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Plymouth City Council
Civic Centre
Plymouth PL1 2AA

Please ask for Katey Johns/ Helen Rickman/ Lynn Young
T 01752 307815/ 398444/ 304163
E katey.johns@plymouth.gov.uk/
helen.rickman@plymouth.gov.uk/
lynn.young@plymouth.gov.uk
www.plymouth.gov.uk/democracy
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#plymplanning

PLANNING COMMITTEE

Thursday 14 August 2014
4.00 pm
Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Stevens, Chair

Councillor Tuohy, Vice Chair

Councillors Mrs Bowyer, Darcy, K Foster, Mrs Foster, Jarvis, Morris, Nicholson, Stark, Jon Taylor, Kate Taylor and Wheeler.

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

This meeting will be broadcast live to the internet and will be capable of subsequent repeated viewing. By entering the Council Chamber and during the course of the meeting, Councillors are consenting to being filmed and to the use of those recordings for webcasting.

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Tracey Lee

Chief Executive

PLANNING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 8)

The Committee will be asked to confirm the minutes of the meeting held on 17 July 2014.

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. MODIFICATION ORDER APPLICATION - LULWORTH DRIVE TO TAVISTOCK ROAD, PLYMOUTH, REFERENCE WCA.006 (Pages 9 - 24)

The Strategic Director for Place will submit a report on the Modification Order Application – Lulworth Drive to Tavistock Road, Plymouth, reference WCA.006 for consideration.

7. PLANNING APPLICATIONS FOR CONSIDERATION

The Assistant Director for Strategic Planning and Infrastructure will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990. Members of the Committee are requested to refer to the attached planning application guidance.

7.1. 23 VAPRON ROAD, PLYMOUTH, 14/01133/FUL **(Pages 25 - 32)**

Applicant: R Homewood
Ward: Compton
Recommendation: Grant Conditionally

7.2. 120 CHURCH HILL, PLYMOUTH, 14/01263/FUL **(Pages 33 - 38)**

Applicant: Mr and Mrs N Bridgeman
Ward: Eggbuckland
Recommendation: Grant Conditionally

7.3. MANNAMEAD CENTRE, 15 EGGBUCKLAND ROAD, PLYMOUTH, 14/00082/FUL **(Pages 39 - 58)**

Applicant: Pillar Land Securities Ltd
Ward: Eggbuckland
Recommendation: Grant Conditionally subject to S106 obligation

8. PLANNING APPLICATION DECISIONS ISSUED (Pages 59 - 96)

The Assistant Director for Strategic Planning and Infrastructure acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 7 July 2014 to 3 August 2014 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.

9. APPEAL DECISIONS (Pages 97 - 102)

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.

10. 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 17 July 2014

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Mrs Bowyer, Darcy, K Foster, Mrs Foster, Jarvis, Morris, Nicholson, Stark, Jon Taylor, Kate Taylor and Wheeler.

Also in attendance: Peter Ford (Head of Development Manager), Julie Rundle (Senior Lawyer), Helen Rickman and Lynn Young (Democratic Support Officers).

The meeting started at 4.00 pm and finished at 7.55 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.

14. DECLARATIONS OF INTEREST

The following declarations of interest were made by members in accordance with the code of conduct –

Name	Minute Number	Reason	Interest
Peter Ford	6.1 – Land off Aberdeen Avenue, Plymouth 14/00152/OUT	Public speaker speaking in objection on this item is known to him	Personal
Councillor Jarvis	6.2 – 9 Pethill Close, Plymouth 14/01004/FUL	Applicant is known to him	Personal
Councillor Morris	6.2 – 9 Pethill Close, Plymouth 14/01004/FUL	Applicant is known to him	Personal
Councillor Stark	6.1 – Land off Aberdeen Avenue, Plymouth 14/00152/OUT	Resident of road abutting St Peters Road	Personal
Councillor Stevens	6.1 – Land off Aberdeen Avenue, Plymouth 14/00152/OUT	Public speaker speaking in objection on this item is known to him	Personal
Councillor Stevens	6.2 – 9 Pethill	Applicant is known	Personal

	Close, Plymouth 14/01004/FUL	to him	
Councillor Stevens	6.5 – Speedway, Coypool, Plymouth 14/00932/FUL	Public speaker speaking on this item is known to him	Personal
Councillor Jon Taylor	6.2 – 9 Pethill Close, Plymouth 14/01004/FUL	Applicant is known to him	Personal
Councillor Kate Taylor	6.2 – 9 Pethill Close, Plymouth 14/01004/FUL	Applicant is known to her	Personal
Councillor Tuohy	6.2 – 9 Pethill Close, Plymouth 14/01004/FUL	Applicant is known to her	Personal
Councillor Wheeler	6.1- Land off Aberdeen Avenue, Plymouth 14/00152/OUT	Public speaker speaking in objection on this item is known to him	Personal
Councillor Wheeler	6.2 – 9 Pethill Close, Plymouth 14/01004/FUL	Applicant is known to him	Personal

15. **MINUTES**

Agreed the minutes of the meeting held on 19 June 2014.

16. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

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

The following question was received from a member of the public, in accordance with paragraph 10 of the Constitution.

Question No	Question by	Cabinet Member or Committee chair	Subject
Q1 14/15	Mr Hillier	Chair of Planning Committee	The plan for disposal of Incinerator Bottom Ash (IBA)
Question:			

As the start up date of the MVV incinerator is early 2015 a plan for the disposal of the IBA must be in place.

Will the Planning Committee now make public all the details of the plan including the transport and storage (if any) of the IBA within Plymouth?

Response:

The requirements under Condition Number 8 – Recycling Waste Industrial Bottom Ash (IBA) that must be met prior to operation have not been complied with in full, with formal notification of the facility that will be used to process IBA still outstanding. There is no requirement included in the permission that was granted by the Conservative Cllrs for the Local Planning Authority to approve the facility to be used.

We have asked for a position statement from MVV. We received the following:

“A definitive plan is in place but cannot be shared with the public or PCC Planning Committee at this stage as the details of the commercial agreements underlying it are being finalised. Processing and managing the IBA is the sole responsibility of MVV but the Planning Committee can be assured that the associated planning obligations will be complied with, in that at least 95% of the IBA will be recycled and MVV will try to develop local markets for this product. More information will be provided in due course when appropriate.

As we now have an open, cooperative Council, once we have been provided with this information I can confirm that it will be publically available.

18. **PLANNING APPLICATIONS FOR CONSIDERATION**

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

18.1 LAND OFF ABERDEEN AVENUE, PLYMOUTH

14/00152/OUT

Beavertail Ltd

Decision:

Application **DEFERRED** to seek clarification from the applicant regarding the feasibility of vehicular access via St Peters Road only.

(The Committee heard from Councillor Bowyer, ward member, speaking against the application)

(The Committee heard representations against the application)

(The Committee heard representations in support of the application)

(Councillor Wheeler’s proposal to defer the application to seek clarification from the applicant regarding the feasibility of vehicular access via St Peters Road only, seconded by Councillor Stevens, was

put to the vote and declared carried.)

18.2 9 PETHILL CLOSE, PLYMOUTH, 14/01004/FUL

Mr & Mrs M Fox

Decision:

Application **GRANTED** conditionally.

18.3 55 NORTH ROAD EAST, PLYMOUTH, 14/00969/FUL

Mr Dean Tucker

Decision:

Application **GRANTED** conditionally with an additional condition for the provision of adequate bin storage and amendments to condition 5 to include “No more than seven rooms at the property shall be used as bedrooms. Only the rooms labelled “bedroom” on the approved plans shall be used as bedrooms, unless the Local Planning Authority gives written approval to any variation of this requirement” and condition 6 to be amended so that the second sentence reads “Construction or demolition work will only be carried out between 08.00 hours to 18.00 hours Mondays to Fridays and 08.30 hours to 13.00 hours Saturdays”.

(The Committee heard from Councillor Ricketts, ward member, speaking against the application)

(Councillor Nicholson’s proposal to include an amendment to provide sufficient storage for waste receptacles, seconded by Councillor Darcy, was put to the vote and declared carried)

18.4 3 THE ARGYLE, SUTHERLAND ROAD, PLYMOUTH, 14/00818/FUL

Mr Sergio Shemetras

Decision:

Application **GRANTED** conditionally.

(The Committee heard from Councillor Ricketts, ward member, speaking against the application)

(A Planning Committee site visit was held on 16 July 2014 in respect of this application)

(Councillor Stark left the meeting during this item)

18.5 SPEEDWAY, COYPOOL, PLYMOUTH, 14/00932/FUL

Peninsula Developments

Decision:

Application minded to **GRANT** conditionally subject to a section 106 planning obligation with delegated authority to the Assistant Director of Strategic Planning and Infrastructure to determine the application following consideration of any further letters of representation and consultation with the Chair, Vice Chair and

Conservative representative.

Members requested that they be invited to attend a site visit to help officers monitor the arrangements for the meeting on 9 August, in accordance with Condition 14, and that officers give due consideration to any observations Members make in their decision on Condition 14.

The Committee heard from Councillor Mrs Beer, ward member, speaking against the application

The Committee heard representations against the application)

The Committee heard representations in support of the application)

(Councillor Stark was not present for this item)

(Councillor Kate Taylor left during this item)

(Councillor Nicholson's proposal to refuse the application due to the impact on the highways and continuing noise issues and subject to the period of representation ending on 22 July the decision is delegated to the Assistant Director for Planning and Infrastructure and the Chair and Vice Chair of Planning Committee, seconded by Councillor Darcy, was put to the vote and overturned

19. **PLANNING APPLICATION DECISIONS ISSUED**

In relation to item number 82, Councillor Darcy sought an explanation of the decision for this application.

Peter Ford explained to Councillor Darcy that the decision was to assess whether an Environmental Impact Assessment was required under environmental assessment requirements.

In relation to item number 83, Councillor Wheeler sought clarification of the decision for this application.

Agreed that Peter Ford would check the decision and let Councillor Wheeler know at the earliest opportunity.

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 9 June 2014 to 6 July 2014.

20. **APPEAL DECISIONS**

In relation to application 13/01068 FUL, 15 Greenbank Terrace, Plymouth, Councillor Darcy sought clarification on the figures used.

Peter Ford advised that it was incumbent upon the applicant to supply any additional information relating to the HMO numbers, and a specific percentage of HMOs was not provided. The Inspector felt that taking into account the impact on the wider area that the change of use was deemed acceptable.

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

21. **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 – 17 July 2014

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
18.1	Land off Aberdeen Avenue, Plymouth 14/00152/OUT Proposal to defer the application to seek clarification from the applicant regarding feasibility of vehicular access via St Peters Road	Councillors Morris, Stevens, Kate Taylor, Tuohy and Wheeler		Councillors Mrs Bowyer, Darcy, K Foster, Mrs Foster, Jarvis, Nicholson, Stark and Jon Taylor		
18.2	9 Pethill Close, Plymouth 14/01004/FUL	Councillors Mrs Bowyer, Darcy, K Foster, Mrs Foster, Jarvis, Morris, Nicholson, Stark, Stevens, Jon Taylor, Tuohy and Wheeler				Councillor Kate Taylor
18.3	55 North Road East, Plymouth 14/00969/FUL Vote 1 – proposal to include an amendment to provide adequate bin storage Vote 2 – original recommendation with additional conditions and amendments	Unanimous Councillors Mrs Bowyer, Darcy, Mrs Foster, Jarvis, Morris, Stevens, Jon Taylor, Kate Taylor, Tuohy and Wheeler		Councillors K Foster, Nicholson and Stark		
18.4	3 The Argyle, Sutherland Road, Plymouth 14/00818/FUL	Councillors Jarvis, Morris, Stevens, Jon Taylor, Kate Taylor, Tuohy and Wheeler	Councillors Mrs Bowyer, Darcy, K Foster, Mrs Foster and Nicholson			Councillor Stark
18.5	Speedway, Coypool, Plymouth 14/00932/FUL Vote 1 – proposal to refuse application due to the impact on	Councillors Jarvis, Morris, Stevens, Jon	Councillors Mrs Bowyer, Darcy, K			Councillors Stark and Kate Taylor

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
<p>the highways and continuing noise issues and subject to the period of representation ending on 22 July the decision is delegated to the Assistant Director of Planning and Infrastructure and Chair and Vice Chair of Planning Committee</p> <p>Vote 2 – recommendation as per the Addendum</p>	<p>Taylor, Tuohy and Wheeler</p> <p>Councillors Jarvis, Morris, Stevens, Jon Taylor, Tuohy and Wheeler</p>	<p>Foster, Mrs Foster and Nicholson</p> <p>Councillors Mrs Bowyer, Darcy, K Foster, Mrs Foster and Nicholson</p>			

PLYMOUTH CITY COUNCIL

Subject: **Modification Order Application – Lulworth Drive to Tavistock Road, Plymouth**

Committee: **Planning Committee**

Date: 14 August 2014

Cabinet Member: Cllr Mark Coker

CMT Member: **Anthony Payne (Director for Place)**

Author: **Robin Pearce**

Contact details: Tel: 01752 304233
Email: robin.pearce@plymouth.gov.uk

Ref: **WCA.006**

Key Decision: No

Part: I

Purpose of the report:

To determine an application for an Order under section 53 of the Wildlife and Countryside Act 1981 to modify the definitive map and statement of public rights of way by the addition of a footpath between Lulworth Drive and Tavistock Road, Southway ward, Plymouth.

The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:

The report is considered in the context of the priorities set out in the Local Transport Plan 2011 – 2026 for addressing the Council's requirement to comply with relevant legislation.

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

None

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

None

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

It is recommended that the Committee agree not to make a Modification Order. The evidence submitted by the Applicant is not robust enough to support the view that public rights subsist or can be reasonably alleged to subsist.

Alternative options considered and rejected:

To make an Order recording a public right of way if the Committee considers the legal tests have been met.

Published work / information:

All papers relevant to this report and as detailed can be found online at www.plymouth.gov.uk/wca006

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Appendix 1 – A copy of the application form, plan and certificate of service of notice.	I									
Appendix 2 – Photographs submitted by the applicant in support of their application	I									
Appendices 3 – 26 – Copies of the user evidence relied upon by the applicant	I									
Appendix 27 – Landownership Plan	I									
Appendix 28 – Evidence relied upon by the owners and/or occupiers of land over which the claimed route subsists	I									
Appendix 29 – Plan showing Council landownership and highway extents	I									
Appendix 30 - First edition 1:25,000 Ordnance Survey map	I									

Sign off:

Fin	Plac eF PC1 415- 002 SA0 1- 08- 201 4	Leg	JAR /PL/ 209 08/ Aug 14	Mon Off		HR		Assets		IT		Strat Proc	
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1.0 Introduction

- 1.1 This is a report of an application for an Order to be made under section 53 of the Wildlife and Countryside Act 1981 to modify the definitive map and statement of public rights of way by the addition of a public footpath. The definitive map and statement is a legal record held and maintained by the City Council in its capacity as surveying authority under the 1981 Act.
- 1.2 The test that applies to such an application is whether or not the evidence shows that a public right of way exists, or is reasonably alleged to exist: the Committee's role is therefore a quasi-judicial one. Factors such as the desirability of the route being a public footpath or the impact on landowners and occupiers are not relevant to the decision on the application.
- 1.3 If the Committee decides to make an order, it has to be publicised: if any objections are received, the order and objections have to be referred to the Secretary of State for Environment, Food and Rural Affairs on whose behalf the Planning Inspectorate makes the final decision on the order.
- 1.4 If the Committee decides not to make an order, the applicant has a right of appeal to the Secretary of State for Environment, Food and Rural Affairs on whose behalf the Planning Inspectorate decides whether or not to allow the appeal. If the appeal is allowed the City Council will be directed to make an order, although it is not then obliged to support such an order if there are objections.

