



#plymplanning

Democratic and Member Support

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Published 03 January 2017

PLANNING COMMITTEE

Thursday 12 January 2017
2.00 pm
Council House, Plymouth

Members:

Councillor Wiggins, Chair

Councillor Mrs Bridgeman, Vice Chair

Councillors Ball, Cook, Sam Davey, Fletcher, Kelly, McDonald, Morris, Mrs Pengelly, Sparling, Stevens and Tuohy.

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

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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 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 15 December 2016.

4. Chair's Urgent Business

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

5. Questions from Members of the Public

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

6. Planning Applications for consideration

The 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.

6.1. Plymstock School Grounds (between Howard Road and Church Road) - WCA.011 (Pages 7 - 14)

Applicant:	Mrs Maureen Edwards
Ward:	Plymstock Radford
Recommendation:	Refuse

6.2. Slipway from Lake Road to Hooe Lake adjoining the Royal Oak public house - WCA.004 (Pages 15 - 22)

Applicant: Radford and Hooe Lake Preservation Association
Ward: Plymstock Radford
Recommendation: Refuse

6.3. Land between Church Hill Road and Stamford Lane, Turnchapel - WCA.007 (Pages 23 - 30)

Applicant: Radford and Hooe Lake Preservation Association
Ward: Plymstock Radford
Recommendation: Approve

6.4.6 Finches Close, Plymouth - I6/01935/FUL (Pages 31 - 38)

Applicant: Mr & Mrs Hanley-Wildman
Ward: Plymstock Dunstone
Recommendation: Grant Conditionally

7. Planning Enforcement Policy (Pages 39 - 52)

To seek the views of the Planning Committee regarding the Planning Enforcement Policy and to request approval for it to be formally adopted.

8. Planning Application Decisions Issued (Pages 53 - 76)

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 6 December 2016 to 22 December 2016, including –

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

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

9. Appeal Decisions (Pages 77 - 78)

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that these Delegated Planning Applications are available to view online at:

<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

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Planning Committee

Thursday 15 December 2016

PRESENT:

Councillor Wigen, in the Chair.

Councillor Mrs Bridgeman, Vice Chair.

Councillors Ball, Carson (substitute for Councillor Mrs Pengelly), Cook, Sam Davey, Fletcher, Hendy (substitute for Councillor Sparling), Kelly, McDonald, Morris, Stevens and Tuohy.

Apologies for absence: Councillors Mrs Pengelly and Sparling.

Also in attendance: Peter Ford (Head of Development Management), Mark Lawrence (Lawyer) and Lynn Young (Democratic Support Officer).

The meeting started at 2.02 pm and finished at 5.33 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.

89. Declarations of Interest

Name	Minute Number and Item	Reason	Interest
Councillor Ricketts	97 - 7 Maple Grove, Mutley, Plymouth – 16/01938/FUL	Owens a property in Maple Grove	Disclosable Pecuniary Interest

90. Minutes

Agreed the minutes of the meeting held on 24 November 2016.

91. Chair's Urgent Business

There were no items of Chair's urgent business.

92. Questions from Members of the Public

There were no questions from members of the public.

93. 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.

94. **17 Rhodes Close, Plymouth - 16/01806/FUL**

Mr Steven Didymus

Decision:

Application **GRANTED** conditionally.

95. **9 Berry Park Road, Plymouth - 16/01439/FUL**

Mrs Elliott

Decision:

Application **GRANTED** conditionally.

(The Committee heard from Councillor Ken Foster, ward councillor, speaking against this application)

(The Committee heard representations against this application)

Order of business

With the permission of the Chair, the order of business was amended, as set out below in the minutes.

96. **6 Finches Close, Plymouth - 16/01935/FUL**

Mr & Mrs Hanley-Wildman

Decision:

Application **DEFERRED** to allow for a site visit to clarify issues raised by the ward councillor and objector in their representations.

(The Committee heard from Councillor Churchill, ward councillor, speaking against this application)

(The Committee heard representations against this application)

(Councillor Stevens' proposal to defer this application to allow a site visit to clarify issues raised by the ward councillor and objector in their representations, having been seconded by Councillor Wiggins, was put to the vote and declared carried)

97. **7 Maple Grove, Mutley, Plymouth - 16/01938/FUL**

Mr John Yiannacou

Decision:

Application **GRANTED** conditionally.

(The Committee heard from Councillor Ricketts, ward councillor, speaking against this application)

(Councillor Ricketts made a disclosable pecuniary interest in this agenda item)

98. **17-19 Mayflower Street, Plymouth - I6/00554/FUL**

Burrington Estates (Aspire Student Living) Ltd

Decision:

Application **GRANTED** conditionally subject to a S106 obligation. Delegated authority to Assistant Director for Strategic Planning & Infrastructure to refuse if agreed timescales are not met by the applicant.

