision: Issue Certificate - Lawful Use

Item No 59

Application Number: 11/01249/PR **Applicant:** Mr Peter Johns
Application Type: LDC Proposed Develop
Description of Development: Single and first floor extensions
Site Address 167 CHURCH WAY PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 20/09/2011
Decision: Application Withdrawn

Item No 60

Application Number: 11/01252/FUL **Applicant:** Alex Rollason
Application Type: Full Application
Description of Development: Private motor garage to rear (existing garage to be removed) and covered amenity area
Site Address 34 ASHFORD ROAD PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 07/10/2011
Decision: Grant Conditionally

Item No 61

Application Number: 11/01255/FUL **Applicant:** Mr Alex Keeling
Application Type: Full Application
Description of Development: Two storey rear extension
Site Address 8 WIDEWELL ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 62

Application Number: 11/01258/ADV **Applicant:** Vospers Motorhouse
Application Type: Advertisement
Description of Development: Illuminated and non-illuminated pylon, pole, flag, fascia and banner signs
Site Address VOSPERS, VALLEY ROAD PLYMPTON PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 63

Application Number: 11/01262/FUL **Applicant:** Mr Brett Newitt
Application Type: Full Application
Description of Development: New driveway at front of property
Site Address 44 RINGMORE WAY PLYMOUTH
Case Officer: Mark Utting
Decision Date: 07/10/2011
Decision: Grant Conditionally

Item No 64

Application Number: 11/01264/FUL **Applicant:** Mr M Kemp
Application Type: Full Application
Description of Development: Remove existing rear conservatory and erect rear/side extension to incorporate existing garden shed
Site Address 269 BODMIN ROAD WHITLEIGH PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/09/2011
Decision: Grant Conditionally

Item No 65

Application Number: 11/01265/FUL **Applicant:** Mr E Spokes
Application Type: Full Application
Description of Development: Single-storey side extension to provide 'granny annexe'
(existing structure to be removed)
Site Address 47 TAPSON DRIVE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 26/09/2011
Decision: Grant Conditionally

Item No 66

Application Number: 11/01266/FUL **Applicant:** Mrs D Wong
Application Type: Full Application
Description of Development: Two storey side extension and single storey rear extension
Site Address 55 GLENTOR ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 67

Application Number: 11/01268/FUL **Applicant:** Mr Oliver Renon
Application Type: Full Application
Description of Development: Change of use from Use Classes B1, B2 and B8 (business,
industrial and storage) to Use Class D2 (assembly and leisure)
Site Address 34 VALLEY ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 23/09/2011
Decision: Grant Conditionally

Item No 68

Application Number: 11/01269/FUL **Applicant:** Persimmon Special Projects We
Application Type: Full Application
Description of Development: Construction of single storey bat house with 'welfare' office (including toilet) and hillside access track (with services: water/electricity)
Site Address PART OF THE NORTHERN PASTURES AT PLYMSTOCK QUARRY PLYMSTOCK PLYMOUTH
Case Officer: Alan Hartridge
Decision Date: 26/09/2011
Decision: Grant Conditionally

Item No 69

Application Number: 11/01272/FUL **Applicant:** Mr Richard Ackland
Application Type: Full Application
Description of Development: Alterations and two storey rear extension to the property
Site Address CINTRA,14 LOWER SALTRAM PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 26/09/2011
Decision: Grant Conditionally

Item No 70

Application Number: 11/01273/FUL **Applicant:** Plymouth Marine Laboratory
Application Type: Full Application
Description of Development: Provision of temporary single-storey office building for a period of 3 years to the north of laboratory
Site Address PLYMOUTH MARINE LABORATORY, PROSPECT PLACE PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 30/09/2011
Decision: Grant Conditionally

Item No 71

Application Number: 11/01275/FUL **Applicant:** Mr and Mrs Rodney Dreher
Application Type: Full Application
Description of Development: Develop part of rear garden by erection of mews style dwelling with associated vehicle access to hardstanding
Site Address 8 WOODLAND TERRACE, GREENBANK ROAD
GREENBANK PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 26/09/2011
Decision: Refuse