2.0 Background Papers

- 2.1 Attention is drawn to the accompanying background papers which should be read in conjunction with, and are deemed to form part of, this report. Due to the size of those papers they are available online at www.plymouth.gov.uk/wca006.

3.0 The Application

- 3.1 An application was received on 09 January 2009 from a member of the public for the making of a Modification Order under section 53 of the Wildlife and Countryside Act 1981 for the addition of a footpath between Lulworth Drive and Tavistock Road in the Southway Ward.

3.2 At the time the application was made the applicant certified that the requirements of paragraph 2 of Schedule 14 of the Wildlife and Countryside Act 1981 had been complied with in that a copy of the statutory notice had been served by the applicant on each and every owner and occupier of land over which the route being claimed subsists, those being: -

a) Widewell Primary School Trust; and

b) George Wimpey UK Ltd

3.3 A copy of the application form and a map showing the route of the alleged footpath is set out in Appendix 1 to this report.

3.4 The route being claimed runs through the grounds of the Widewell Primary Academy School (URN:139289) onto the site of a former petrol station which has since been redeveloped for housing. The applicant relies upon the evidence of photographs provided by a former ward Councillor set out in Appendix 2 to this report and the evidence of 24 users of the alleged route whose evidence is set out in Appendices 3 – 26 of this report. The application has been opposed by both the school and those who now own land and properties on the site of the former petrol station.

4.0 Topography of the route subject to the application

4.1 The alleged route begins at a point on Lulworth Drive where it passes through a gateway into the grounds of the Widewell School. It then runs in a generally easterly direction across the school playing fields through a fence where it then runs across what was formerly the site of a petrol station, now redeveloped as housing, to reach a point on Tavistock Road.

4.2 The application was prompted by the erection of a fence at the time the school converted to academy status. Subsequently further fencing has been erected around the school site and the petrol station site has been redeveloped for housing. It is now not possible to walk the application route.

4.3 As the alleged route runs across unenclosed land there was no defined route and therefore no identifiable width visible to officers. The only limitation that would appear to be required from the evidence is the right of the school to erect and maintain a gate on Lulworth Drive.

4.4 The total length of the route is approximately 421 metres.

4.5 Solicitors acting for the Widewell Primary Academy have questioned the accuracy of the depiction of the claimed route on the plan attached to the application form, arguing that the point on Lulworth Drive should be further north and the point where the route crosses the fence at the eastern end of the route should be further south. These representations are considered to be accurate in that it is understood that the gate at the Lulworth Road end has always been in the same location, which is slightly to the north of the point marked by the applicant on the application plan. Where people crossed the boundary between the school site and the petrol station site is considered further below.

5.0 Summary of the evidence relied upon by the applicant

- 5.1 Twenty-four user evidence forms (UEFs) were submitted with the application. The range of use covers, in some cases, a period of 42 years of use. Twelve of those who completed UEFs were residents in either Widewell Road or Little Fancy Close, to the south of the playing fields. Their evidence was that they accessed the playing fields from gates at the bottom of their gardens. In some cases they then made use of part of the route, either to go to the petrol station or Tavistock Road or to Lulworth Drive, but they did not use the route as a whole.
- 5.2 Some UEFs showed on their plan a route passing through a gate nearer to the school than that marked by the applicant, and others referred to going to the petrol station rather than to Tavistock Road thus also not using the entire route.
- 5.3 It is noted the applicant has not used the route being claimed. However on the application form he added a note saying that users had walked '*around pitches whilst in use, it not being reasonable to claim rite of passage*'. As this statement did not appear on the UEFs, users were asked subsequently whether this had applied to them, and some confirmed that it did. It is not possible for officers to identify any particular date or time when the pitches where in use but users walking around the pitches is indicative of an acknowledgement that the claimed route was not a public right of way.
- 5.4 Photographs submitted by a former ward Councillor showed a wooden fence on the boundary between the school and the petrol station site with a gap made in it. Users were asked about this, and if they could recall when it had been erected. Responses were varied: several considered that it had been erected around 2000, but that "*within a matter of days panels had been removed (by persons unknown) to enable the footpath to remain open and be used*".

6.0 Summary of the landowners views and any evidence they provided

- 6.1 Responses were received, either directly or through legal representations from the school, Taylor Wimpey, Sovereign Housing Association and from several of those now owning properties on the former petrol station site.
- 6.2 A submission by Vivian Chapman QC on behalf of Taylor Wimpey, developer of the site and residual owners of the former petrol station site, argued that the application should be rejected for three reasons:
- (a) because no gate had been provided in the fence between the Taylor Wimpey land and the school playing field, and any access had been as a result of vandalism: "*a path is not used as of right if use involves breaking down a fence or passing through obviously vandalised holes in a fence*";
 - (b) the landowner had always tried to block use over its site; and
 - (c) on consideration of the user evidence the application failed for lack of a defined route across the land.
- 6.3 The submission also argued that the application should be considered under subsection (3)(b) of section 53 of the 1981 Act, as the relevant event was the expiration of a period of use such that dedication could be presumed. If that submission were to be accepted, the test would be whether or not the evidence showed that a right of way had come into being: the "reasonably alleged" test in subsection (3)(c)(i) does not apply.
- 6.4 A submission by Winckworth Sherwood, solicitors for Widewell Primary Academy, argued that the use of the playing fields had been by permission; that there had always been signs at the Lulworth Drive entrance indicating that the land was private property; and that steps had been taken to demonstrate an intention not to dedicate a right of way.
- 6.5 Individual owners of properties also objected, arguing that a public footpath through their properties would be an unreasonable intrusion.

7.0 Summary and outline of any documentary evidence discovered not submitted by interested parties

7.1 Historical Ordnance Survey mapping has been examined. Maps published in the 1940s show that at the time there was no development in the area: there is no indication on historical mapping of a route on the ground. The conclusion is that there is no relevant documentary evidence.

8.0 Summary of the views of those consulted as part of informal consultation

8.1 An objection was also received from Devon and Cornwall Police, submitting crime statistics for the area for 2013-14 and commenting that "*Secure By Design recommends there should be no public footpaths through the school grounds*".

9.0 The date that public rights were brought into question

9.1 If section 31 of the Highways Act 1980 is to be used for the grounds of the application it is necessary to establish a date that public rights were first challenged so that retrospective evidence of 20 or more years use, as of right and without interruption, may be considered to determine whether or not public rights have accrued and become established by presumed dedication.

9.2 In this case there appears to be clear evidence that the erection of fencing and other activities of the school in 2008 brought the right of the public to use the way into question by effectively preventing use. What is less clear is the effect of the earlier fencing along the boundary between the school and petrol station sites, which appears to have been erected in approx. 2000. It seems clear on the evidence that very shortly after that fence near the petrol station was erected a gap was made in it. There has been no evidence presented by the landowners as to who erected the fence and whether or not they took action to repair the breach or otherwise prevent use by the public. On that basis we can only assume no further action was taken as there is no evidence to support any other view. Their actions could therefore be taken as an isolated and unsuccessful attempt to interrupt use, and one not acquiesced to by the public.

9.3 It appears that the gap in the fence was south of the point marked on the application plan: whether all users crossed the boundary at that point before the fence was erected is not clear.

9.4 It is considered, therefore, that the date on which the right of the public to use the way was brought into question was 2008, and the relevant period (which, under section 31 of the Highways Act 1980, has to be counted back from the date of challenge) is 1988 - 2008.

10.0 Officer Interpretation of the evidence in support of the application

10.1 The applicant relies almost exclusively on the evidence of users of the claimed route to support his case. There is no relevant documentary evidence. Therefore the relevant tests for consideration by Members are set out under section 31(1) Highways Act 1980. If an Order were to be made it would be made under section 53(3)(b) Wildlife and Countryside Act 1981.

10.2 The test under section 31(1) Highways Act 1980 is a two part test. Firstly it is necessary for the applicant to provide evidence that the claimed route, which must be a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years. If the applicant can meet that test the rebuttal applies which is a matter for the owners and occupiers of the land over which the alleged route subsists to engage. This is a section of the Highways Act which has helpfully been tested by the courts and so we can offer the committee clear guidance on how they should interpret the evidence before them.

10.3 Firstly the applicant must satisfy the committee that the claimed route has been *actually enjoyed*. This simply means that there must have been sufficient use of the claimed route and will vary depending on the circumstances of each case. What might constitute sufficient use in remote Dartmoor might not be considered sufficient use in urban Plymouth. It is noted that the majority of the users did not use the whole of the claimed route. This was either because they accessed the playing fields from somewhere other than the gate entrance on Lulworth Drive, e.g. from a back garden of a property in Widewell Road or from another entrance on Lulworth Drive, or their evidence indicates that they followed a different route than that claimed by the applicant or they did not continue all the way to junction on Tavistock Road. The evidence of those witnesses cannot be considered.

10.4 Secondly use must have been '*by the public*' which is to say the public at large rather than a particular class of the public such as employees of a particular company or customers of a particular shop. It will be clear that a great many of the applicant's witnesses accessed the

claimed route from private gates from their properties. They did so presumably on the basis that they enjoyed, or thought they enjoyed, a private right of access over the land to and from their properties. If so those users were not 'the public' as their use may have been in exercise of a private, not a public, right. We do not have the evidence to support this view to the extent that we would promote it as a reason for refusal and in any case it seems that any private rights of access were obstructed by the school when the fencing was erected but we expect that should this matter be continued and explored further it could well give grounds for a further reason to dismiss the evidence of those users.

- 10.5 Thirdly use must have been '*as of right*' the meaning of which was helpfully clarified by the House of Lords in *R v Oxfordshire County Council ex parte Sunningwell Parish Council*¹ (Sunningwell). Before Sunningwell it was held that use which was as of right was use which was open, not by force and without permission and in addition users were required to hold an honest belief that they had a right to use the way in question. It was therefore necessary to prove the state of mind of the user. The ratio of Sunningwell is that the state of mind of the user is an irrelevant consideration. This means public rights may now accrue through intentional trespass so long as that trespass occurred without the use of stealth, force or secrecy. It is clear the fence was vandalised to enable use. This is clearly use facilitated at least to some degree by means of force. Again, the evidence is not strong in favour of this argument but we reduce the weight we give to that evidence because it suggests users relied on the use of force to enable access.
- 10.6 Finally it is necessary for the applicant to prove that use of the claimed route occurred over a full period of 20 years without any interruption in that use. An interruption can be nothing more than the closing of the claimed route for a single day but may also include isolated acts of turning users back etc. In this case the weight applied to the evidence of any user who accepted they walked around a playing pitch whilst it was in use for sports must be reduced as those users did not follow the claimed route, even if they were otherwise walking the whole of the rest of the claimed route between the gate on Lulworth Drive and Tavistock Road.
- 10.7 Taking the above into account we aid committee by offering our assessment of each of the users evidence in turn: -

¹ [1999] UKHL 28; [2000] 1 AC 335
Revised Jul 2013

- Mr C. Shepherd: User did not specify the period of his use and stopped at the filling station shop. Did not use the full route.
- Mrs. E. Hext: User access the claimed route from a private access point and did not use the claimed route. Stated she '*frequently walked around the pitches whilst they were in use*'.
- Mr. C. Rundle: User accessed the claimed route from a private gate and did not use the full claimed route.
- Ms. P. Gosling: User appears to have access the claimed route from a private gate and did not use the full route.
- Mr. J. Berryman: Accessed the claimed route from a private gate and so did not use the full claimed route. Also confirmed sometimes walked around pitches and sometimes walked through if it did not interfere with the game.
- Mrs. B. Berryman: Accessed the claimed route from a private gate and so did not use the full claimed route.
- Ms. J. Murray: Accessed the claimed route from a private gate and so did not use the full claimed route.
- Mr. A. Pullin: Accessed the claimed route from a private gate and so did not use the full claimed route.
- Mrs. R. Pullin: Accessed the claimed route from a private gate and so did not use the full claimed route.
- Mr. R. Stockman: Accessed the claimed route from a private gate and so did not use the full claimed route.
- Mr. N. Phillips: Used the whole of the claimed route within the relevant period. Evidence of use is sufficient.
- Mrs. L. Phillips: Used the whole of the claimed route within the relevant period. Evidence of use is sufficient.
- Mr. A. Colville: Only walked as far as the filling station garage and did not use the full route.
- Mrs. A. Colville: Used the whole of the claimed route within the relevant period. Evidence of use is sufficient.
- Mr. & Mrs. Corbett: Did not use any part of the claimed route other than the access gate from Lulworth Drive.
- Ms. M. Patten: Accessed the field from a private gate and did not use any part of the claimed route.
- Mrs. S. Hawkes: Used the whole of the claimed route within the relevant period. Evidence is sufficient.
- Mr. P. Harvey: Used the whole of the claimed route but outside the relevant period. Also stated '*I was never witness to anyone walking*

across the playing surface, we would always walk around the perimeter'.

- Mr. W. Nicholson: Appears to have used the whole of the claimed route at least some of the time however that use was outside the relevant period.
- Mrs. M. Nicholson: Appears to have used the whole of the claimed route at least some of the time however that use was outside the relevant period.
- Mr. P. Heath: Has used whole of the route throughout the relevant period despite some ambiguity over the route taken through the filling station.
- Mr. R. Hawkins: Accessed the claimed route from a private gate and so did not use the full claimed route. Stated '*We could walk across the field, Luthworth Drive to Tavistock Road without hinderance [sic], if a football game was in progress one could skirt the pitch that was no problem.*'
- Mrs. M. Hawkins: Accessed the claimed route from a private gate and so did not use the full claimed route.
- Ms. C. Brett: Has possibly used the claimed route but not for the full 20 year relevant period and confirms she walked around pitches in use.

- 10.8 When we present the user evidence but only show those users who used the whole of the claimed route for the full 20 year period we only have five users. On this basis alone we say the application fails due to the applicant failing to satisfy the requirement to prove the route claimed was 'actually enjoyed' because there is insufficient evidence of use to justify a presumption of dedication. This is a matter for Members to decide of course.
- 10.9 If Members agree with the officer and can be satisfied that the applicant has failed to provide sufficient evidence of use of the route he is claiming they do not need to go on to consider the question of whether there is sufficient evidence of action on the part of landowners to demonstrate an intention not to dedicate. The issue does not arise. However we go on to deal with it below.