(The Committee heard from the applicant)

(A Planning Committee site visit was held on Wednesday 14 December 2016 in respect of this application)

(Councillors Carson and Stevens left the meeting part way through this agenda item)

99. **Land known as the Bottom Field, Radford, Plymouth - I7205**

Mr Jonathan Parlour

Decision:

It is recommended that the Registration Authority should add to the Register of Town or Village Greens the amended application site subject to the applicant's application under Section 15(2) of the Commons Act 2006 for the reasons as set out in the Inspector's Report.

100. **Planning Application Decisions Issued**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 14 November 2016 to 5 December 2016.

Schedule of voting

Please note

A schedule of voting relating to the meeting is attached as a supplement to these minutes.

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PLANNING COMMITTEE – 15 December 2016

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
94	17 Rhodes Close, Plymouth - 16/01806/FUL	Unanimous				
95	9 Berry Park Road, Plymouth - 16/01439/FUL	Councillors Ball, Mrs Bridgeman, Carson, Cook, Sam Davey, Hendy, Fletcher, McDonald, Stevens, Tuohy and Wigans		Councillors Kelly and Morris		
96	6 Finches Close, Plymouth - 16/01935/FUL Amended recommendation to defer	Unanimous				
97	7 Maple Grove, Mutley, Plymouth - 16/01938/FUL	Councillors Ball, Mrs Bridgeman, Carson, Cook, Sam Davey, Hendy, Fletcher, McDonald, Stevens, Tuohy and Wigans	Councillor Morris	Councillor Kelly		
98	17-19 Mayflower Street, Plymouth - 16/00554/FUL	Councillors Ball, Mrs Bridgeman, Cook, Sam Davey, Hendy, Fletcher, Kelly, McDonald, Morris, Tuohy and Wigans				Councillors Carson and Stevens

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
99	Land known as the Bottom Field, Radford, Plymouth – 17205	Councillors Ball, Mrs Bridgeman, Cook, Sam Davey, Hendy, Fletcher, Kelly, McDonald, Morris, Tuohy and Wigans				Councillors Carson and Stevens