Item No 72

Application Number: 11/01276/EXU **Applicant:** Mr J Twigg
Application Type: LDC Existing Use
Description of Development: Two self contained flats
Site Address 13 CHELTENHAM PLACE, GREENBANK ROAD
PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 22/09/2011
Decision: Issue Certificate - Lawful Use

Item No 73

Application Number: 11/01277/FUL **Applicant:** Miss Emma Collison
Application Type: Full Application
Description of Development: Extend gym into rear of garage
Site Address 703 WOLSELEY ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 28/09/2011
Decision: Grant Conditionally

Item No 74

Application Number: 11/01278/FUL **Applicant:** Mr A Brewer
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address 71 VICARAGE GARDENS PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 26/09/2011
Decision: Grant Conditionally

Item No 75

Application Number: 11/01279/FUL **Applicant:** Mrs Charmaine Bruijns
Application Type: Full Application
Description of Development: Raised decking to rear of property with access steps to garden
Site Address 46 CRESSBROOK DRIVE MAINSTONE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/09/2011
Decision: Grant Conditionally

Item No 76

Application Number: 11/01283/FUL **Applicant:** Mr and Mrs Roger Edmonds
Application Type: Full Application
Description of Development: Demolition of existing conservatory and garage and construction of single storey extension and double garage
Site Address 27 COLSTON CLOSE PLYMOUTH
Case Officer: Adam Williams
Decision Date: 21/09/2011
Decision: Grant Conditionally

Item No 77

Application Number: 11/01284/ADV **Applicant:** Britannia
Application Type: Advertisement
Description of Development: 1 internally illuminated fascia sign with existing trough light
Site Address 8 OLD TOWN STREET PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 04/10/2011
Decision: Grant Conditionally

Item No 78

Application Number: 11/01293/FUL **Applicant:** Mr and Mrs Adrian Hood
Application Type: Full Application
Description of Development: Erection of single storey and two storey rear extensions and conversion of existing rumpus room to self contained living unit
Site Address 1 DELGANY VIEW, DELGANY DRIVE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 21/09/2011
Decision: Grant Conditionally

Item No 79

Application Number: 11/01294/FUL **Applicant:** Sisters of Nazareth
Application Type: Full Application
Description of Development: Variation of condition 6 of 05/01356/FUL to allow retention of the existing entrance whilst phased development is undertaken
Site Address NAZARETH HOUSE, 163 to 165 DURNFORD STREET PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 27/09/2011
Decision: Grant Conditionally

Item No 80

Application Number: 11/01296/FUL **Applicant:** McDonald's Restaurant Ltd
Application Type: Full Application
Description of Development: Refurbishment of shopfront (option 2)
Site Address MCDONALD'S RESTAURANT'S LTD 13 NEW GEORGE STREET PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 23/09/2011
Decision: Grant Conditionally

Item No 81

Application Number: 11/01297/ADV **Applicant:** McDonald's Restaurant Ltd
Application Type: Advertisement
Description of Development: Replacement fascia sign (approved); Projecting sign (refused)
Site Address MCDONALD'S RESTAURANT'S LTD 13 NEW GEORGE STREET PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 23/09/2011
Decision: Advertisement Split Decision

Item No 82

Application Number: 11/01298/FUL **Applicant:** Mr Jonathan and Mrs Dawn Tipp
Application Type: Full Application
Description of Development: Single-storey front extension and rear extension incorporating roof extension and loft conversion
Site Address 132 BEACON PARK ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 29/09/2011
Decision: Grant Conditionally

Item No 83

Application Number: 11/01299/FUL **Applicant:** McDonald's Restaurant
Application Type: Full Application
Description of Development: A 33sqm extension at 2nd storey level
Site Address 13 NEW GEORGE STREET PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 30/09/2011
Decision: Grant Conditionally

Item No 84

Application Number: 11/01302/FUL **Applicant:** Sisters Of Nazareth
Application Type: Full Application
Description of Development: Variation of condition of 05/01356/FUL to allow minor amendments to internal layouts (to provide 45 apartments in place of 55 originally approved) fenestration and height of building from approved plans
Site Address NAZARETH HOUSE, DURNFORD STREET PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 21/09/2011
Decision: Grant Conditionally