11.0 Officer interpretation of the evidence against the application

11.1 Each owner and/or occupier of land over which the claimed route subsists was invited to submit evidence to support their view. In this case responses were received from: -

- a) Winkworth Sherword acting for Widewell School Educational Trust;
- b) Vivian Chapman QC instructed by Eversheds acting for Taylor Wimpey UK Ltd
- c) Sovereign Housing Association;
- d) Mr. & Mrs. Elliot – residents of Boundary Place
- d) Mrs Z. Felgate – resident of Boundary Place
- e) Mr. A Felgate – resident of Boundary Place
- f) Mr. & Mrs. Welsh – residents of Boundary Place
- g) Ms. M. Conway – owner of let properties in Boundary Place
- h) Ms. C. Morris – resident of Boundary Place
- i) Mr. Paul Shepherd, Architectural Liaison Officer, Devon and Cornwall Police.

11.2 Winkworth Sherwood act for the Widewell School Educational Trust. They say the school was operated by Plymouth City Council from 1971 until the school and land was transferred to the Trust on 1 September 2007. They say the Council maintained a chain link fence along Lulworth Drive with a single gate. This fence was replaced with a steel palisade fence in June 2008 which acted as the first challenge to public use. The school say the wooden fence which separates the school playing field and the filling station was erected by the owners of the filling station but do not know when. They understand the fence had historically been vandalised physically and by fire and was repaired but have no evidence or further information about this.

11.3 The school also say they erected signage inconsistent with the dedication of a public right of way. They direct us towards two signs at the locations marked in their representation (see appendix 28) the former, which they say was erected 20 years ago, stating "*Private property, no unauthorised ball games, No horse riding or use of motorcycles Trespassers will be prosecuted*" and the latter, erected on 08 January 2009 stating "*No dogs. No unauthorised access. Do not climb the fence*".

11.4 The school then go on to raise the issue of child protection and their safeguarding responsibilities being incompatible with unrestricted public access to school grounds and suggest the applicant did not serve the statutory notice in the prescribed manner.

- 11.5 In a later letter dated 25 March 2013 (see appendix 28) the school raise two further issues relating to a discrepancy between the route marked on the plan by the applicant deviating from the route on the ground and clarifying the first sign they refer to was erected by the Council who were landowner at the time.
- 11.6 The relevant period largely precedes the transfer of the land to the Trust. Therefore the fencing erected by the Trust does not provide evidence for or against the existence of a public right of way. The Council were in control of the land throughout the relevant period and maintained a fence and provided a gate. The applicant's case is that this gate was kept open and provided by the school and council as a point of ingress and egress to the field. That gate may have been locked outside of school hours but if it was the school have provided no evidence to support that view. In the alternative we have clear evidence to say it was openly used by the public throughout that time. We accept there is a discrepancy between the precise location of that gate on the ground and the location marked by the applicant and a good number of his witnesses on their plans. However the school have not suggested that the position of the gate has moved and so long as we can be confident that the applicant and his witnesses intended to identify that gate as their entry and exit point we can make an Order to that effect despite that discrepancy.
- 11.7 The signs the school direct us to have also been considered. The second sign was erected outside the relevant period and so is irrelevant. The first sign as erected by the Council is not inconstant with a public right of way and would not be sufficient to rebut the claim. We therefore dismiss the argument that the signage we are directed to proves a negative intention to dedicate a public right of way. However, the photographs submitted by the applicant from the former ward Councillor include photographs of two additional signs that we have not been referred to by Winkworth Sherword. The first sign was erected on the actual gate used to access the field. It is in bad condition and appears old presumably erected by the Council (although we have no record of it) but the following wording can still be seen "...on Coun... *Widewell Playing....These grounds ar.....there is no public....to be had across.....*". We hypothesise that the actual wording of this sign might have been "*Devon County Council Widewell School Playing Field. These grounds are private, there is no public access to be had across them*". This view is supported by the second sign which appears to be located at another entrance to the school site further north along Lulworth Drive. This sign clearly states "*No public right of way through these school grounds*". Both signs are viewable in appendix 2.

- 11.8 The matter of the schools safeguarding duties towards its pupils and staff is a serious matter. This council is one of only a handful to have been successful in securing a Special Extinguishment Order through a school grounds and so the committee will be familiar with the issues that arise. However this is an evidential process and the committee can take no account of such issues.
- 11.9 Finally, regarding the procedural issues raised the applicant certified that the notice was served on the proprietor of the school. The school instructed Winkworth Sherwood so presumably they became aware of the issue in at least August 2009 as Winkworth Sherwood submitted evidence against the application at that time. The school became aware of the claim made at least five years prior to the application being decided and it is difficult to see how they might have been prejudiced in such circumstances.
- 11.10 Eversheds LLP act for Taylor Wimpey UK Ltd who are the residual owners of the former petrol station site. The relevant period of use precedes Taylor Wimpey's ownership of the land. Eversheds instruct Vivian Chapman QC who raises a number of points. It is mentioned that the fence was vandalised to achieve access. Taylor Wimpey says this is evidence that the landowner did not acquiesce to that use. However the evidence before us is that of a single occurrence where the fence was vandalised. Taylor Wimpey provide no evidence of that vandalism being by a user of the path, when it was vandalised, whether it was repaired and if it was how many times. We agree that a case could be made out here but not on this evidence alone. It is at best indicative of the then landowners intentions but could equally point us towards an earlier date of first challenge rather than a full rebuttal of the public rights having accrued.
- 11.11 We are also referred to problems with the applicant's case, primarily the quality of the user evidence. We have already dealt with this issue and the representation adds nothing new to that.
- 11.12 Sovereign Housing Association state they object to the route for reasons of home security and the availability of alternative routes. Such objections do not provide evidence for or against the accrual of a public right of way and so must be ignored at this stage.
- 11.13 A number of residents who occupy private properties in Boundary Place submitted their representations. Clearly this is an issue of great concern to them as the applicant is seeking to record a public highway through their gardens. However the residents of Boundary Place did not have an interest in the land during the relevant period and as such it would be extremely difficult for them to submit evidence against the claim. This difficulty is manifest in their

representations which focus on their reasons for opposing the claim in general rather than providing an evidential basis to oppose the claim.

- 11.14 Finally, the Architectural Liaison Officer of Devon and Cornwall Police objects to the application on the basis of the policy advice of Secured by Design. As no Order has been made there is nothing to object to and whether or not the claim, if successful, would lead to an increase or decrease in criminal or anti-social behaviour is an irrelevant consideration at this stage.
- 11.15 In conclusion the evidence provided by the various owners and occupiers of land is generally inconclusive. This is not surprising as each and every one of them only became concerned with the land in question after the relevant period of use had either expired or had all but expired.
- 11.16 It is not possible to say with certainty that the landowners have successfully rebutted the claim. However the committee do not need to be certain, it need only be satisfied on the balance of probability. We know that signage was erected by both the Council and its successors in title in relation to the school land. That signage is not conclusive but it is indicative of the fact those landowners did not intend to allow a public right of way to be formed. We also know for certain that a fence was erected between the school land and the former filling station and we suggest this occurred at some point around 2000. That act alone also did not succeed in challenging public use and the public did not rise to meet that challenge so it is unlikely to have been overt enough to bring any challenge to the public's attention however it is again indicative of the landowners not believing the public had a right of access between the two areas. Finally there is an assertion that the school appear to have challenged users. Winkworth Sherwood make reference to a particular date (18 June 2006) where this occurred during a police and Navy 'Family Day' and state teachers have consistently challenged the public. Again, there is no other evidence of this, no statements from teachers who have done so and unrestricted public access to the heart of the school has not been raised as a safeguarding issue in any OFSTED inspection report.
- 11.17 However the assertions made by advocates for the landowner's are supported by some users of the path. Mr Rundle states in his evidence that he and his friend were stopped and turned back by the head teacher on one occasion whilst Mrs Brett states '*the school has put notices in the fields at Lulworth [Drive] denying access to all*' suggesting she at least believed the council and school intended to displace the public from their land. It is also noted that the majority of users were aware that the wooden fence had been erected between the school land and the former petrol station.

11.18 Whilst the totality of the evidence is not conclusive it is indicative and probably strongly indicative that the landowner's did not intend to allow a public right of way to be created.

12.0 Officer Recommendation

12.1 Members must be satisfied that two tests have been met. The first relates to the case made out by the applicant in establishing use, by the public, as of right and without interruption for a full period of 20 years. I conclude that the applicant has failed to meet this part of the test and that on this basis the application fails and no Order should be made.

12.2 If the committee disagrees with 12.1 above I further conclude that the landowners have taken sufficient steps to prevent a public right of way accruing and that the application also fails at the rebuttal.

12.3 The officer recommendation to Committee is that no Order be made and the applicant be advised of his right of appeal to the Secretary of State.

PLANNING APPLICATION REPORT



Application Number 14/01133/FUL

Date Valid 26/06/2014

Item 01

Ward Compton

Site Address 23 VAPRON ROAD PLYMOUTH

Proposal

Single storey side extension, including pitched roof over existing flat roof; single storey rear extension and raising of existing decked area.

Applicant

R Homewood

Application Type

Full Application

Target Date

21/08/2014

Committee Date

Planning Committee: 14 August 2014

Decision Category

Member/PCC Employee

Case Officer

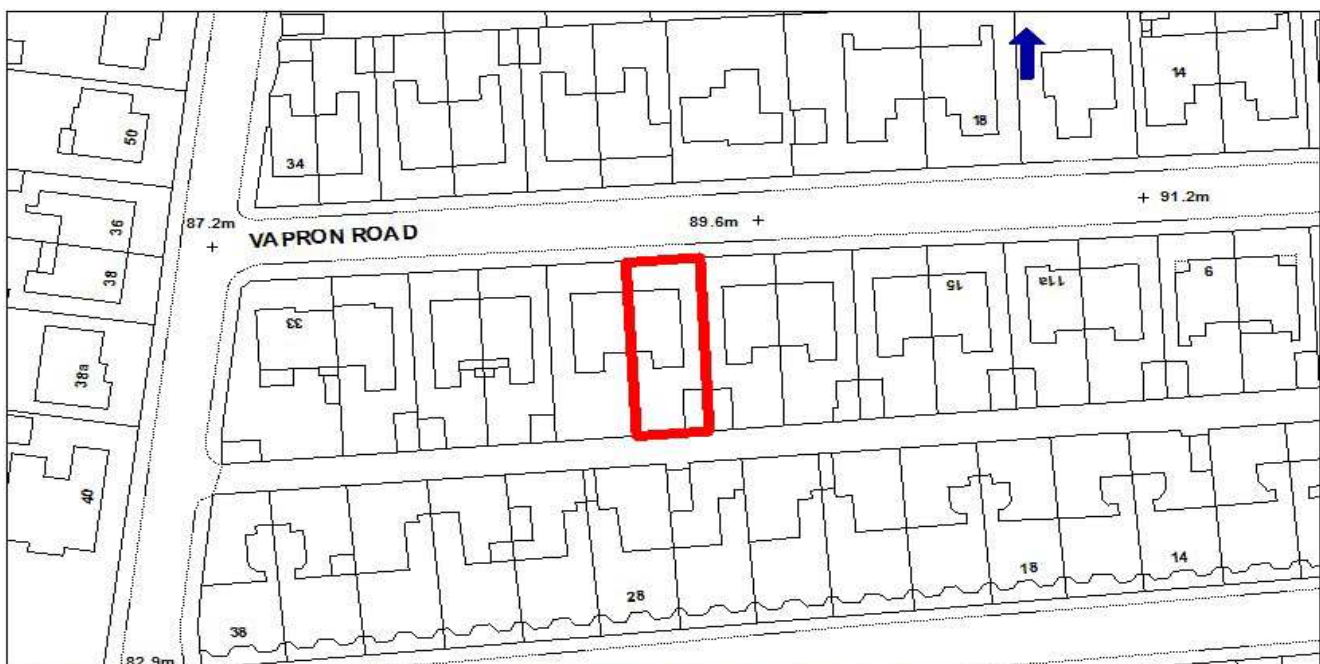
Liz Wells

Recommendation

Grant Conditionally

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This application has been brought to Planning Committee because the applicant is a close relative to an employee of the Council.

1. Description of site

23 Vapron Road is a semi-detached residential property in the Compton ward of the city.

2. Proposal description

Single storey side extension, including pitched roof over existing flat roof; single storey rear extension and raising of existing decked area.

The dimensions of the proposed side extension is approximately 2.4m wide and 6.8m long which replaces the existing, smaller, structure to the side. The proposal is to put a lean-to roof, hipped at both front and rear and to incorporate the existing flat roof to the front side of the property. This extension is proposed to create an enlarged kitchen-dinner and change the ground floor layout.

To the rear, the proposal is to replace the existing conservatory structure with solid construction single storey extension of the same footprint (approximately 3m by 2.5m wide), and slightly steeper with lean-to roof with rooflights to improve the living area.

There is an existing raised decking to the rear which sits on top of a former raised patio. The proposal is to raise the level of the decking to bring it closer to the floor level of the house – a rise of approximately 0.4m.

The proposal also involves changing the existing kitchen window to folding-sliding doors which will open out onto the enlarged decking area.

3. Pre-application enquiry

None.

4. Relevant planning history

None. There is a planning record for extension to dwelling house from 1987, reference 87/02518/FUL – GRANTED.

5. Consultation responses

No consultation responses requested or received for this application.

6. Representations

No letters of representation received in respect of this application.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

In addition to the Framework, the following Adopted Supplementary Planning Documents (SPD) are also material considerations to the determination of the application:

- Development Guidelines SPD First Review 2013

8. Analysis

This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007, Development Guidelines SPD and is considered to be compliant with National Planning Policy Framework guidance.

The main considerations in assess this application are the impact on the neighbouring residential amenities and the streetscene. The most relevant policy of the Core Strategy is CS34 and the detailed guidance set out in the Development Guidelines SPD.

Is the design acceptable?

The proposed hipped roof to the side will improve the appearance from the existing flat roof at the front, making it more in keeping with the style of main house and matching materials (slate and painted render) are proposed. Officers consider the proposal will improve the streetscene.

The proposed side extension and roof is close to the side of the neighbouring property, no. 21, but officers do not consider that this will result in any unreasonable loss of light or outlook to this neighbour compared to the existing arrangement. No windows are proposed in the side facing this neighbour. The proposed rear window is wider than the existing rear window but officers do not consider that this will lead to an unreasonable loss of privacy to no. 21.

The rear extension will replace the existing conservatory adjacent to the boundary with the neighbouring property, no. 25. The difference in the roof and solid construction is not considered by officers to have an unreasonable impact on the amenity of the neighbouring properties. The properties are south facing at the rear. No windows are proposed in the side elevation facing no. 25.

The proposed decking is slightly higher and larger than the existing decking area and the steps down to the lower patio level relocated. The decking projects approximately 2.5m from the rear extension. Officers have negotiated an amended plan to show the privacy screen to the side of the decking on the boundary with no. 25 to be shown at a height 1.8m from the deck level to mitigate overlooking of this neighbour. The proposed privacy screen is a close-boarded fence. Whilst this privacy screen is higher than existing fence, no. 25 shares the same ground floor level as application site and therefore, officers consider that due to the orientation, height and position the impact on light and outlook to the nearest rear window of no. 25 is reasonable. The privacy screen will impact a small area of the neighbouring garden and officers do not consider it will be overbearing or dominant.

The property to the rear is separated by the service lane and high boundary walls and given this separation, no unreasonable impact is considered to result.