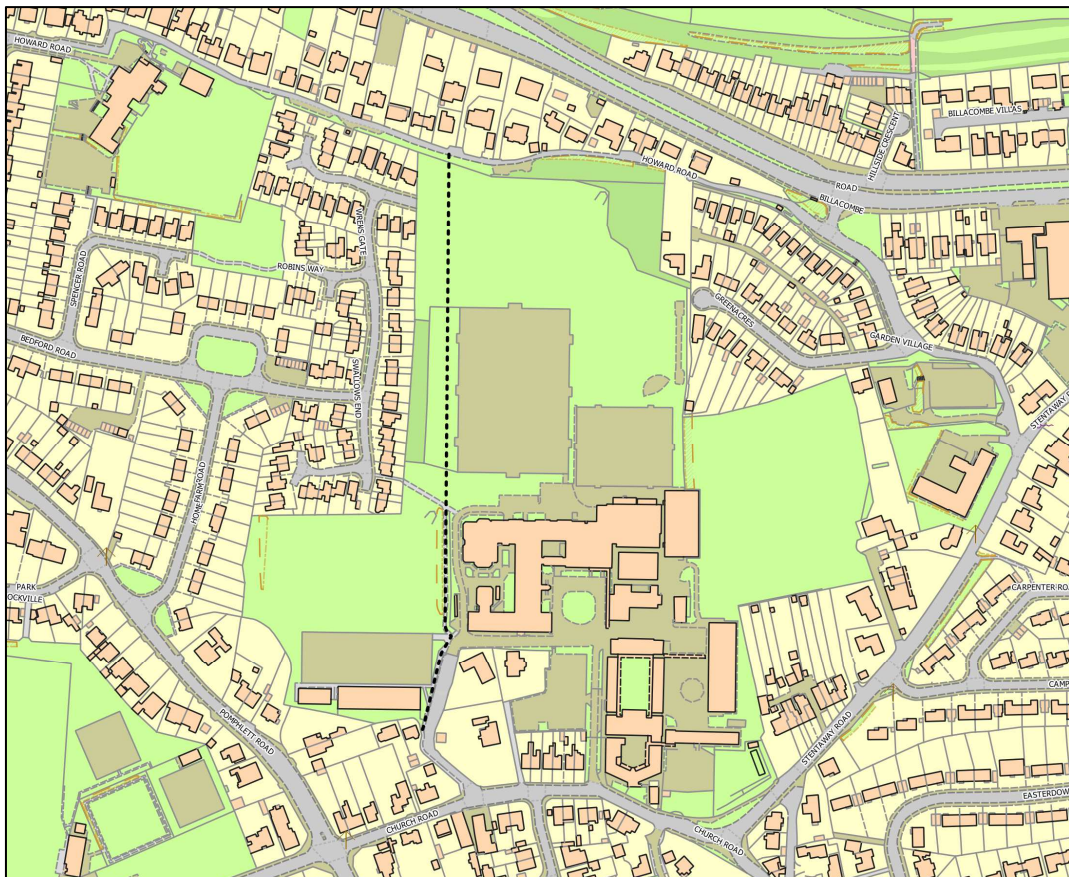
PLANNING COMMITTEE REPORT



Application Ref	WCA.011	Ward	Plymstock Radford
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Site Location	Plymstock School Grounds (Between Howard Road and Church Road)		
Proposal	Addition of a public footpath		
Applicant	Mrs Maureen Edwards		
Committee Date	12 January 2017		
Case Officer	Robin Pearce		
Recommendation	Refusal		

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1. Description of site

- 1.1 The route being claimed runs south from Howard Road along the western side of the school playing fields past the school buildings to Church Road. At the Howard Road end there is a padlocked gate in the school boundary fence and a sign "Private Property The exercising of dogs is forbidden." Further fencing has been erected across the route north of the school buildings. The route passes to the west of the school buildings. To the south of the school buildings the route follows the school access drive to Church Road.

2. Proposal description

- 2.1 Mrs Edwards (the Applicant) has applied to have the Definitive Map and Statement modified on the basis she believes it to be currently incorrect. Mrs Edwards case is that the public record can be corrected by the addition of a public footpath from Howard Road, heading south through the grounds of Plymstock School to a point on Church Road

3. Background papers

- 3.1 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 <http://www.plymouth.gov.uk/parkingandtravel/walkingandrightsway/publicrightsway/changesrightsway>

4. Legislative Framework

- 4.1 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.
- 4.2 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.
- 4.3 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.

- 4.4 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.

5. The Application

- 5.1 An application was received on 15 August 2011 from Mrs Edwards for the making of a Modification Order under section 53 of the Wildlife and Countryside Act 1981 for the addition of a footpath between Howard Road and Church Road, Plymstock through the grounds of Plymstock School in the Plymstock, Radford Ward.
- 5.2 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:
- Headteacher of Plymstock School

6. Summary of the evidence relied upon by the applicant

- 6.1 The applicant relies exclusively on the evidence of other users of the route she is attempting to claim to make out her case. That evidence shows use to a varying extent by 10 users, including the applicant, the earliest of which goes back to 1961

7. Summary of the landowners' views and any evidence they provided

- 7.1 Solicitors acting for Plymstock School have provided statements from a former headteacher and other present and former teachers. These state that a gate at the northern boundary of the site was locked at weekends and holidays, that there were signs indicating that the site was private, and that teachers out on the playing fields and in classrooms overlooking the claimed route would have seen members of the public using the route had they done so to the extent claimed in the user evidence forms.

8. Summary of the views of those consulted as part of informal consultations

- 8.1 The usual consultations have been undertaken with interested parties, such as the emergency services and user groups.
- 8.2 Devon and Cornwall Police wrote to oppose the application, basing their opposition upon the recommendations contained in the Secured By Design schools design guidance 2014.

However that opposition appears to relate to the principle of the creation of a right of way through school grounds: the application seeks to record what the applicant believes to be an existing public right of way.

9. 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 There is evidence in the user evidence forms that the gate at the northern end was locked in 2006. It is considered, therefore, that the date on which the right of the public to use the way was brought into question was 2006, and the relevant period (which, under section 31 of the Highways Act 1980, has to be counted back from the date of challenge) is 1986 - 2006. Evidence of use prior to the earlier date, although not directly relevant for the purposes of section 31, is relevant to the extent that it provides evidence of the reputation of a way used over a long period of time, with the use during the relevant period being seen as a continuation of that use.

10. Analysis of the evidence in support of the application

- 10.1 The applicant relies on the evidence of users of the claimed route to support her case. There is no relevant documentary evidence submitted. 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.
- 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.

- 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. Sunningwell conformed that the state of mind of the user is an irrelevant consideration.
- 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.
- 10.7 Taking the above into account we aid committee by offering our assessment of each of the users evidence in turn: -

Mrs. M. Edwards, 1976-2007, up to 200 times a year but stopped in 2007 when the gate was erected and access prevented.