Item No 85

Application Number: 11/01307/FUL **Applicant:** Mount Wise (Devon) Limited
Application Type: Full Application
Description of Development: Replacement of approved drawing numbers in relation to blocks 27 and 29
Site Address FORMER MOD SITE MOUNT WISE PLYMOUTH
Case Officer: Jeremy Guise
Decision Date: 27/09/2011
Decision: Grant Conditionally

Item No 86

Application Number: 11/01308/FUL **Applicant:** Mr & Mrs Burt & Maher
Application Type: Full Application
Description of Development: Formation of room in roof with velux windows
Site Address 76 RAMSEY GARDENS PLYMOUTH
Case Officer: Mark Utting
Decision Date: 12/09/2011
Decision: Grant Conditionally

Item No 87

Application Number: 11/01312/FUL **Applicant:** Plymouth University Student Uni
Application Type: Full Application
Description of Development: Changing existing door into window and providing a new recessed exit/entrance door
Site Address UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS
PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 30/09/2011
Decision: Grant Conditionally

Item No 88

Application Number: 11/01313/FUL **Applicant:** Mr & Mrs Morgan
Application Type: Full Application
Description of Development: Bay window off lounge on principal elevation
Site Address 49 HIGHCLERE GARDENS PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 27/09/2011
Decision: Grant Conditionally

Item No 89

Application Number: 11/01319/FUL **Applicant:** Mr Robert Aherene
Application Type: Full Application
Description of Development: 3 storey side extension (demolition of garage to rear)
Site Address 33 DUNSTONE ROAD ST BUDEAUX PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 04/10/2011
Decision: Grant Conditionally

Item No 90

Application Number: 11/01323/PR **Applicant:** Mrs G Sinclair
Application Type: LDC Proposed Develop
Description of Development: Hip to gable and rear dormer
Site Address 69 TORLAND ROAD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 05/10/2011
Decision: Issue Certificate - Lawful Use

Item No 91

Application Number: 11/01329/ADV **Applicant:** The Plymouth Barbican Trust
Application Type: Advertisement
Description of Development: Proposed advertisements: Photographic mural, fascia lettering and projecting sign
Site Address SOUTH WEST IMAGE BANK 25 PARADE PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 05/10/2011
Decision: Grant Conditionally

Item No 92

Application Number: 11/01332/TPO **Applicant:** Sanctuary
Application Type: Tree Preservation
Description of Development: Remove 3 poplar opposite 35/37 Chard Barton
Oak r/o 69 Chard Barton reduce by 2m on house side
Site Address CHARD BARTON
Case Officer: Jane Turner
Decision Date: 26/09/2011
Decision: Grant Conditionally

Item No 93

Application Number: 11/01333/31 **Applicant:** Mr David Pike
Application Type: GPDO PT31
Description of Development: Part removal of garaging to rear
Site Address 3 QUEENS ROAD LIPSON PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 15/09/2011
Decision: Prior approval not required PT31

Item No 94

Application Number: 11/01337/FUL **Applicant:** Mr Peter Reed
Application Type: Full Application
Description of Development: Develop land by erection of dwellinghouse attached to side of no. 103, with integral private motor garage
Site Address 103 ALMA ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 04/10/2011
Decision: Refuse

Item No 95

Application Number: 11/01338/PR **Applicant:** Mrs Sharon Fulford
Application Type: LDC Proposed Develop
Description of Development: Formation of rear dormer and room in roofspace
Site Address 18 CANEFIELDS AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 27/09/2011
Decision: Issue Certificate - Lawful Use

Item No 96

Application Number: 11/01339/FUL **Applicant:** Linden Homes South West
Application Type: Full Application
Description of Development: Erection of 2 detached dwellinghouses (amendment to Planning Permission ref: 11/00836/FUL)
Site Address FORMER TENNIS COURTS, OFF THE LANE PLYMOUTH
Case Officer: Robert Heard
Decision Date: 07/10/2011
Decision: Grant Conditionally