The proposal is therefore considered acceptable subject to the proposed privacy screen being erected and retained as long as the raised decking is there. A condition restricting side windows in the proposed extensions is recommended to protect the privacy of the neighbouring properties because the extensions have a floor level elevated relative to the ground level. Obscured or high level windows only would be acceptable.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

- New Homes bonus not relevant to this proposal.
- The proposal does not attract a Community Infrastructure charge under the current charging schedule.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

- No planning obligations sought/relevant to this proposal.

12. Equalities and Diversities

None.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically does not result in an unreasonable impact on the neighbouring properties. The proposal is in keeping with the streetscene of Vapron Road. The application is therefore recommended for approval subject to a condition relating to the privacy screen and to restrict future side windows in the proposed extension as detailed above.

13. Recommendation

In respect of the application dated **26/06/2014** and the submitted drawings location I, site plan, existing (plans and elevations), planapp 2 revision a (proposed plans and elevations with notation to boundary fence added 03/07/14, it is recommended to: **Grant Conditionally**

14. 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: location I, site plan, existing (plans and elevations), planapp 2 revision a (proposed plans and elevations with notation to boundary fence added 03/07/14.

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

PRIVACY SCREEN

(3) The privacy screen on the west side of the raised decking shall be completed in accordance with the details on the plan hereby approved before the decking area is first brought into use and shall thereafter be retained.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

CONDITION: OBSCURE GLAZING FUTURE SIDE WINDOWS

(4) Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), any windows inserted in the side elevations of the proposed side and rear extensions, shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: PROPERTY RIGHTS

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

INFORMATIVE: DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2)The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

INFORMATIVE: CONDITIONAL APPROVAL (3)

(3)In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

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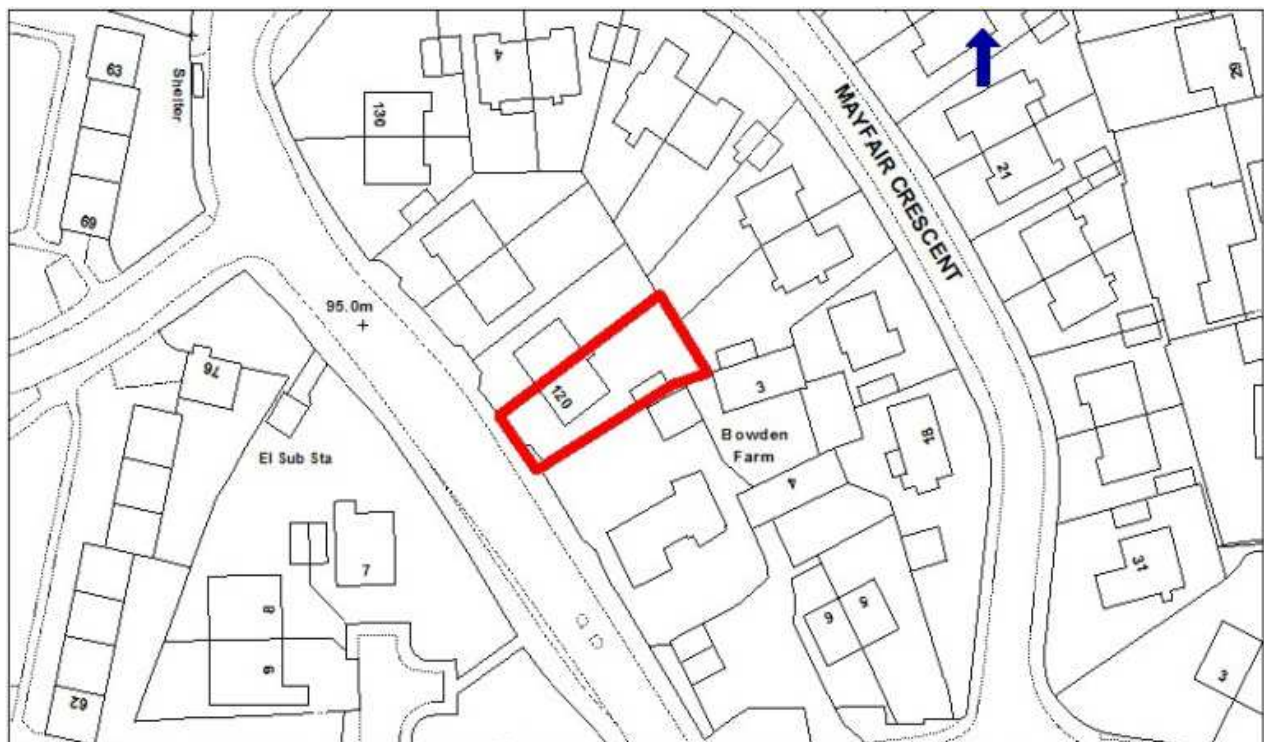
PLANNING APPLICATION REPORT



Application Number	14/01263/FUL	Item	02
Date Valid	11/07/2014	Ward	Eggbuckland

Site Address	120 CHURCH HILL PLYMOUTH		
Proposal	Erection of first floor extension to dwelling		
Applicant	Mr & Mrs N Bridgeman		
Application Type	Full Application		
Target Date	05/09/2014	Committee Date	Planning Committee: 14 August 2014
Decision Category	Member/PCC Employee		
Case Officer	Mike Stone		
Recommendation	Grant Conditionally		

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This application comes before the Planning Committee because the applicant is Cllr Bridgeman.

1. Description of site

The property is a two-storey semi-detached dwellinghouse in the Egguckland neighbourhood. Land levels fall away steeply from back to front (north east to south west) so that the house is elevated roughly 2 metres above the level of the road. There is a detached garage to the side and rear of the house and a single storey rear extension (02/00635/FUL). The neighbouring property to the south east is Bowden Farm, a grade II listed building.

2. Proposal description

Erection of first floor extension to dwelling. The proposed extension would be elevated on pillars leaving a void below allowing access to the garage behind. The extension would be 6 metres deep and 3 metres wide.

3. Pre-application enquiry

14/00966/HOU – First floor extension to side over driveway. This was a similar design to that submitted, two options were proposed, one with a flat roof and one with a hipped roof. The hipped roof option was recommended. An application that respected neighbour amenity and the character of the area was considered to be acceptable.

4. Relevant planning history

02/00635/FUL – Single-storey rear extension – Grant conditionally.

5. Consultation responses

Transport and Highways – No objections – a condition requiring the car parking area below the undercroft to be made available before the extension is occupied has been recommended.

Public Protection Service – recommend approval.

6. Representations

None currently received.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application:

- Development Guidelines SPD First Review (May 2013).

8. Analysis

1. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007 policies CS02 (Design) and CS34 (Planning application considerations), and is considered to be compliant with National Planning Policy Framework guidance.
2. Is the design acceptable?
3. **Impact on neighbour amenity.**

The closest property to the development would be the neighbour to the south east, Bowden Farm, a 17th century grade II listed farmhouse. Bowden Farm is set at 90 degrees to the subject property and has windows facing the space where the extension would go. SPD guidance recommends a minimum distance between habitable room windows and blank walls of at least 12 metres. Based on the submitted block plan the distance between Bowden Farm and the side wall of the proposed extension is exactly 12 metres and on our GIS it is just over 12 metres. No side windows are proposed and the extension would remove an existing first floor side window so would improve privacy levels. The extension would be below the roof height of the main house so would not result in any loss of light to Bowden Farm. At the rear of the extension a small window is shown that would provide light to a storage area. There would be scope for some overlooking of properties to the rear in Mayfair Crescent so a condition has been added requiring this window to be obscure glazed.

Officers do not consider that there would be a detrimental impact on neighbour amenity.

4. Impact on the character and appearance area.

The proposal is for a side extension at first floor level raised on legs to allow access to the driveway and detached garage. The design is unusual but not unique in the city. Because of the raised position of the house the new element would be visible but would be well setback from the front of the house. The Development Guidelines SPD states that side extensions should appear subordinate to the main house and recommends the use of setbacks to achieve this. The proposal includes a setback from the front elevation and a set down from the main house roof. The extension would also use materials to match the appearance of the house. It is considered by officers the development complies with SPD guidance and would not have an adverse impact on the character and appearance of the area.

Officers do not feel that there would be any impact on the listed building.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

Under the present Community Infrastructure Levy charging schedule no CIL contribution is required for this development.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

No planning obligations have been sought.

12. Equalities and Diversities

None.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically policies CS02 (Design) and CS34 (Planning application considerations) and paragraph 14 of the NPPF which states that development proposals that accord with the development plan should be approved without delay. The proposal would not have an adverse impact on neighbour amenity or the character of the area and is recommended for approval.

13. Recommendation

In respect of the application dated **11/07/2014** and the submitted drawings 14/06/BRI/PLAN/01A, 14/06/BRI/PLAN/01, 14/06/BRI/PLAN/02, 14/06/BRI/PLAN/03, 14/06/BRI/PLAN/04, 14/06/BRI/PLAN/05, 14/06/BRI/PLAN/06, it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14/06/BRI/PLAN/01A, 14/06/BRI/PLAN/01, 14/06/BRI/PLAN/02, 14/06/BRI/PLAN/03, 14/06/BRI/PLAN/04, 14/06/BRI/PLAN/05, 14/06/BRI/PLAN/06.

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-occupation Conditions

PRE-OCCUPATION: CAR PARKING PROVISION

(3) The building shall not be occupied until the car parking area below the undercroft as shown on the approved plans has been made available for the purpose of car parking in accordance with the approved details, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

Other Conditions

CONDITION: OBSCURE GLAZING

(4) Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the window at first floor level in the north east elevation of the proposed extension, shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way [including pre-application discussions] and has imposed planning conditions to enable the grant of planning permission.

INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

PLANNING APPLICATION REPORT



Application Number 14/00082/FUL

Date Valid 28/03/2014

Item 03

Ward Compton

Site Address	MANNAMEAD CENTRE, 15 EGGBUCKLAND ROAD PLYMOUTH		
Proposal	Demolition of existing Mannamead Centre and erection of 29 dwellings		
Applicant	Pillar Land Securities Ltd		
Application Type	Full Application		
Target Date	27/06/2014	Committee Date	Planning Committee: 14 August 2014
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Thomas Westrope		
Recommendation	Grant conditionally subject to S106 Obligation		

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1. Description of site

The former Mannamead Centre site was last used as a Plymouth City Council (PCC) education establishment until 2013 when the site became vacant and remains in PCC ownership. The site is accessed from Eggbuckland Road for pedestrians and vehicles via the main and only entrance.

The site is in part brownfield but includes extensive lawned areas with mature trees. The site benefits from a gentle southerly aspect sloping from an elevated position to the north where the existing building is to the south entrance. The site is substantially screened by trees from Eggbuckland Road to the south and is bounded on the remaining sides by the rear gardens of residential properties.

The existing areas of Mannamead are characterised by larger detached properties set in larger gardens with mature trees along Mannamead Road and to the north and east. The area also includes a number of terraced properties to the south of Eggbuckland Road.

There is a small local shopping area on Eggbuckland Road adjacent to the site.

2. Proposal description

The proposed development is to demolish the existing building and to develop the site with 29 contemporarily designed residential units of mixed type. There are proposed to be 5 detached units in the north of the site, 12 semi-detached units in the middle and south of the site, 10 flats in the south of the site and 2 town houses opposite the entrance. The tenure of the proposals provide for 45% RENTPlus affordable units by number of units proposed.

The existing access to the site is proposed to be widened to provide for two-way traffic and pedestrian visibility, with the remaining quality trees and boundary wall along Eggbuckland Road retained. The proposed internal access road runs along the south and then east boundaries to the north where it runs east to west in a cul de sac. There is access in the middle of the site into a courtyard area that has car parking with properties fronting onto it.

The access road running north along the east boundary narrows to a single lane which allows for the retention of a significant tree in this location.

3. Pre-application enquiry

Pre-application discussions took place at an early stage and all of the officer recommendations have been taken into account in the design and layout of the scheme. The developer carried out consultation with adjacent neighbours through individual discussions and a consultation event.

In addition, amendments have been made to the scheme during the application process as a result of letters of representation received and further engagement by the applicant.

4. Relevant planning history

There is no planning history relevant to this application or this site.

5. Consultation responses

Police Architectural Liaison Officer

'The Devon and Cornwall Police are not opposed to the granting of planning permission for this application. I have been fully consulted at the pre application stage and support this application in its current design and layout.'

Public Protection Service

No objection on grounds of noise impact to existing or future residents as a result of the completed development. Recommends the inclusion of a condition on any grant of planning permission that requires approval of and compliance with a Code of Practice During Construction.

Recommend conditions with regard to land contamination investigation and any resulting remediation requirements, including asbestos removal.

Transport Team

No objections. Recommendation of various detailed conditions to be included on any grant of planning permission.

The application site is considered to be easily accessible and sustainable, and conveniently placed to access local services and the wider transport network. The traffic generation of the proposed development is considered to be acceptable, especially in the context of the previous use's trip generation.

The access will be improved and is considered to be acceptable subject to the works being required through condition.

The level of parking proposed is considered to be acceptable subject to further details securing adequate dimensions to ensure that their use is secured.

6. Representations

Five letters of representation have been received which withdrew previous objections to the scheme as a result of amendments made by the developer.

We have received a total of five further letters of representation and one letter signed as a petition by residents from 11 properties has also been received.

The issues raised are summarised below, but please refer to the original Letters of Representation available on the Plymouth City Council website for complete information.

- Objections to balcony creating overlooking, loss of privacy and noise [NB balcony now removed from scheme].
- Welcome removal of balconies, but consider that the roof space of the proposed dwellings could still be used as such with minor future alterations.
- Overlooking from the proposed courtyard as a result of ground level differences.
- Loss of privacy from proposals due to overlooking from windows.
- Impact from large and high wall of proposed dwellings and resulting impacts to privacy and amenity in terms of overpowering presence, ruined vista, dominance and overbearing.
- The proximity of the proposed dwelling will also create additional noise.
- Object to felling of trees on north and west boundaries resulting in loss of character, amenity and privacy/screening.
- Council should consider impact on existing wildlife: bats, owls and newts.

- Why are some of the homes [NB the affordable housing units] being built to a higher 'ecological standard than others on the same site'?
 - Notes that entry criteria for primary schools differ widely and may not be predicated on geographical proximity.
 - Vehicular congestion at a very busy junction.
 - Concerns regarding the access to the site being unsafe for those using the local shops.
 - Considers that the density of the scheme is too high resulting in a cramped layout, incongruent with the existing built form, and not compatible with its surroundings.
 - Impact from properties in Hartley Park Gardens on privacy of future residents of the proposed dwellings.
 - Concern about the consultation process and engagement from the developer
 - Concerns regarding proposed site working hours and proposes Monday to Friday 8:00 to 4:30.
 - Concern regarding impact from construction regarding noise and dust.
 - Impact to human rights regarding impacts from the proposals on neighbouring amenity.
 - Suggests that an appropriate soft landscaping scheme with appropriate levels of screening should be approved as part of the application rather than being conditioned.
 - Provide a guarantee that existing trees on or near boundaries will be protected from damage during construction.
 - Requests that the development, if approved, is subject to a condition that removes permitted development rights, specifically with regard to Class A, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)
 - Requests application determined by Planning Committee
-
- Issues of land ownership / boundary dispute.
 - Consider that the agreement with the developer has not been honoured with regard to the boundary treatment.
 - Object to the name of the development.
 - Concerned regarding the structural safety of plot 29 given the difference in ground level with existing properties to the east.
 - Notes that a Site Planning Statement (September 2012) suggests "Mew style" 1-1.5 storey dwellings along the northern boundary and retention of existing trees of any merit. Do not feel that the proposals follow the site planning statement.
 - Site Planning Statement not adhered to

One letter from the developer was received (21 May 2014) covering; boundary ownership issues; boundary treatment issues; proximity of new development to Hartley Park Gardens; privacy – rear first floor balconies; privacy – gable elevations facing towards Mannamead Road; site entrance and highways safety; existing trees; sustainable design (Code for Sustainable Homes); local amenities; overdevelopment; construction impacts; development name; public consultation.