Mrs. S. J. Ridgeway, 1972-2007, up to 100 times a year – Mrs Ridgeway has not signed either her evidence form or plan and has not marked any route on the plan identifying the route to which her evidence relates severely limiting the weight that may be applied to her evidence

Mr. D. Shannon, 1988-2001, daily, use included going to school

Mrs. E. Walch, 1970-2007, approx 24 times a year, use included going to school – has only claimed to use half of the application route

Mrs Anthea Hall, has never used the application route

Mrs. D. Mabin, 1991-2008, daily

Mrs. B. K. Mortimer , 1975-2008, 3-4 times a week

Mr. S. E. Inch, 1961-2007, most days, use included on a cycle

Ms. J. Taylor, 1969-1974 going to school, now 4 times a year

Mr. D. Chaffe, 1967-2006, once a week

- 10.8 Given the quality of the evidence in the context of the application site this is considered to be insufficient evidence to give rise to a presumption of dedication

11. Analysis of the evidence against the application

- 11.1 Solicitors acting for the landowner have collected and submitted signed statements from a range of previous school employees including a former head teacher.

Mr A. Parsons – Head Teacher 1991 – 2002. Mr Parsons evidence is that he was on site during term time school hours between 1991 to 2002. In his statement Mr

¹ [1999] UKHL 28; [2000] 1 AC 335

Parsons says he was responsible for site security and the schools aim from the early 1990's onwards was to secure the school site. He specifically mentions a corporate intention to fence the site but allow a rear gate for the ingress and egress of school pupils. Mr Parsons states this gate was locked at weekends and school holidays. Mr Parsons states the matter of school security was prevalent in the early 1990's and meant that his staff were conscious of intrusions and members of the public were challenged if seen. Mr Parsons says the site was signed to the effect that it was a private school site and had staff over-seeing the arrival and departure of pupils through the gate.

Mr A Thomas was employed at the school from 1990 until 2012. He states a clear recollection of consistent fencing and signage around the school perimeter, He also provides examples of members of the public being challenged and speaks to the schools practice of formal challenge employed by him and other school staff.

Mrs J. Jones was employed by the school from 1989 until 2009 as a science teacher and from her classroom had a clear unobstructed view of the application route. Her position is that she did not notice any regular public use of the path during her time at the school and that it would have been unavoidable for her to miss such use had it occurred to the degree set out by the applicant. Further to this she makes reference to her memory of the reconfiguration of the schools boundary fencing in the 1970's and states she does not remember there being a rear gate in the new fencing.

Mr J Jones was a science teacher at the school from 2002 until 2009. He taught from a classroom overlooking the application route and says had the level of public use been that as described by the applicant he would have been aware of it. His position is that he was not aware of any public use of the application route.

Mrs Ford provides anecdotal evidence of public use of the path during javelin lessons and vandalism to the fence to gain access that forced the school to undertake repairs

Mr Ford was the Assistant Head Teacher and had worked at the school for 30 years and his statement collaborates the schools general practise of challenging public use of school land.

Mrs Parkinson is a local resident who lived in the area of the school from 1976 until 2005. She states she walked her dogs along Howard Road and does not remember there being any public access to school land. She was also a teacher at the school between 1998 until 2009 and was posted at the rear gate as a 'duty'.

Mr Johns taught at Plymstock school from 1877 until 2006. His statement refers to his memories of the schools boundary fencing being repaired with a specific example in early 1990's. Mr Johns remembers the first time that signage indicating the school land was private were erected and challenging the public when 'on duty' as well as discussing how the teaching staff would react to members of the public who attempted to walk through the school site.

Mr Underhay worked at the school from 1969 until 2006. During the relevant period he was a PE teacher and so spent large periods of time outdoors with a good view of the application route and makes no mention of extensive public use of the application route.

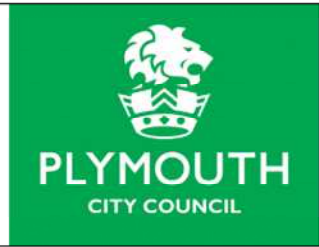
- 11.2 The evidence provided by the school is strong and compelling. It is considered sufficient evidence of a negative intention on the part of the landowner.