Item No 97

Application Number: 11/01340/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Two-storey rear extension (existing single-storey structure to be removed)
Site Address 33 REYNOLDS ROAD PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 98

Application Number: 11/01341/FUL **Applicant:** Mr Gordon Snell
Application Type: Full Application
Description of Development: Two-storey side extension and re-grading drive levels
Site Address 297 OUTLAND ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 21/09/2011
Decision: Grant Conditionally

Item No 99

Application Number: 11/01342/FUL **Applicant:** Mrs Janet Wright
Application Type: Full Application
Description of Development: Change of use from guest house (C1) to residential dwelling (C3), and erection of gate to enclose rear courtyard and parking area
Site Address COBBLESTONES 229 CITADEL ROAD EAST PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 05/10/2011
Decision: Grant Conditionally

Item No 100

Application Number: 11/01347/FUL **Applicant:** Mr Peter Jones
Application Type: Full Application
Description of Development: Demolition of rear tenement and erection of two storey rear extension
Site Address 16 COLDRENICK STREET ST BUDEAUX PLYMOUTH
Case Officer: Mark Utting
Decision Date: 27/09/2011
Decision: Grant Conditionally

Item No 101

Application Number: 11/01350/PR **Applicant:** Mrs Carole Bowles
Application Type: LDC Proposed Use
Description of Development: Use of premises for retail purposes (use class A1)
Site Address 111 RIDGEWAY PLYMPTON PLYMOUTH
Case Officer: Jon Fox
Decision Date: 05/10/2011
Decision: Issue Certificate - Lawful Use

Item No 102

Application Number: 11/01351/TPO **Applicant:** Mrs L Chapman
Application Type: Tree Preservation
Description of Development: Copper beech - remove branch at approximately 6m on south east side and crown clean
Site Address 121 CHURCH ROAD PLYMSTOCK PLYMOUTH
Case Officer: Jane Turner
Decision Date: 03/10/2011
Decision: Grant Conditionally

Item No 103

Application Number: 11/01353/FUL **Applicant:** Mrs Vicki Gould
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address 112 PEMROS ROAD ST BUDEAUX PLYMOUTH
Case Officer: Mark Utting
Decision Date: 07/10/2011
Decision: Grant Conditionally

Item No 104

Application Number: 11/01354/LBC **Applicant:** Mr Clive Turner
Application Type: Listed Building
Description of Development: Removal of existing uPVC windows on front, rear and side elevations and replacement with timber sliding-sash windows
Site Address 10 CAROLINE PLACE, MILLBAY ROAD STONEHOUSE PLYMOUTH
Case Officer: Mark Utting
Decision Date: 07/10/2011
Decision: Grant Conditionally

Item No 105

Application Number: 11/01361/FUL **Applicant:** Great City Attractions Global Ltd
Application Type: Full Application
Description of Development: 53m high observation wheel on Plymouth Hoe - extension to existing permission until 31st December 2011
Site Address HOE PARK, ARMADA WAY PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 27/09/2011
Decision: Grant Conditionally

Item No 106

Application Number: 11/01362/FUL **Applicant:** Miss Nicolette Hill
Application Type: Full Application
Description of Development: A 16ft dome roofed catering unit run in conjunction and side by side with the Wheel of Plymouth - extension of permission to 31st December 2011
Site Address NEXT TO THE WHEEL OF PLYMOUTH, ARMADA WAY THE HOE PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 27/09/2011
Decision: Grant Conditionally

Item No 107

Application Number: 11/01367/FUL **Applicant:** Instant Cash Loans Ltd
Application Type: Full Application
Description of Development: Change of use from Retail (A1) to Financial and Professional Services (A2)
Site Address 33 THE BROADWAY PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 05/10/2011
Decision: Grant Conditionally

Item No 108

Application Number: 11/01375/FUL **Applicant:** Deichmann Shoes UK Ltd
Application Type: Full Application
Description of Development: Installation of new shopfront
Site Address 30-32 NEW GEORGE STREET PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 05/10/2011
Decision: Grant Conditionally