NB. Disagreements regarding the location of the boundary and ownership are not material planning considerations.

NB. 'Agreements' between the developer in so far as whether they have been upheld or not, are not a matter for the Local Planning Authority's consideration.

NB. Objections to the name of the development, or potential street names, are not material planning considerations.

NB. Issues of structural and geological safety are not material planning considerations.

NB. Site planning statements are an articulation of potential solutions to a site, and do not create policy or guidance in themselves. Determination of this application must turn upon consideration of adopted national and local policy and guidance.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application:

- Development Guidelines - Supplementary Planning Document First Review
- Planning Obligations and Affordable Housing – Supplementary Planning Document, Second Review

8. Analysis

This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.

Principle

The principle of developing the site for housing is considered to be acceptable. The site is located in a highly sustainable location for the provision of housing being close to local facilities and the public transport network. In the policy context of affording great weight to the provision of housing, it is not considered appropriate to safeguard the site for other uses and no evidence has been provided that suggests otherwise.

Design

The proposed layout and design are considered to be acceptable and to contribute positively to the area. The contemporary style proposed is of a very high quality and will create a distinctive sense of place within the development while still respecting the overall character of the area. The new entrance will frame public views into the site from Eggbuckland Road and much of the existing boundary wall there will be retained. The housing density of the proposals provides for a good mix of housing type without compromising the overall character of the vicinity. The proposals achieve the Council's policy for the provision of Lifetime Homes.

Alternative acceptable designs could be proposed that retain and renovate the existing building. However, whilst the demolition of the Mannamead Centre is unfortunate in some respects, it is not considered to be contrary to our existing policies and, on balance, allows for a considered design response to the site that maximises other planning gains.

The layout of the scheme creates three distinct areas: the entrance road, fronted by two dwellings with garages on the ground floor and flats creating a strong building frontage and urban environment. Second, the courtyard and parking area will have a good urban environment as a result of dwelling frontages and the main access to the flats creating overlooking and activity. The access through an undercroft to this area is not ideal, however, at a width that allows two-way traffic and one and a half storeys in height the design response is considered to be acceptable. Third, the north cul-de-sac characterised by larger detached dwellings. A road that, in part, is only wide enough for a single vehicle, accesses this area of the site, has a proposed boundary treatment of a Devon hedge and is considered to create an attractive route (the transport implications and considerations of this access road are covered in the Transport section below).

Where possible, the retention of key and important trees has been incorporated into the evolution of the design including many of the trees bounding Egguckland Road, a large Holm Oak in the far northwest corner of the site, a large Turkey Oak to the south west corner of the existing building and a Beech adjacent to the north-south access road. Evidence provided with the application has found that a Beech in the north of the site has a cavity that requires the tree to be removed. Further evidence categorises the groupings of smaller trees on the north and west boundary to be 'c' and therefore not of high value. A category 'b' Turkey Oak in the middle of the site requires felling to accommodate the proposals; efforts to retain this tree would significantly impact the efficient use of the site and contribution to the provision of housing. On balance it is considered that the proposals respond to the existing assets of the site in respect of trees and sympathetically incorporates them into the design.

Neighbouring Amenity

Amendments to the proposal during the application have removed balconies from the first floor of the dwellings to the north and north west of the site. The applicant has also proposed that a condition be included on the grant of any permission that the areas shall not be used for these purposes in the future. It is a fine judgement as to whether such a condition is necessary. However, having regard to the number of letters of representation raising this issue and the willingness of the developer, it is considered appropriate in this case.

In order to aid in decision making the following distances from existing to proposed dwellings are scheduled:

- Plot 1 to site boundary – 1.6m
- Plot 1 to 104 Mannamead Road (nearest edge of tenement) – 28.4m
- Plot 18 to boundary – 2.8m
- Plot 18 to 110 Mannamead Road (nearest edge of tenement)– 29m
- Plot 25 to site boundary – 6.2m
- Plot 25 to 116 Mannamead Road (nearest edge of tenement) 28 m
- Plot 25 to 118 Mannamead Road (nearest habitable window) 26.2m
- Plot 26 to the boundary – 3.8m
- Plot 28 to 26 Hartley Park Gardens (main dwelling) – 35.8m
- Plot 29 to 24 Hartley Park Gardens (main dwelling) – 37.7m
- Plot 13 to 17 Egguckland Road (main dwelling corner not conservatory) – 19m
- Dwelling 12 (flat) to 17 Egguckland Road (main dwelling corner not conservatory) – 18m

Two of the proposed dwellings on the west boundary of the site, plots 1 & 18 are located adjacent to the boundary of the rear gardens of properties 104 & 110 Mannamead Road respectively. It is considered important, in order to protect the privacy of these properties, that no windows (other than with obscure glazing) shall be allowed on the east facing elevations and a condition is recommended to ensure that this is the case. Oblique views from the proposed north and south facing elevations are not considered to unacceptably impact upon neighbours' privacy.

The proposed dwellings at plots 1, 18 and 25 will reduce daylight, sunlight and impact on the existing properties on Mannamead Road. There exists vegetation along proportions of this boundary that means the resulting impact is diminished. Having regard to the Development Guidelines SPD, and the length of the gardens, it is considered that the impacts in this regard are acceptable.

The proposed Plots 26 and 27 back onto the garden of 122 Mannamead Road, and Plots 28 and 29 back onto 26 and 24 Hartley Park Gardens respectively. There is potential to cause loss of privacy in these locations. However, having regard to the changes in levels to the north, and the distances between the existing and proposed dwellings, the impacts in this regard are considered to be in compliance with the Development Guidelines SPD.

The proposed flats and plots 13 and 14 have windows that overlook the rear of 17 Egguckland Road. The window to window distances of the proposed dwellings to the first floor windows of the existing property are less than the guideline 21 metres for two storey, and 24 metres for three storey relationships at 18 metres. However, because of the property on Egguckland Road's proximity to the boundary, it is considered reasonable that the full guidance distance is not applied. Furthermore, the properties will be divided by the access road. On balance, with regard to privacy, sunlight, daylight and outlook, the impact in this location is considered to be acceptable.

Transport

The impact of the proposal on the highway network is considered to be acceptable considering the trip generation characteristics of the previous and proposed uses. The proposed access to the site is considered to be acceptable, providing a safe vehicular access and pedestrian visibility. It is considered necessary to condition that the improvements to the access are implemented prior to any dwelling being first occupied.

The proposals provide for 42 external parking spaces (1.45 per dwelling), plus 12 garage parking spaces in garages (aggregate of 1.86 per dwelling). Having regard to the mix of type of housing, this provision is considered to be acceptable.

As a result of gradient, narrowing and lighting, it will not be possible to adopt as highway maintainable at the public expense (HMPE) parts of the access road within the site. The road will be maintained through a management company. The transport officer has advised that this arrangement is acceptable in both planning terms and as highway authority.

Sustainability

As noted above, the broad sustainability of the site is positive, being close to local services and transport. There are no additional opportunities to improve the permeability of the site or area as the site is surrounded to the west, north and east with rear gardens.

The homes on the site are designed to Code for Sustainable Homes Level 3, with the affordable housing achieving Code Level 4. Alongside this provision, the council's policy of on-site renewable energy generation is proposed to be met through solar photovoltaic panels.

The bat survey submitted in support of the application concludes that there are no bats roosting in the existing building and the development is 'unlikely to have any adverse impact on local bat populations or activity'. A series of mitigation measures are proposed, and it is considered that these should be conditioned for implementation. Furthermore, a Biodiversity Enhancement Strategy further illustrates that the proposals will provide a net gain in biodiversity.

All nesting birds are protected by separate legislation, and it is not appropriate for the planning system to duplicate this protection.

Public Protection Issues

A Code of Practice during construction and demolition has been submitted with the application, and subsequently amended to reflect the recommendations of the public protection service regarding hours of operation namely 8am-6pm Monday-Friday and 8:30am – 1:00pm Saturdays with no working on Sundays or bank Holidays. It is recommended that a condition secure the provisions of the Code of Practice.

With regard to land contamination, the principle of development in this regard is considered to be appropriate and it is recommended that a condition is attached to the planning permission to secure any necessary remediation

Affordable Housing – RENTplus

The application provides 45% affordable housing by number of units, located in the lower and central area of the site. The tenure proposed is that of RENTplus; a new model of affordable housing that has been developed in the South West by Plymouth based company, housing association and Plymouth City Council and forms part of the Plan for Homes. RENTplus will provide 500 RENTplus homes in the City over the next 5-years under a Memorandum of Understanding between PCC and RENTplus-UK Ltd. Mannamead is the pilot site and will deliver the first 13 RENTplus units.

The purpose of the RENTplus affordable housing is to provide an intermediate housing option for people on the Housing Register with aspirations to purchase their home after a period of time. Tenants will benefit from paying Affordable Rent (up to 80% of market rent*) for a minimum of 5 years. On a phased basis at five year intervals (5, 10, 15 and 20 years) a proportion (25% at each interval) will be available for sale to RENTplus tenants who benefit from a gifted deposit from RENTplus to aid their purchase. Unsold properties can be acquired by an affordable housing provider.

In the unlikely event a tenant is not in a position to purchase outright they can "staircase" out through shared-ownership. In the rare circumstance the property has to be sold on the open market then a proportion of the sale price is given back to the Local Authority for re-investment in Affordable Housing.

The provision of intermediate housing is consistent with the National Planning Policy Framework and 'can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent' (Annex 2, National Planning Policy Framework). Annex 2 of the NPPF also states that 'housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision'. It is considered that such provisions are secured through the RENTplus model by removing people from the housing list or by direct subsidy to Registered Providers or the Council for future Affordable Housing. In addition, RENTplus will replace homes sold with a view of keeping a 'pool' of 500 RENTplus homes in Plymouth (subject to availability of land and finance). Furthermore, the RENTplus model of affordable housing has been fully endorsed by the Homes and Communities Agency.

The provision of Affordable Housing at an affordable price for future eligible households is desirable and also a mix of affordable housing types is normally sought. However, the proposals meet the policy tests through removing people from the housing register following periods of paying Affordable Rent. Having regard to the percentage of RENTplus units being provided and the great weight applied to the need to deliver housing in the city, on balance the proposals are considered to be acceptable and in accordance with local and national housing policy.

(*NB In the case of the Mannamead Centre, the Affordable Rent will be at the Local Housing Allowance Cap (estimated at approximately 70% of Market Rent in this location))

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

It is estimated that the scheme will generate £279,605 of New Homes Bonus over 6 years.

The CIL generated from the scheme is estimated at £91,001.65, with a provisionally estimated social housing relief of £27,519.51, leading to a payable CIL liability of £63,482.14

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations have been negotiated in respect of the following matters:

- £7.8k Play Space (Improvements to play equipment in Hartley Park Play Area)
- £12.2k Local and Strategic Greenspace (Surfacing improvements to the path network in Hartley Park and improvements to water supply at Lower Compton allotments)
- £40k Primary schools (Lipson Vale Primary currently being expanded)
- Plus the management fee of £7,803.69

These obligations are considered to be related in scale and kind to the development and, in the context of the affordable housing being provided and CIL contributions, are considered to adequately mitigate the impacts of the development on infrastructure in accordance with national and local policies.

12. Equalities and Diversities

Despite challenging site topography, the site achieves the 20% Lifetime Homes policy requirement.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically the provision of housing, neighbouring amenity, biodiversity and the natural environment and transport implications.

13. Recommendation

In respect of the application dated **28/03/2014** and the submitted drawings Various amendments and additional details, including amended site plan, additional landscaping details, amendments to house designs, land contamination survey and bat survey & mitigation strategy.

EX02 Rev A; EX01 Rev B; SK59; SK58; SK56 Rev A; SK55 Rev A; SK54; SK53 Rev B; SK52 Rev D; SK51 Rev B; SK47 Rev B; SK46 Rev B; SK45 Rev C; SK42 Rev B; SK41 Rev C; SK40 Rev C; SK39 Rev C; SK38 Rev B; SK36 Rev B; SK35 Rev C; SK34 Rev C; SK33 Rev B; SK31 Rev B; SK31 Rev B; SK29 Rev C; SK28 Rev C; SK27 Rev C; SK26 Rev D; SK25 Rev D; SK24 Rev C; SK23 Rev C; SK22 Rev F; SK21 Rev E; SK20 Rev C; SK19 Rev E; SK18 Rev D; SK17 Rev C; SK16 Rev C; SK15 Rev C; SK13 Rev D; SK12 Rev D; SK11 Rev C; SK10 Rev D; SK09 Rev D; SK08 Rev C; SK07 Rev B; SK06 Rev C; SK04 Rev C; SK03 Rev A; SK02 Rev H; SK01 Rev B; 03948 TPP 15.07.2014 Rev A; 03948 TCP 30.04.2013; S432-200; Landscape Ecology Management Plan – Hartley Gardens, Plymouth, 29 April 2014; Code of Practice, Revision A - August 2014; Bat Survey and Mitigation Strategy Rev 2; Phase 2: Geotechnical Investigation and Contamination Assessment Report, SR/JF/DT/14148/GICAR; Daylight Calculations Mar 2014; Arboricultural Impact Assessment, 03948 AIA REVA 19.06.14; Appendix I. Biodiversity Enhancement Strategy; Refuse Disposal, Mar 2014; Design changes and developments in response to neighbour/stakeholder comments; Neighbourhood Consultation, July 2013; Transport Statement, 28463/001 Rev A, March 2014; Phase I Desk Study Report, 3964, November 2013; Energy Statement, R-PLS1113-1A; Extended Phase I Habitat Survey, 13/3380/PW; Bat Survey Report, v1.4; CSH Pre-assessment Report, R-PLS1113-1B; Detailed Tree Assessment Report, 27.08.13; Tree Survey, 03948 Tree Survey 30.04.2013, and; accompanying Design and Access Statement, it is recommended to: **Grant conditionally subject to S106 Obligation**

14. Conditions

CONDITION: 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: EX02 Rev A; EX01 Rev B; SK59; SK58; SK56 Rev A; SK55 Rev A; SK54; SK53 Rev B; SK52 Rev D; SK51 Rev B; SK47 Rev B; SK46 Rev B; SK45 Rev C; SK42 Rev B; SK41 Rev C; SK40 Rev C; SK39 Rev C; SK38 Rev B; SK36 Rev B; SK35 Rev C; SK34 Rev C; SK33 Rev B; SK31 Rev B; SK31 Rev B; SK29 Rev C; SK28 Rev C; SK27 Rev C; SK26 Rev D; SK25 Rev D; SK24 Rev C; SK23 Rev C; SK22 Rev F; SK21 Rev E; SK20 Rev C; SK19 Rev E; SK18 Rev D; SK17 Rev C; SK16 Rev C; SK15 Rev C; SK13 Rev D; SK12 Rev D; SK11 Rev C; SK10 Rev D; SK09 Rev D; SK08 Rev C; SK07 Rev B; SK06 Rev C; SK04 Rev C; SK03 Rev A; SK02 Rev H; SK01 Rev B; 03948 TPP 15.07.2014 Rev A; 03948 TCP 30.04.2013 and S432-200.