12. Officer Recommendation

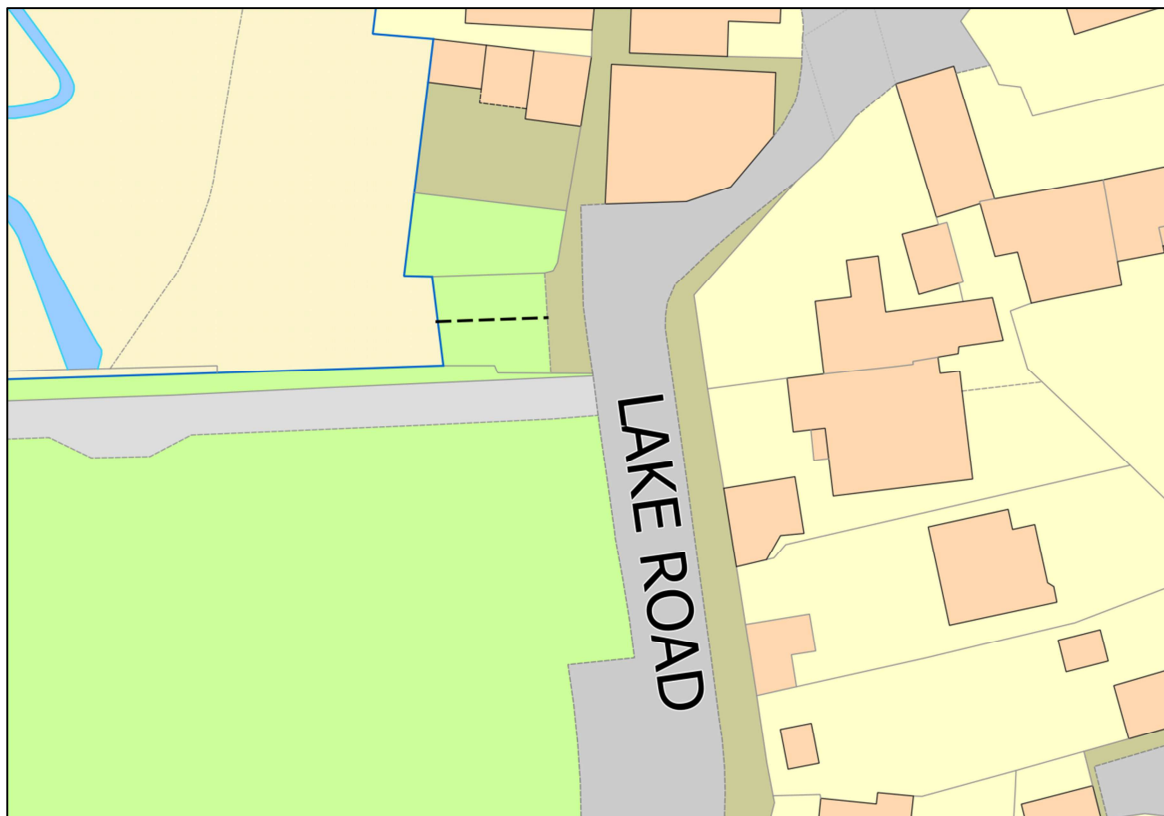
- 12.1 Members must be satisfied that two tests have been met. The first relates to the case made out by the applicant in establishing use, by the public, as of right and without interruption for a full period of 20 years. I conclude that on the basis of the written evidence, this part of the test has not been met in respect of the application route.
- 12.2 I further conclude that the school, as landowner, took sufficient steps to prevent a public right of way accruing and that the application therefore fails in respect of this test.
- 12.3 The officer recommendation to Committee is that no Order be made to add to the definitive map a public footpath along the route applied for and the applicant be advised of her right of appeal to the Secretary of State

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PLANNING COMMITTEE REPORT



Application Ref	WCA.004	Ward	Plymstock Radford
Site Location	Slipway from Lake Road to Hooe Lake adjoining the Royal Oak public house		
Proposal	Addition of a Byway Open to all Traffic		
Applicant	Radford and Hooe Lake Preservation Association		
Committee Date	12 January 2017		
Case Officer	Robin Pearce		
Recommendation	Refusal		
Click for documents	www.plymouth.gov.uk		



1. Description of site

- 1.1 The application route begins at Lake Road. It then runs in a generally westerly direction to reach the edge of Hooe Lake. It is bounded on its north side by the grounds of the Royal Oak public house, and on its south side by the embankment understood to have been constructed in the 1960s to facilitate the reclaiming of part of Hooe Lake. The embankment is on land owned by Plymouth City Council.

2. Proposal description

- 2.1 The Radford and Hooe Lake Preservation Association (the Applicant) has applied to have the Definitive Map and Statement modified on the basis it believes it to be currently incorrect. The applicants case is that the public record can be corrected by the addition of a byway open to all traffic from Lake Road, heading west over a slipway to Hooe Lake.

3. Background papers

- 3.1 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 <http://www.plymouth.gov.uk/parkingandtravel/walkingandrightsway/publicrightsway/changesrightsway>

4. Legislative Framework

- 4.1 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 byway open to all traffic. 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.
- 4.2 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 public or the impact on landowners and occupiers are not relevant to the decision on the application.
- 4.3 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.
- 4.4 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.