Item No 109

Application Number: 11/01376/ADV **Applicant:** Deichmann Group Ltd
Application Type: Advertisement
Description of Development: Internally illuminated fascia sign
Site Address 30-32 NEW GEORGE STREET PLYMOUTH
Case Officer: Ben Scheuregger
Decision Date: 05/10/2011
Decision: Grant Conditionally

Item No 110

Application Number: 11/01377/FUL **Applicant:** Defence Estates
Application Type: Full Application
Description of Development: Vehicle hardstanding and access ramp
Site Address 1 CAMPBELL ROAD PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 27/09/2011
Decision: Grant Conditionally

Item No 111

Application Number: 11/01378/31 **Applicant:** Plymouth City Council
Application Type: GPDO PT31
Description of Development: Determination as to whether prior approval is required for demolition of the former Southway Community College (remaining 3 linked buildings) and landscaping of site
Site Address PLYMOUTH CITY COUNCIL ROCKFIELD AVENUE
PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 21/09/2011
Decision: Prior approval not req PT24

Item No 112

Application Number: 11/01383/FUL **Applicant:** Mount Wise (Devon) Limited
Application Type: Full Application
Description of Development: Variation of condition 1 of 09/00613/FUL to extend the time limit
Site Address FORMER MOD SITE, MOUNT WISE
Case Officer: Jeremy Guise
Decision Date: 15/09/2011
Decision: Grant Conditionally

Item No 113

Application Number: 11/01386/TPO **Applicant:** Mr Phillip Rump
Application Type: Tree Preservation
Description of Development: Sycamore (TPO) - remove 12 branches over No. 5 Belmont Place
Sycamore saplings, elder (Conservation Area) - reduce branches to give 2m clearance from side of building (Belmont Court)
Site Address BELMONT HOUSE, BELMONT PLACE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 03/10/2011
Decision: Grant Conditionally

Item No 114

Application Number: 11/01388/FUL **Applicant:** Mrs Delia Kevern
Application Type: Full Application
Description of Development: Rear conservatory (existing conservatory to be removed)
Site Address 4 WESTWAY, CHURCH HILL ROAD PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 07/10/2011
Decision: Grant Conditionally

Item No 115

Application Number: 11/01399/FUL **Applicant:** Mr Watson
Application Type: Full Application
Description of Development: Rear conservatory and raised decking (existing conservatory to be replaced)
Site Address 28 HOMER RISE PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 05/10/2011
Decision: Grant Conditionally

Item No 116

Application Number: 11/01408/FUL **Applicant:** Mr Lee Foster
Application Type: Full Application
Description of Development: Single storey front porch and single storey rear extension with conservatory
Site Address 313 SOUTHWAY DRIVE PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 07/10/2011
Decision: Grant Conditionally

Item No 117

Application Number: 11/01417/TC **Applicant:** Miss Santee Sawock
Application Type: Trees in Cons Area
Description of Development: Trim back various trees to boundary line overhanging grounds of 'Iamorna'
Site Address ANDELY LODGE, FERNLEIGH ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 28/09/2011
Decision: Grant Conditionally

Item No 118

Application Number: 11/01419/TC **Applicant:** Mrs Chloe Thomas
Application Type: Trees in Cons Area
Description of Development: Bay - remove
Silver Birch - remove
Site Address 7 NELSON AVENUE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 28/09/2011
Decision: Grant Conditionally

Item No 119

Application Number: 11/01421/FUL **Applicant:** Miss Beverley Lambert
Application Type: Full Application
Description of Development: Formation of vehicle hardstanding (renewal of 08/00896/FUL)
Site Address 16 ORCHARD CRESCENT PLYMOUTH
Case Officer: Sarah Curtis
Decision Date: 30/09/2011
Decision: Grant Conditionally

Item No 120

Application Number: 11/01423/FUL **Applicant:** Mr D Hambly

Application Type: Full Application

Description of Development: Two-storey rear and side extension

Site Address 240 ST PANCRAS AVENUE PLYMOUTH

Case Officer: Mark Utting

Decision Date: 07/10/2011

Decision: Grant Conditionally

Item No 121

Application Number: 11/01424/FUL **Applicant:** Mr and Mrs P Benney

Application Type: Full Application

Description of Development: Provision of replacement roof, with rooms in roofspace, including front gable end windows, side rooflights, small dormers and three storey rear extension and erection of private motor garage (existing to be removed) (revision to approved scheme 11/00537/FUL)