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: FURTHER DETAILS

(3) Notwithstanding the submitted plans, no development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: dimensions of car parking spaces including garage parking, junction details, and off-site highway works. 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, and paragraphs 61-66, 109, 110 and 123 of the National Planning Policy Framework 2012 .

PRE-COMMENCEMENT: CONTAMINATED LAND

(4) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall 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 survey of the extent, scale and nature of contamination;

(ii) 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
- archaeological sites and ancient monuments;

(iii) 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'.

Section 2. Submission of Remediation Scheme

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 shall 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.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall 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 the replaced 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.

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which 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 section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land 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, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: DETAILS OF NEW JUNCTION

(5) No development shall take place until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and none of the buildings hereby approved shall be occupied 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, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: ARBORICULTURAL METHOD STATEMENT

(6) Notwithstanding the submitted details, no development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall detail how trees are to be protected during construction. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone'; ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations, and; techniques, methods & procedures (including with regard to digging and resurfacing in relation to the access road). The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

Pre-occupation Conditions

PRE-OCCUPATION: COMPLETION OF ROADS AND FOOTWAYS

(7) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details hereby approved before the first occupation of the penultimate dwelling.

Reason:

To ensure that an appropriate and safe access is provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CAR PARKING PROVISION

(8) None of the buildings hereby approved shall be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CYCLE PROVISION

(9) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for bicycles to be securely stored. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: BOUNDARY TREATMENT

(10) Unless otherwise agreed in writing by the Local Planning Authority, each section of boundary treatment hereby approved shall be completed before the dwelling to which it relates is first occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development 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, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: LANDSCAPE WORKS IMPLEMENTATION

(11) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: REFUSE AREA

(12) Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until related space for the storage of refuse has been provided with access in accordance with the details hereby approved.

Reason:

To ensure that satisfactory space for refuse is provided in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and the National Planning Policy Framework 2012.

Other Conditions

CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars (plan no. 03948 TPP 15.07.2014 REV A) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

CONDITION: CODE OF PRACTICE DURING CONSTRUCTION

(14) Unless otherwise agreed in writing, the development shall be constructed in accordance with the management plan hereby approved.

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, and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

CONDITION: BIODIVERSITY

(15) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Bat Survey and Mitigation Strategy Rev 2 (dated July 2014) and Biodiversity Enhancement Strategy for the site.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF.

CONDITION: RENEWABLE ENERGY GENERATION

(16) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the measures achieving 15% renewable energy generation detailed in the Energy Statement for the site. The measures shall be installed prior to occupation of the dwelling to which it relates.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS20, and Government advice contained in the NPPF.

CONDITION: PRESERVATION OF SIGHT LINES

(17) No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height at any time within the site lines to the site access approved under condition 5.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

CONDITION: ROOF AREA USE RESTRICTION

(18) The roof areas of the buildings hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of a further specific permission from the Local Planning Authority.

Reason:

The use of the roof area for such a purpose would be likely to lead to a loss of privacy to adjacent properties due to overlooking contrary to Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007, and paragraph 61 of the National Planning Policy Framework 2012.

CONDITION: OBSCURE GLAZING

(19) Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the windows (at first floor level) in the west elevation of the proposed dwellings on plots 1, 2 and 18, shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: PLAQUE

(1) It is noted that the developer is expected to display in public view the existing plaque at the access to the site hereby approved.

INFORMATIVE: SPECIAL WASTES

(2) If any demolition is involved, the Environment Agency advises that buildings when demolished can give rise to Special Wastes. These are subject to additional control prior to disposal. The Environment Agency can advise the applicant on the regulations concerning Special Wastes.

The Special Wastes most likely to be encountered during the demolition/refurbishment of pre-developed sites are: -

- a. asbestos cement building products;
- b. fibrous asbestos insulation, particularly around heating appliances;
- c. central heating oil;
- d. herbicides/pesticides;
- e. oils and chemicals associated with vehicle repairs and maintenance.

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(3) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval.

INFORMATIVE: PUBLIC HIGHWAY APPROVAL

(4) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

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

(5) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(6) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and a Planning Performance Agreement and has negotiated amendments to the application to enable the grant of planning permission.

Item No 3

Application Number: 14/00460/FUL **Applicant:** National Trust
Application Type: Full Application
Description of Development: Alterations and improvements to car park with associated landscaping and provision of welcome kiosk
Site Address CAR PARK, SALTRAM, MERAFIELD ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 07/07/2014
Decision: Grant Conditionally

Item No 4

Application Number: 14/00482/FUL **Applicant:** Mr Richard Fenton
Application Type: Full Application
Description of Development: Proposed first floor extension
Site Address 8 WOODWAY PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 09/07/2014
Decision: Application Withdrawn

Item No 5

Application Number: 14/00586/EXUS **Applicant:** Mr and Mrs Bilsby
Application Type: LDC Existing Use
Description of Development: Three flats
Site Address 88 SALTASH ROAD KEYHAM PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 21/07/2014
Decision: Issue Certificate - Lawful Use

Item No 6

Application Number: 14/00604/FUL **Applicant:** Mr and Mrs Peters
Application Type: Full Application
Description of Development: Demolition of existing dwelling and erection of 2 dwellings
Site Address 99 UNDERLANE PLYMSTOCK PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 25/07/2014
Decision: Grant Conditionally

Item No 7

Application Number: 14/00617/FUL **Applicant:** Staunch Ltd
Application Type: Full Application
Description of Development: Demolition of existing buildings and erection of 6 detached dwellings with access and associated works (amended scheme to 13/01871/FUL)
Site Address 119 LOOSELEIGH LANE PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 30/07/2014
Decision: Grant Conditionally

Item No 8

Application Number: 14/00626/FUL **Applicant:** Mr John Hill
Application Type: Full Application
Description of Development: Incorporate ground floor flat into the 1st and 2nd floor existing HMO
Site Address 5 HEADLAND PARK PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 07/07/2014
Decision: Grant Conditionally

Item No 9

Application Number: 14/00701/FUL **Applicant:** Mr Philip Cox
Application Type: Full Application
Description of Development: Single storey extension to ground floor flat
Site Address 43 PASLEY STREET PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 09/07/2014
Decision: Grant Conditionally

Item No 10

Application Number: 14/00714/PRDE **Applicant:** Mr Colbourg
Application Type: LDC Proposed Develop
Description of Development: Hip to gable with rear dormers
Site Address 31 BEACONFIELD ROAD PLYMOUTH
Case Officer: Claire Ammar
Decision Date: 29/07/2014
Decision: Issue Certificate - Lawful Use

Item No 11

Application Number: 14/00741/FUL **Applicant:** Barista Brothers Ltd
Application Type: Full Application
Description of Development: Change of use from shop to use within class A3 (cafes, restaurants)
Site Address 13 MUTLEY PLAIN PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 10/07/2014
Decision: Grant Conditionally

Item No 12

Application Number: 14/00742/FUL **Applicant:** Mr Martin Jinks
Application Type: Full Application
Description of Development: Demolition of existing rear extension and provision of new enlarged extension (single storey) and side porch
Site Address 65 MERRIVALE ROAD BEACON PARK PLYMOUTH
Case Officer: Mike Stone
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 13

Application Number: 14/00763/FUL **Applicant:** Mr and Mrs J Hale
Application Type: Full Application
Description of Development: Erection of a 2 storey side extension and dormer
Site Address 9 BERROW PARK ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 07/07/2014
Decision: Grant Conditionally

Item No 14

Application Number: 14/00766/FUL **Applicant:** Mr M Rowe
Application Type: Full Application
Description of Development: Removal of existing garage and erection of 2 storey side extension
Site Address 63 SOUTHWELL ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 07/07/2014
Decision: Grant Conditionally

Item No 15

Application Number: 14/00773/PRDE **Applicant:**
Application Type: LDC Proposed Develop
Description of Development: Demolition of existing single-storey outbuildings and construction of new single-storey extension. Replacement of rooflight on main roof
Site Address 11 BEECHWOOD TERRACE PLYMOUTH
Case Officer: Kate Price
Decision Date: 09/07/2014
Decision: Application Withdrawn

Item No 16

Application Number: 14/00791/OUT **Applicant:** Reliant Building Contractors Ltd
Application Type: Outline Application
Description of Development: Outline application for residential development with all matters reserved
Site Address FORMER TOTHILL SIDINGS, DESBOROUGH ROAD
PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 09/07/2014
Decision: Grant Conditionally

Item No 17

Application Number: 14/00802/FUL **Applicant:** The Co-operative Group
Application Type: Full Application
Description of Development: Replacement shop front windows auto door, new ramp and relocation of ATM
Site Address CO-OP STORE, 147 EGGBUCKLAND ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 09/07/2014
Decision: Grant Conditionally

Item No 18

Application Number: 14/00818/FUL **Applicant:** Mr Sergio Shemetras
Application Type: Full Application
Description of Development: Removal of rear garage and construction of 2 mews style dwellings
Site Address 3 THE ARGYLE, SUTHERLAND ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 21/07/2014
Decision: Grant Conditionally

Item No 19

Application Number: 14/00821/FUL **Applicant:** Mr and Mrs Mark Butchers
Application Type: Full Application
Description of Development: Provision of vehicle crossing and parking area
Site Address 34 MIRADOR PLACE PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 17/07/2014
Decision: Grant Conditionally

Item No 20

Application Number: 14/00849/FUL **Applicant:** Miss Judith Lugg
Application Type: Full Application
Description of Development: Retaining wall to front of property and levelling garden
Site Address 45 WARWICK AVENUE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 14/07/2014
Decision: Grant Conditionally

Item No 21

Application Number: 14/00854/FUL **Applicant:** Ms Bridgitte Hue
Application Type: Full Application
Description of Development: Proposed rear dormer window and mezzanine floor
Site Address 43 HONITON WALK PLYMOUTH
Case Officer: Mike Stone
Decision Date: 29/07/2014
Decision: Grant Conditionally

Item No 22

Application Number: 14/00876/ADV **Applicant:** Mr Aubrey Glaser
Application Type: Advertisement
Description of Development: Installation of 9 no. breeze free screens and 2no. Umbrellas with central support
Site Address UNIT 37 DRAKE CIRCUS SHOPPING MALL,1 CHARLES STREET PLYMOUTH
Case Officer: Jessica Vaughan
Decision Date: 07/07/2014
Decision: Refuse

Item No 23

Application Number: 14/00878/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Internal and external disabled access improvements
Site Address COUNCIL HOUSE, ARMADA WAY PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 17/07/2014
Decision: Grant Conditionally

Item No 24

Application Number: 14/00879/LBC **Applicant:** Plymouth City Council
Application Type: Listed Building
Description of Development: Internal and external disabled access improvements
Site Address COUNCIL HOUSE, ARMADA WAY PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 17/07/2014
Decision: Grant Conditionally

Item No 25

Application Number: 14/00882/LBC **Applicant:** Plymouth City Council
Application Type: Listed Building
Description of Development: Works to existing strong room to convert to a utilities gas meter room
Site Address PLYMOUTH GUILDHALL, ROYAL PARADE PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 30/07/2014
Decision: Application Withdrawn

Item No 26

Application Number: 14/00886/FUL **Applicant:** Miss Lucy Owen
Application Type: Full Application
Description of Development: Single storey side extension
Site Address 86 KITTER DRIVE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 23/07/2014
Decision: Grant Conditionally

Item No 27

Application Number: 14/00887/FUL **Applicant:** Mr Mark McClure
Application Type: Full Application
Description of Development: Ground and lower ground floor extensions and private motor garage
Site Address 90 BROWNING ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 28

Application Number: 14/00889/EXUS **Applicant:** Mr Steve Sears
Application Type: LDC Existing Use
Description of Development: Basement flat and ground floor and 1st floor maisonette
Site Address 2 IVYDALE ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 28/07/2014
Decision: Issue Certificate - Lawful Use

Item No 29

Application Number: 14/00890/FUL **Applicant:** K Goulding-Leach
Application Type: Full Application
Description of Development: Change of use of garage for carers accommodation and erection of new garage
Site Address 6 LAWSON GROVE ORESTON PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 15/07/2014
Decision: Grant Conditionally

Item No 30

Application Number: 14/00896/FUL **Applicant:** Mrs Theresa Bennett
Application Type: Full Application
Description of Development: Proposed single storey rear extension
Site Address 20 AMADOS DRIVE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 31/07/2014
Decision: Grant Conditionally

Item No 31

Application Number: 14/00897/FUL **Applicant:** Mrs Avril Bradshaw
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address 49 BABBACOMBE CLOSE PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 31/07/2014
Decision: Grant Conditionally

Item No 32

Application Number: 14/00898/FUL **Applicant:** Mr Andrew Griffiths
Application Type: Full Application
Description of Development: Two storey side extension with integral single garage
Site Address 80 REDDINGTON ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 17/07/2014
Decision: Grant Conditionally

Item No 33

Application Number: 14/00901/FUL **Applicant:** Tamar Housing Society
Application Type: Full Application
Description of Development: Replace existing white aluminium windows to the flats and stairwell with white double glazed pvcu windows
Site Address MILLBAY COURT, GARDEN CRESCENT WEST HOE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 17/07/2014
Decision: Grant Conditionally

Item No 34

Application Number: 14/00902/FUL **Applicant:** Mutandis Limited
Application Type: Full Application
Description of Development: Use of building (currently A1 shop) to flexible use within use classes A1 (Shop), A3 (café/restaurant) and/or A5 (takeaway)
Site Address 88 NEW GEORGE STREET PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 15/07/2014
Decision: Grant Conditionally

Item No 35

Application Number: 14/00905/TPO **Applicant:** Mr Allen McCloud
Application Type: Tree Preservation
Description of Development: Ash - Repollard
2 Cupressus - Fell
Ash - Pollard to lowest fork
Site Address HOLTWOOD, PLYMBRIDGE ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 14/07/2014
Decision: Grant Conditionally

Item No 36

Application Number: 14/00907/FUL **Applicant:** Miss Kelly Lashbrook
Application Type: Full Application
Description of Development: Proposed hardstanding
Site Address 15 KIT HILL CRESCENT PLYMOUTH
Case Officer: Mike Stone
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 37

Application Number: 14/00912/TPO **Applicant:** Mr Mark Furlong
Application Type: Tree Preservation
Description of Development: Ash - thin by 30% and reduce by 3m
Sycamore - thin by 30% and reduce by 3m
Site Address MANNAMEAD LAWN TENNIS CLUB, EGGBUCKLAND
ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 11/07/2014
Decision: Grant Conditionally