- 4.5 Because the application was for the recording of the way as a byway open to all traffic, two further tests have to be considered if it is concluded that the evidence shows that public vehicular rights existed in May 2006. The first is that, at that date, any such rights for mechanically-propelled vehicles were extinguished by section 67 of the Natural Environment and Rural Communities Act 2006 unless they were protected by one of the provisions in subsection (2) of that section. The second is that, if those rights were not extinguished, the nature of the way is such that it is, or is likely to be, used by the public mainly for the purposes for which footpaths and bridleways are used. That test is applied by section 66(1) of the Wildlife and Countryside Act 1981 to distinguish byways open to all traffic (which are eligible to be recorded on definitive maps) from 'ordinary' roads (which are not so eligible).
- 4.6 A further element in this case is that the aim of the applicant in submitting the application appears to have been a wish to protect the interests of those using the route for the launching of boats. The purpose of the recording of public rights of way on definitive maps is to record and thereby protect public rights of passage on foot, on horseback and driving or riding vehicles. There is no provision for the recording of any right to tow a trailer or to launch a boat from a trailer.

5. The Application

- 5.1 An application was received on 18 August 2007 from the Radford and Hooe Lake Preservation Association for the making of a Modification Order under section 53 of the Wildlife and Countryside Act 1981 for the addition of a byway open to all traffic over the slipway from Lake Road to Hooe Lake adjoining the Royal Oak public house in the Plymstock, Radford Ward. The application also claimed that the status of the route was "Slipway".
- 5.2 Prior to submitting the application the Association published a request for ownership details in its newsletter and also displayed a poster in local shops and the Plymstock library. The licensee of the Royal Oak public house is recorded by the Association as claiming ownership but the Association disputed that he had produced documentary evidence to support his claim.
- 5.3 The applicant relies upon the evidence of 13 users of the application route. No objection has been raised to the application in consultations undertaken by the City Council.
- 5.4 The application appears to have been prompted by the parking of cars on part of the route. However the use of the route has not been prevented by such parking, although it may have impeded use of the full width of the route.
- 5.5 Because the route is defined as running to Hooe Lake, a decision is needed as to its extent. The Council's marine officer has been consulted and has advised that the seaward limit should be taken to be mean high water mark [MHWM (spring)]. This has been assessed from current mapping as a point exactly 8.98 metres from the extent of the public highway at the top of the slipway. If an order is made, it should therefore be for a route of that length.
- 5.6 There is no evidence to suggest that any dedication of a way to the public has been subject to any limitation.

6. Summary of the evidence relied upon by the applicant

- 6.1 The evidence relied upon by the applicant is evidence of people who used the slipway for the purpose of launching boats from the slipway. Many evidence forms referred to use both on foot and with vehicles. A complication is that users who indicated that they had used the route with a vehicle also wrote on their form "Trailer". It is therefore not clear from the forms whether they had moved the trailer down the slipway while attached to a motor vehicle they were driving or whether it had been detached from that vehicle and moved down the slipway while the user was on foot. Users were asked to provide further information as to the nature and extent of their relative uses both on foot and in a vehicle. Only one did so, indicating that he had used the way, 5 or more times each year, both on foot and with a motor vehicle and trailer.

7. Summary of the landowners' views and any evidence they provided

- 7.1 The land crossed by the route is registered at the Land Registry as being in the ownership of Unique Pub Properties Ltd. They have been consulted, but have not provided any evidence.

8. Summary of the views of those consulted as part of informal consultations

- 8.1 Consultations have been undertaken with interested parties, such as the emergency services and user groups, but no comments or further evidence have been received.

9. 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 although there is evidence that the parking of cars on part of the route may have prompted the application there is insufficient evidence that it brought into question the public right to use the way.
- 9.3 In such a case section 31(7B) of the 1980 Act provides that the date on which the right of the public to use the way was brought into question was the date on which the application was made (18 August 2007). The relevant period (which, under section 31 of the Highways Act 1980, has to be counted back from the date of challenge) is thus 1987 - 2007.

10. Analysis 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 their 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, or, in the case of a byway open to all traffic, section 53(3)(c)(i).
- 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.
- 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.
- 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. Sunningwell clarifies that the state of mind of the user is an irrelevant consideration.
- 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.
- 10.7 Taking the above into account we aid committee by offering our assessment of each of the users' evidence in turn: -
- Mr R Farnell, 1940s-2006, 2-3 times a year
 - Miss Whyte, 1965-1992, intermittent
 - Mr Waters, 1980-2007, 6 times a year
 - Mr Evans, 2000-2006, 2 times a year
 - Mr Patrick, 1996-2006, frequently