Site Address 81 UNDERLANE PLYMSTOCK PLYMOUTH

Case Officer: Sarah Curtis

Decision Date: 07/10/2011

Decision: Grant Conditionally

Item No 122

Application Number: 11/01434/FUL **Applicant:** Plymouth Community Homes

Application Type: Full Application

Description of Development: Removal of existing uPVC windows on front, rear and side elevations and replacement with timber sliding-sash windows

Site Address 10 A AND B CAROLINE PLACE, MILLBAY ROAD
STONEHOUSE PLYMOUTH

Case Officer: Mark Utting

Decision Date: 07/10/2011

Decision: Grant Conditionally

Item No 123

Application Number: 11/01438/TC **Applicant:** Mr Eric Bates
Application Type: Trees in Cons Area
Description of Development: T1 Laurel - adjacent to 'mulbury' reduce to wall height
T2 & T3 Sycamore - prune back to previous points
T4 Fruit trees - overhanging 'lamorna' - remove overhang
T5 Cherry laurel - remove overhang
Site Address ANDELY LODGE, FERNLEIGH ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 04/10/2011
Decision: Grant Conditionally

Item No 124

Application Number: 11/01439/EXD **Applicant:** Ms Lynette Lukes
Application Type: LDC Existing Develop
Description of Development: CONSERVATORY
Site Address 21 ST MAURICE ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 13/09/2011
Decision: Application Withdrawn

Item No 125

Application Number: 11/01457/PR **Applicant:** MR & Mrs Roach
Application Type: LDC Proposed Develop
Description of Development: Certificate of lawful development for rear conservatory and side/rear conservatory
Site Address 34 LANGSTONE ROAD PLYMOUTH
Case Officer: Mark Utting
Decision Date: 07/10/2011
Decision: Issue Certificate - Lawful Use

Item No 126

Application Number: 11/01469/ESR **Applicant:**
Application Type: Environmental Ass
Description of Development: RECORD RESERVED
Site Address RECORD RESRVED
Case Officer:
Decision Date: 15/09/2011
Decision: Enviroment Assessment R10

Item No 127

Application Number: 11/01490/TC **Applicant:** Tall and Small Tree Care
Application Type: Trees in Cons Area
Description of Development: Various tree works
Site Address 7 WYNDHAM SQUARE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 23/09/2011
Decision: Grant Conditionally

Item No 128

Application Number: 11/01576/CA **Applicant:** Denwood Developments Ltd
Application Type: Conservation Area
Description of Development: DEMOLITION
Site Address 61A EMMA PLACE PLYMOUTH
Case Officer:
Decision Date: 04/10/2011
Decision: CAC Not Required

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The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City

Application Number **11/00146/FUL**
Appeal Site **14 MANOR LANE PLYMOUTH**
Appeal Proposal Retention of raised decking in rear garden
Case Officer Mark Utting

Appeal Category
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 31/08/2011
Conditions
Award of Costs Awarded To

Appeal Synopsis

Inspector observations indicate that a similar level of overlooking already exists and concludes that the living conditions at neighbouring properties would not be significantly harmed if screening were not provided in accordance with condition 2 (screening).

Application Number **11/00455/FUL**
Appeal Site **123 SPRINGFIELD ROAD PLYMOUTH**
Appeal Proposal Retention of decking
Case Officer Richard Webb

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 09/09/2011
Conditions
Award of Costs Awarded To

Appeal Synopsis

The appeal considered the refusal of planning application 11/00455/FUL for the retention of a timber decking structure erected to the rear of the subject property.

Having investigated the matter, the planning inspector considered that the main issue regarded the effect the raised decking had on the living conditions of the occupiers of neighbouring properties. It was concluded that the decking resulted in a loss of privacy, perceived overlooking and loss of outlook for neighbouring properties, resulting in the gardens of these properties being less pleasant places to be.

The appeal was dismissed.

Note:
Copies of the full decision letters are available to Members, the press and public at the First Stop Reception.

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