Item No 38

Application Number: 14/00914/FUL **Applicant:** Mr & Mrs a Northmore
Application Type: Full Application
Description of Development: Erection of rear conservatory
Site Address 27 TRELAWNY ROAD PLYMPTON PLYMOUTH
Case Officer: Mike Stone
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 39

Application Number: 14/00915/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Externally applied wall insulation with a predominantly render finish
Site Address 28-50 PARK AVENUE DEVONPORT PLYMOUTH
Case Officer: Liz Wells
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 40

Application Number: 14/00918/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: External applied wall insulation with a predominantly render finish
Site Address 2-60(EVENS) HERBERT STREET, 51-61(ODDS) CROSS HILL, 1-47(ODDS) KEAT STREET PLYMOUTH
Case Officer: Liz Wells
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 41

Application Number: 14/00919/FUL **Applicant:** Mr William Wakeham
Application Type: Full Application
Description of Development: Change of use of granny annexe to bungalow for domestic use
Site Address 24A ROCKY PARK ROAD PLYMSTOCK PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 31/07/2014
Decision: Grant Conditionally

Item No 42

Application Number: 14/00920/FUL **Applicant:** Mrs Sue Neville
Application Type: Full Application
Description of Development: Installation of 1x brown stained timber window to first floor office
Site Address 3 BEDFORD PARK VILLAS PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/07/2014
Decision: Grant Conditionally

Item No 43

Application Number: 14/00921/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Externally applied wall insulation with predominantly render finish
Site Address 41-70 PACKINGTON STREET PLYMOUTH
Case Officer: Liz Wells
Decision Date: 21/07/2014
Decision: Grant Conditionally

Item No 44

Application Number: 14/00923/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Externally applied wall insulation with a render finish
Site Address 42-50 NORWICH AVENUE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 21/07/2014
Decision: Grant Conditionally

Item No 45

Application Number: 14/00924/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Externally applied wall insulation with a predominantly rendered finish
Site Address 1-101 PENTAMAR STREET and 71-158 ROSS STREET and 71-101 GARDEN STREET PLYMOUTH
Case Officer: Liz Wells
Decision Date: 21/07/2014
Decision: Grant Conditionally

Item No 46

Application Number: 14/00925/ADV **Applicant:** The Co-operative Food Group
Application Type: Advertisement
Description of Development: Erection of 3 advertisements relating to the Co-op
Site Address CO-OPERATIVE FOOD STORE, 147 EGGBUCKLAND ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 07/07/2014
Decision: Grant Conditionally

Item No 47

Application Number: 14/00926/FUL **Applicant:** Mrs Judith Sheehy
Application Type: Full Application
Description of Development: Construction of garage with store above (resubmission of application 14/00467/FUL)
Site Address 23 BENBOW STREET PLYMOUTH
Case Officer: Liz Wells
Decision Date: 21/07/2014
Decision: Grant Conditionally

Item No 48

Application Number: 14/00927/FUL **Applicant:** Brian Clark
Application Type: Full Application
Description of Development: Proposed ground and first floor extension
Site Address 19 NORTHUMBERLAND STREET PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 07/07/2014
Decision: Grant Conditionally

Item No 49

Application Number: 14/00928/FUL **Applicant:** Ms Suzanne Adams
Application Type: Full Application
Description of Development: Alterations to front and rear dormers to form pitched roof and replacement of cladding
Site Address 28 ST EDWARD GARDENS PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 17/07/2014
Decision: Grant Conditionally

Item No 50

Application Number: 14/00930/FUL **Applicant:** Mr John Johnson
Application Type: Full Application
Description of Development: Proposed side extension and open timber framed garage
Site Address 10 WOOD PARK PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 07/07/2014
Decision: Grant Conditionally

Item No 51

Application Number: 14/00931/FUL **Applicant:** Mr & Mrs Andrew McConaghy
Application Type: Full Application
Description of Development: Demolition of garage and erection of 2 storey extension
Site Address 23 COLTNESS ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 23/07/2014
Decision: Grant Conditionally

Item No 52

Application Number: 14/00947/FUL **Applicant:** Mr Marcin Raczynski
Application Type: Full Application
Description of Development: Formation of raised hardstanding in front garden (revision to application 13/01255/FUL)
Site Address 164 BRENTFORD AVENUE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 53

Application Number: 14/00948/FUL **Applicant:** Derriford Hospital
Application Type: Full Application
Description of Development: Installation of ATM
Site Address DERRIFORD HOSPITAL, DERRIFORD ROAD PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 14/07/2014
Decision: Grant Conditionally

Item No 54

Application Number: 14/00949/FUL **Applicant:** Noahs Ark Childcare center
Application Type: Full Application
Description of Development: Removal of an existing window, increase size of opening and install new 1000mm wide DDA compliant door and ramp to provide level access
Site Address 39 WOLSDON STREET PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/07/2014
Decision: Grant Conditionally

Item No 55

Application Number: 14/00951/FUL **Applicant:** HSK Development Ltd
Application Type: Full Application
Description of Development: Change of use from restaurant (A3) (with upper floors of accommodation) to single family dwelling (C3) and erection of garage and boundary wall
Site Address 3 ELLIOT STREET PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 17/07/2014
Decision: Grant Conditionally

Item No 56

Application Number: 14/00954/ADV **Applicant:** The Dock, Millbay Restaurant
Application Type: Advertisement
Description of Development: 1x externally illuminated fascia sign
Site Address MILLBAY DOCKS, MILLBAY ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 10/07/2014
Decision: Grant Conditionally

Item No 57

Application Number: 14/00955/FUL **Applicant:** Mr Julian Parkin
Application Type: Full Application
Description of Development: Two storey side extension, single storey rear extension, incorporating first floor balcony to rear and external steps (revision to approval 13/00587/FUL)
Site Address 8 KINGFISHER WAY PLYMOUTH
Case Officer: Liz Wells
Decision Date: 15/07/2014
Decision: Grant Conditionally

Item No 58

Application Number: 14/00957/FUL **Applicant:** Mr Roy Sharman
Application Type: Full Application
Description of Development: Change of use from guest house to private single dwelling
Site Address 167 CITADEL ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 22/07/2014
Decision: Grant Conditionally

Item No 59

Application Number: 14/00958/FUL **Applicant:** Mr Frazer Hardy
Application Type: Full Application
Description of Development: Single storey garage (detached) on existing hardstand at eastern tip of site
Site Address 10 LAWSON GROVE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 60

Application Number: 14/00959/FUL **Applicant:** Miss Barbara Richardson
Application Type: Full Application
Description of Development: Disabled parking bay, platform lift and ambulant stairs installed to front garden
Site Address 19 SELKIRK PLACE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 61

Application Number: 14/00969/FUL **Applicant:** Mr Dean Tucker
Application Type: Full Application
Description of Development: Rear extension and internal alterations to create two additional bedrooms in existing student HMO
Site Address 55 NORTH ROAD EAST PLYMOUTH
Case Officer: Mike Stone
Decision Date: 23/07/2014
Decision: Grant Conditionally

Item No 62

Application Number: 14/00970/TPO **Applicant:** Rontec
Application Type: Tree Preservation
Description of Development: Monterey Cypress - Fell
Site Address 89 OUTLAND ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 23/07/2014
Decision: Grant Conditionally

Item No 63

Application Number: 14/00974/LBC **Applicant:** Mr Andrew Browning
Application Type: Listed Building
Description of Development: Internal and external alterations to listed building
Site Address 2 OAK COTTAGES, COBB LANE PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 64

Application Number: 14/00982/FUL **Applicant:** Mr and Mrs Connell
Application Type: Full Application
Description of Development: Proposed replacement porch to accommodate new additional staircase
Site Address GROSVENOR HOUSE, 47 ALMA ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 65

Application Number: 14/00989/FUL **Applicant:** Mr Steve Trenerry
Application Type: Full Application
Description of Development: Erection of first floor side extension
Site Address 59 SOUTHWELL ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 14/07/2014
Decision: Grant Conditionally

Item No 66

Application Number: 14/00993/ADV **Applicant:** Pizza Hut (UK) Ltd
Application Type: Advertisement
Description of Development: Two roof signs, two welcome/info signs, one pole sign, three non-illuminated banners and one menu sign
Site Address PIZZA HUT (UK) LTD, 32 BARBICAN APPROACH
PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 14/07/2014
Decision: Grant Conditionally

Item No 67

Application Number: 14/00995/TCO **Applicant:** Mrs Mary McNaughton
Application Type: Trees in Cons Area
Description of Development: Willow - Remove stem towards property
Site Address 30 RIVERSIDE WALK PLYMOUTH
Case Officer: Jane Turner
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 68

Application Number: 14/00996/TPO **Applicant:** Mrs Canto
Application Type: Tree Preservation
Description of Development: Chestnut - reduce crown by 2-2.5, raise crown by 2m
Site Address 11 TRELORRIN GARDENS PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 24/07/2014
Decision: Refuse

Item No 69

Application Number: 14/00997/ADV **Applicant:** Hertz (UK) Ltd
Application Type: Advertisement
Description of Development: 1x non illuminated hanging sign on existing post, 1x front lit portable building mounted fascia sign
Site Address 21 COMMERCIAL ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 70

Application Number: 14/00998/FUL **Applicant:** Mr Jim Morris
Application Type: Full Application
Description of Development: Proposed 2 storey rear extension
Site Address 51 MOORLAND AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/07/2014
Decision: Grant Conditionally

Item No 71

Application Number: 14/01000/FUL **Applicant:** Mr Mark Jones
Application Type: Full Application
Description of Development: Conversion of dwelling consisting of three flats into 5 self-contained units
Site Address 28 EXMOUTH ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 07/07/2014
Decision: Grant Conditionally

Item No 72

Application Number: 14/01001/FUL **Applicant:** Gym Bubbas
Application Type: Full Application
Description of Development: Change of use from B1, B2 and B8 use to D2 leisure facility
Site Address 27-30 DRAKE MILL BUSINESS PARK, ESTOVER ROAD
PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 25/07/2014
Decision: Grant Conditionally

Item No 73

Application Number: 14/01004/FUL **Applicant:** Mr and Mrs M Fox
Application Type: Full Application
Description of Development: Proposed first floor extension
Site Address 9 PETHILL CLOSE EARLSWOOD MAINSTONE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 21/07/2014
Decision: Grant Conditionally

Item No 74

Application Number: 14/01005/LBC **Applicant:** Mr Edward Keast
Application Type: Listed Building
Description of Development: Removal of rear chimney stack and replacement of all roof coverings
Site Address 29 LOOE STREET PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 14/07/2014
Decision: Grant Conditionally

Item No 75

Application Number: 14/01007/FUL **Applicant:** Plymouth Community Homes

Application Type: Full Application

Description of Development: Externally applied wall insulation with predominantly render finish

Site Address 84-106 (EVENS) SEGRAVE ROAD, 1-24 TERRA NOVA GREEN, 1-23 EVANS PLACE, 5-11 (ODDS) SCOTT ROAD, 5-15 (ODDS) BOWERS ROAD, and 17-27 OATES ROAD PLYMOUTH

Case Officer: Liz Wells

Decision Date: 25/07/2014

Decision: Grant Conditionally

Item No 76

Application Number: 14/01010/FUL **Applicant:** Mr Steven East

Application Type: Full Application

Description of Development: Single storey rear extension with raised decking and internal alterations

Site Address 80 MERAFIELD ROAD PLYMOUTH

Case Officer: Mike Stone

Decision Date: 15/07/2014

Decision: Grant Conditionally

Item No 77

Application Number: 14/01011/FUL **Applicant:** Sutton Harbour Projects Ltd

Application Type: Full Application

Description of Development: Continuation of use of boatyard land as temporary car park for 12 months

Site Address EAST QUAYS, SUTTON ROAD PLYMOUTH

Case Officer: Janine Warne

Decision Date: 24/07/2014

Decision: Grant Conditionally

Item No 78

Application Number: 14/01012/FUL **Applicant:** Westward Housing Group
Application Type: Full Application
Description of Development: Change of use from C2 to 21 bed student HMO with alterations
Site Address STANLEY HOUSE, STADDON TERRACE LANE
PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 07/07/2014
Decision: Grant Conditionally

Item No 79

Application Number: 14/01013/TCO **Applicant:** Margaret McMillan Nursery
Application Type: Trees in Cons Area
Description of Development: Raise crown of tree next to playhouse
Lime - Removal of shoots on lower trunk
Site Address MARGARET MCMILLAN NURSERY, 24 HOE STREET
PLYMOUTH
Case Officer: Jane Turner
Decision Date: 09/07/2014
Decision: Grant Conditionally

Item No 80

Application Number: 14/01015/TCO **Applicant:** Dr Hilary Cramp
Application Type: Trees in Cons Area
Description of Development: Conifer - Fell
Site Address HARWOOD HOUSE, HARWOOD AVENUE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 09/07/2014
Decision: Grant Conditionally

Item No 81

Application Number: 14/01016/TPO **Applicant:** Mrs Melanie O'Leary
Application Type: Tree Preservation
Description of Development: Leyland Cypress - Fell
Site Address 42 LONGCAUSE PLYMPTON ST MAURICE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 25/07/2014
Decision: Grant Conditionally

Item No 82

Application Number: 14/01019/FUL **Applicant:** Mr T Perfect
Application Type: Full Application
Description of Development: Rear and side extension
Site Address 55 UNDERLANE PLYMSTOCK PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 17/07/2014
Decision: Grant Conditionally

Item No 83

Application Number: 14/01026/FUL **Applicant:** Atos IT Services UK Limited
Application Type: Full Application
Description of Development: Temporary change of use to D1
Site Address PRINCESS COURT, PRINCESS STREET PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 25/07/2014
Decision: Grant Conditionally

Item No 84

Application Number: 14/01027/FUL **Applicant:** Mr Martin Connelly
Application Type: Full Application
Description of Development: Change of use from single dwelling to 4 bed HMO for students
Site Address 3 BEECHWOOD AVENUE PLYMOUTH
Case Officer: Kate Price
Decision Date: 30/07/2014
Decision: Refuse

Item No 85

Application Number: 14/01029/FUL **Applicant:** Mr Terry Hornibrook
Application Type: Full Application
Description of Development: Partial two storey and partial single storey rear extension
Site Address 36 LIMETREE ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 21/07/2014
Decision: Grant Conditionally

Item No 86

Application Number: 14/01030/TCO **Applicant:** ECT Widdicombe & Son
Application Type: Trees in Cons Area
Description of Development: Sycamore - Remove
Site Address TAM FU HOUSE, DOWNTON CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 08/07/2014
Decision: Grant Conditionally

Item No 87

Application Number: 14/01033/FUL **Applicant:** Mr Gregory Secker
Application Type: Full Application
Description of Development: Variation of condition 2 of planning permission 13/01762/FUL to allow the insertion of an additional window in the Colebrook Road frontage
Site Address 1 NEWNHAM ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 31/07/2014
Decision: Grant Conditionally

Item No 88

Application Number: 14/01036/ADV **Applicant:** Mr David Bowels
Application Type: Advertisement
Description of Development: 2x externally illuminated fascia signs
Site Address 25-26 ST GEORGES TERRACE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 17/07/2014
Decision: Grant Conditionally