¹ [1999] UKHL 28; [2000] 1 AC 335

Mr Demellweek, 1970-1999, 2 times a year
Mr Rossetter, 1969-2006, 4 times a year
Mr Harwood, 1976-2006, many times each year
Mr Catterall, 1990-2006, 10 times a year
Mr Hardy, 1990-2005 summer months, frequency not specified
Mr Hughes, 1994-2007, frequently
Mr Ford, 1979-2001, 3-4 times a year
Mr Gribble, 2005-2007, 20 times a year

If the 20-year period between 1987 and 2007 is divided into 2 10-year periods for the purpose of assessment, then in the first 10 years from 1987 to 1997 user evidence is as follows:-

Mr R Farnell, 1987-1997, 2-3 times a year
Miss Whyte, 1987-1997, intermittent
Mr Waters, 1987-1997, 6 times a year
Mr Patrick, 1996-1997, frequently
Mr Demellweek, 1987-1997, 2 times a year
Mr Rossetter, 1987-1997, 4 times a year
Mr Harwood, 1987-1997, many times each year
Mr Catterall, 1990-1997, 10 times a year
Mr Hardy, 1990-1997 summer months, frequency not specified
Mr Hughes, 1994-1997, frequently
Mr Ford, 1987-1997, 3-4 times a year

- 10.8 In the above list, the only user claiming to have used the route from 1987 onwards more than a few times each year is Mr Harwood, with other users claiming use at most 6 times a year. It is not considered that this is evidence to demonstrate sufficient use by the public throughout the 20-year period.
- 10.9 For the reasons given above, the evidence has been assessed on the basis that it is use by the public on foot. Although the evidence forms refer to use with a vehicle, they appear to be referring to the trailers used for the launching of boats as the vehicles in question.
- 10.10 A vehicle that is being pushed or towed, rather than being driven or ridden, does not in the view of officers count towards the acquisition of public rights of passage to drive or ride vehicles. Accordingly it is officers' view that the evidence also does not support the contention that there are, or were prior to May 2006, public rights of way over the route for mechanically-propelled vehicles.
- 10.11 It would also be officers' view that even if there has been such rights, none of the exemptions in section 67 of the Natural Environment and Rural Communities Act 2006 apply, and therefore rights for mechanically-propelled vehicles would have been extinguished.
- 10.12 No evidence has been produced of action on the part of landowners to demonstrate an intention not to dedicate.

11. Analysis of the evidence against the application

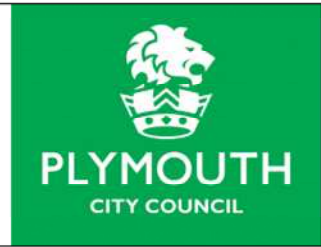
- 11.1 Each owner of land over which the claimed route subsists was invited to submit evidence. In this case no responses were received.

12. Officer Recommendation

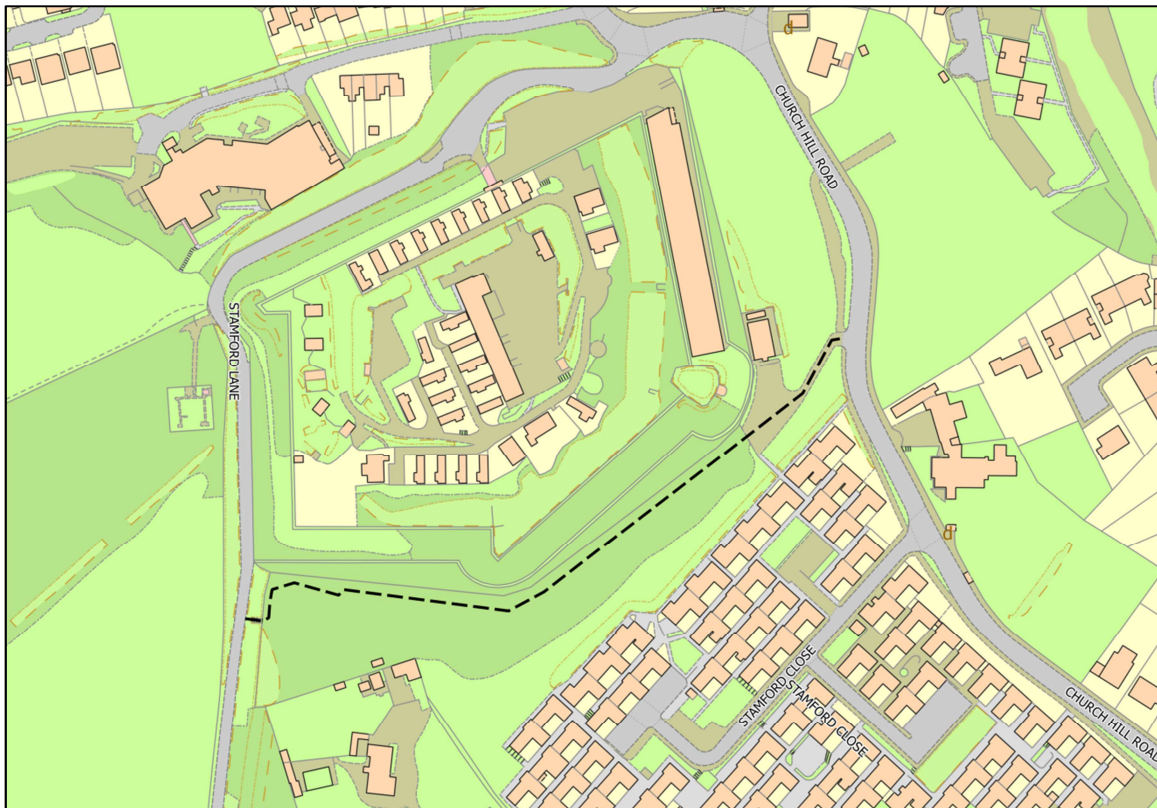
- 12.1 Members must be satisfied that two tests have been met. The first relates to the case made out by the applicant in establishing use, by the public, as of right and without interruption for a full period of 20 years. I conclude that the applicant has failed to meet this part of the test and that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