Item No 89

Application Number: 14/01038/FUL **Applicant:** Mrs Fiona Kerr
Application Type: Full Application
Description of Development: Proposed two storey rear extension
Site Address 10 ST BRIDGET AVENUE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 31/07/2014
Decision: Grant Conditionally

Item No 90

Application Number: 14/01039/ADV **Applicant:** JD Grill
Application Type: Advertisement
Description of Development: 1x fascia sign (approved), 1x projecting sign (refused), 1x menu sign (approved)
Site Address 17 DERRYS CROSS PLYMOUTH
Case Officer: Katie Beesley
Decision Date: 24/07/2014
Decision: Advertisement Split Decision

Item No 91

Application Number: 14/01041/FUL **Applicant:** c/o Agent
Application Type: Full Application
Description of Development: Erection of rear extension
Site Address 26 KINGSWOOD PARK AVENUE PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 15/07/2014
Decision: Grant Conditionally

Item No 92

Application Number: 14/01046/EXUS **Applicant:** Mr David Rea
Application Type: LDC Existing Use
Description of Development: Seven bedroom house in multiple occupation
Site Address 56 BARING STREET PLYMOUTH
Case Officer: Chris Watson
Decision Date: 23/07/2014
Decision: Issue Certificate - Lawful Use

Item No 93

Application Number: 14/01048/EXUS **Applicant:** Mr Dave Short
Application Type: LDC Existing Use
Description of Development: Six bedroom house in multiple occupation(class C4) and flat (class C3)
Site Address 58 BARING STREET PLYMOUTH
Case Officer: Chris Watson
Decision Date: 23/07/2014
Decision: Issue Certificate - Lawful Use

Item No 94

Application Number: 14/01052/FUL **Applicant:** Mr Gary De Bourcier
Application Type: Full Application
Description of Development: Change of use of dwelling into 4 self-contained dwellings, comprising 2 no 1 bed flats and 2 x bedsits
Site Address 18 FURZEHILL ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 25/07/2014
Decision: Grant Conditionally

Item No 95

Application Number: 14/01053/FUL **Applicant:** Mr Z Chan
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address 3 WIDEY LANE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 17/07/2014
Decision: Grant Conditionally

Item No 96

Application Number: 14/01054/FUL **Applicant:** Mr Brian Cross
Application Type: Full Application
Description of Development: Proposed single storey extension at rear of property
Site Address 12 MILEHOUSE ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/07/2014
Decision: Grant Conditionally

Item No 97

Application Number: 14/01055/TCO **Applicant:** Mr Nicholas Roper
Application Type: Trees in Cons Area
Description of Development: Prunus - fell
Site Address 24 ACRE PLACE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 15/07/2014
Decision: Grant Conditionally

Item No 98

Application Number: 14/01059/PRDE **Applicant:** Mr Tom Becker
Application Type: LDC Proposed Develop
Description of Development: Single storey extension and new side access
Site Address 30 CEDARCROFT ROAD PLYMOUTH
Case Officer: Kate Price
Decision Date: 21/07/2014
Decision: Issue Certificate - Lawful Use

Item No 99

Application Number: 14/01062/FUL **Applicant:** Mr Peter Shaddock
Application Type: Full Application
Description of Development: Front porch extension
Site Address 11 ADMIRALTY ROAD ST BUDEAUX PLYMOUTH
Case Officer: Liz Wells
Decision Date: 17/07/2014
Decision: Grant Conditionally

Item No 100

Application Number: 14/01076/FUL **Applicant:** Mr Leslie Mills
Application Type: Full Application
Description of Development: Erection of single storey rear extension
Site Address BELLA VISTA, 33 HILLSDUNNE ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 25/07/2014
Decision: Grant Conditionally

Item No 101

Application Number: 14/01077/FUL **Applicant:** Mr and Mrs R Brailsford
Application Type: Full Application
Description of Development: Erection of two storey side extension
Site Address 30 PRIORY MILL PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 28/07/2014
Decision: Grant Conditionally

Item No 102

Application Number: 14/01078/FUL **Applicant:** Mrs Dawn Perrins
Application Type: Full Application
Description of Development: Demolition of existing front boundary wall, formation of new off-road parking area and new drop kerb
Site Address 207 RIDGEWAY PLYMOUTH
Case Officer: Mike Stone
Decision Date: 18/07/2014
Decision: Refuse

Item No 103

Application Number: 14/01080/FUL **Applicant:** Mr Hawken
Application Type: Full Application
Description of Development: Two storey rear extension including roof terrace
Site Address 92 POMPHLETT ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 31/07/2014
Decision: Grant Conditionally

Item No 104

Application Number: 14/01084/FUL **Applicant:** Mr Tony Bullard
Application Type: Full Application
Description of Development: Variation of conditions 2 & 3 of 13/00512/FUL
Site Address 197 STANBOROUGH ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 28/07/2014
Decision: Grant Conditionally

Item No 105

Application Number: 14/01092/FUL **Applicant:** Mr and Mrs P Shrewbrook
Application Type: Full Application
Description of Development: First floor front extension and single storey rear extension (resubmission of withdrawn proposal 14/00379/FUL)
Site Address 22 HILL LANE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 22/07/2014
Decision: Grant Conditionally

Item No 106

Application Number: 14/01097/GPD **Applicant:** Brendan O'Brien
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 6m, has a maximum height of 3m, and has an eaves height of 2.7m
Site Address 83 THAMES GARDENS PLYMOUTH
Case Officer: Mike Stone
Decision Date: 21/07/2014
Decision: Prior approval not req

Item No 107

Application Number: 14/01100/PRDE **Applicant:** Mr and Mrs Colin Jewell
Application Type: LDC Proposed Develop
Description of Development: Rear roof dormer and hip to gable
Site Address 26 BEACONFIELD ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 24/07/2014
Decision: Issue Certificate - Lawful Use

Item No 108

Application Number: 14/01121/GPD **Applicant:** Mr Christian Amor
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 5m, has maximum height of 4m, and has an eaves height of 3m.
Site Address 50 TREVENEAGUE GARDENS PLYMOUTH
Case Officer: Liz Wells
Decision Date: 23/07/2014
Decision: Prior approval required

Item No 109

Application Number: 14/01127/FUL **Applicant:** Mr Harry Bokhiriya
Application Type: Full Application
Description of Development: Single storey rear extension (existing store to be demolished)
Site Address 7 CONGREVE GARDENS PLYMOUTH
Case Officer: Liz Wells
Decision Date: 01/08/2014
Decision: Grant Conditionally

Item No 110

Application Number: 14/01128/FUL **Applicant:** Ms Liz Baker
Application Type: Full Application
Description of Development: Change of use from dwelling to C4
Site Address 78 MILLBAY ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 25/07/2014
Decision: Grant Conditionally

Item No 111

Application Number: 14/01139/TCO **Applicant:** Mr Tony Raftery
Application Type: Trees in Cons Area
Description of Development: Crown lifting works to a group of 23 lime trees and one horse chestnut
Site Address 7 THE SQUARE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 01/08/2014
Decision: Grant Conditionally

Item No 112

Application Number: 14/01143/ADV **Applicant:** Esso Petroleum Company Limit
Application Type: Advertisement
Description of Development: New canopy signage fascias with internally illuminated logos and 1 x internally illuminated flag type sign
Site Address 9 CHAPEL STREET DEVONPORT PLYMOUTH
Case Officer: Mike Stone
Decision Date: 25/07/2014
Decision: Grant Conditionally

Item No 113

Application Number: 14/01147/FUL **Applicant:** Mr John Manktelow
Application Type: Full Application
Description of Development: Replacement rear extension over basement and ground floor and rear balcony.
Site Address 33 WEMBURY ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 31/07/2014
Decision: Grant Conditionally

Item No 114

Application Number: 14/01163/TCO **Applicant:** Margaret McMillan Nursery
Application Type: Trees in Cons Area
Description of Development: Crown raise Oak and Silver Birch overhanging Hoe Approach and Citadel Road to 3 metres over pavement and 6 metres over road
Site Address NURSERY 24 HOE STREET PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 16/07/2014
Decision: Application Withdrawn

Item No 115

Application Number: 14/01169/FUL **Applicant:** Mr A Meredith
Application Type: Full Application
Description of Development: Provide new fenced area to existing playground 3m high to form enclosed area
Site Address ERNESETTLE COMMUNITY SCHOOL, BIGGIN HILL PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 31/07/2014
Decision: Grant Conditionally

Item No 116

Application Number: 14/01185/FUL **Applicant:** Mrs L Hancox
Application Type: Full Application
Description of Development: Proposed side and rear extensions, front dormer, demolition of existing sun room, and associated works
Site Address 3 DUNSTONE ROAD PLYMSTOCK PLYMOUTH
Case Officer: Mike Stone
Decision Date: 31/07/2014
Decision: Grant Conditionally

Item No 117

Application Number: 14/01188/FUL **Applicant:** Hyde Park Social Club
Application Type: Full Application
Description of Development: Proposed rear extension and cover to walkways
Site Address HYDE PARK SOCIAL CLUB 5 ST GABRIELS AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 01/08/2014
Decision: Grant Conditionally

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

Application Number **13/00235/FUL**
Appeal Site **3 BOWDEN FARM, CHURCH HILL PLYMOUTH**
Appeal Proposal Installation of 12 solar panels in the curtilage of a listed building
Case Officer Jess Maslen

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 17/06/2014

Conditions
Award of Costs Awarded To

Appeal Synopsis

Although the Inspector acknowledged that the proposals would fail to achieve the statutory expectation of preserving the listed building and its setting; she considered that the benefits of generating electricity from a renewable resource would outweigh the limited harm which the proposal would have upon the special architectural and historic interest of the former barn and upon the setting of Bowden Farm.

Application Number **13/00236/LBC**
Appeal Site **3 BOWDEN FARM, CHURCH HILL PLYMOUTH**
Appeal Proposal Installation of 12 solar panels in the curtilage of a listed building
Case Officer Jess Maslen

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 17/06/2014

Conditions
Award of Costs Awarded To

Appeal Synopsis

Although the Inspector acknowledged that the proposals would fail to achieve the statutory expectation of preserving the listed building and its setting; she considered that the benefits of generating electricity from a renewable resource would outweigh the limited harm which the proposal would have upon the special architectural and historic interest of the former barn and upon the setting of Bowden Farm.

Application Number **13/01068/FUL**
Appeal Site **15 GREENBANK TERRACE PLYMOUTH**
Appeal Proposal Change of use from single dwelling (C3) to 4 bed house of multiple occupancy (HMO) (C4) for students
Case Officer Louis Dulling

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 18/06/2014

Conditions (1) The development hereby permitted shall begin not later than three years from the date of this decision.
2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at scale 1:1250 and Drg No 1 of 1.
3) The use hereby permitted shall not commence until the 'bike store' as shown on Drg No 1 of 1, hereby approved, has been provided. The 'bike store' shall thereafter be maintained and used for the storage of bicycles and shall not be used for any other purpose without the prior consent of the local planning authority.

Award of Costs Awarded To

Appeal Synopsis

The specific HMO percentage was not provided in the assessment. The basis for the decision appears to be taken based upon HMOs in isolation. However figures were provided for 'non family dwellings' which forms part of the assessment in the SPD specifically paras 2.5.9 and 2.5.11.

Application Number **14/00071/FUL**
Appeal Site **6 CATALINA VILLAS PLYMOUTH**
Appeal Proposal Proposed extension over existing garage
Case Officer Mike Stone

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 16/06/2014

Conditions
Award of Costs Awarded To

Appeal Synopsis

The inspector agreed that the proposed extension would appear prominent and intrusive when viewed from the ground floor of the neighbouring property. The inspector didn't accept that the development would have any impact on significant local views or that approval would have established an unwelcome precedent, each case being treated on its own merits..

Application Number **14/00183/FUL** Page 99
Appeal Site **67 DUNRAVEN DRIVE PLYMOUTH**
Appeal Proposal 2 first floor extensions one over the garage and one over rear extension
Case Officer Rebecca Boyde

Appeal Category REF
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 11/06/2014

Conditions
Award of Costs Awarded To

Appeal Synopsis

Appeal allowed. The inspector did not agree that the set down and set back was significantly different compared to that allowed in a previous application.

Application Number **14/00365/FUL**
Appeal Site **36 SHERFORD ROAD PLYMOUTH**
Appeal Proposal Extension to existing garage to provide double garage with stores below
Case Officer Mike Stone

Appeal Category
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 24/07/2014

Conditions
Award of Costs Awarded To

Appeal Synopsis

The inspector agreed that the proposed garage and store would not comply with the guidance in the SPD. However he felt that because of the open nature of the character of the area with properties set away from the road and some distance from other dwellings the site was big enough to accommodate the proposed garage. He also considered it unlikely that the garage could take on the character of a separate dwelling because of its scale. He added a condition requiring the garage to be constructed of materials match the main house.

Note:

Copies of the full decision letters are available to Members in the Ark Royal Room and Plymouth Rooms. Copies are also available to the press and public at the First Stop Reception.

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

Application Number	Planning Compliance Case 12/00417/OPR	
Appeal Site	270 Ringmore Way, West Park, Plymouth, PL5 3RL	
Appeal Proposal	Appeal against a planning enforcement notice alleging unauthorised change of use from a single dwelling to a mixed use as a dwelling and as premises for Cat Keeping and Cat Breeding.	
Case Officer	Mrs Niamh Ashworth	
Appeal Category	Enforcement Notice	
Appeal Type	Written Representations	
Appeal Decision	Appeal Dismissed	
Appeal Decision Date	30 June 2014	
Conditions	None, as appeal dismissed, but the period for compliance with the Notice extended from 6 months to 12months.	
Award of Costs	No costs application submitted by either side.	Awarded To None awarded

Appeal Synopsis

This is a modest two-storey semi-detached house that has been used by its owner for approximately the last seven years as their home and for the breeding and keeping of a very large numbers of cats. The number of cats kept at the property has fluctuated over time, but has been as high as 60, with the average being about 30. The owner of the property is a breeder of a specialist type of cat, and sells cats that are bred for this purpose. The keeping and breeding of this number of cats is not regarded as being incidental to the residential use of the dwelling, and as such this level of cat breeding and cat keeping activity requires planning permission from the Council.

This cat breeding and keeping activity has given rise to complaints from neighbouring residents with regard to odour and smell problems, and the Council's Public Protection Service has been active in seeking to alleviate these problems. In May 2012 an Abatement Notice was issued on the owner, but unfortunately this failed to secure a necessary improvement. In line with Central Government advice, and this Council's planning compliance protocols and procedures, significant efforts over a significant period of time have been made to secure a voluntary resolution to the problems giving rise to neighbour complaints. Again, as with the PPS action, this failed, and as a 'last resort' a Planning Enforcement Notice was issued requiring this unauthorised activity to cease.

An appeal was lodged against the Notice and after visiting the premises the Planning Inspector agreed that the Notice was justified and appropriate, and has upheld its requirements. The Inspector has stated that the property must not be used for the keeping of more than 5 (five) cats at any one time after 30 June 2015. This is to allow the owner adequate time to scale down her cat breeding and keeping activity, and find alternative homes for cats where necessary.

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