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PLANNING COMMITTEE REPORT



Application Ref	WCA.007	Ward	Plymstock Radford
Site Location	Land between Church Hill Road and Stamford Lane, Turnchapel		
Proposal	Addition of a Public footpath		
Applicant	Radford and Hooe Lake Preservation Association		
Committee Date	12 January 2017		
Case Officer	Robin Pearce		
Recommendation	Approval		
Click for documents	www.plymouth.gov.uk		



1. Description of site

- 1.1 The route being claimed runs west from Church Hill Road along the access drive to the Community Centre. At this point there is a sign "Stamford Close Private Estate No public right of way over roads paths or grass surrounds". The route then continues along the northern edge of the Stamford Close grounds, where there is a defined route over grass, before turning south and then descending to Stamford Lane.

2. Proposal description

- 2.1 The Radford and Hooe Lake Preservation Association have applied to have the Definitive Map and Statement modified on the basis they believe it to be currently incorrect. The applicant's case is that the public record can be corrected by the addition of a footpath linking Church Hill Road and Stamford Lane.

3. Background papers

- 3.1 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 <http://www.plymouth.gov.uk/parkingandtravel/walkingandrightsway/publicrightsway/changesrightsway>

4. Legislative Framework

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.

5. The Application

- 5.1 An application was received on 14 August 2009 on behalf of the Radford and Hooe Lake Preservation Association for the making of a Modification Order under section 53 of the Wildlife and Countryside Act 1981. The Association sought the addition of a footpath between Church Hill Road and Stamford Lane, Turnchapel in the Plymstock, Radford Ward.
- 5.2 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:
- Stamford Court Management Company
- 5.3 The route being claimed runs west from Church Hill Road along the access drive to the Community Centre. At this point there is a sign "Stamford Close Private Estate No public right of way over roads paths or grass surrounds". The route then continues along the northern edge of the Stamford Close grounds, where there is a defined route over grass, before turning south and then descending by steps to Stamford Lane. There is a further sign at the western end with the same content as that at the eastern end. There is a kissing gate at the top of the steps, but no fence adjoining it. The applicant relies upon the evidence of 16 users of the alleged route whose evidence is set out in the appendices of this report. The application has been opposed by Stamford Court Management Company LTD, the owners of the land crossed by the route, and the Hooe and Turnchapel Community Association, which has a private right of way over the access drive to its Community Centre at the eastern end of the route.
- 5.4 Photographs submitted by the applicant show that there were signs in place in April 2009. The sign at the western end appears to be the same as at present. However the sign at the eastern end read "Private Estate No public right of way over roads paths or grass surrounds" underneath which was an arrow pointing to the side where the claimed route runs and underneath the arrow the words "Footpath" and "Stamford Court Management Co. Ltd". A smaller sign attached to the bottom of the larger sign read "Stamford Court Private Estate Please respect our grounds Dog fouling is a criminal offence Offenders may be prosecuted".
- 5.5 The application appears to have been prompted by the erection of the signs. Although there is no physical impediment to walking the application route the signs erected at each end are clearly intended as a deterrent to so doing.

6. Summary of the evidence relied upon by the applicant

- 6.1 The user evidence relied upon by the applicant shows use to a varying extent by 16 users over a period starting in the 1920s. Some of the users claim not only to have used the route all their life, but also to have used it frequently.
- 6.2 A copy of an Ordnance Survey plan supplied by one of the users (Ms Outhwaite) shows a path with its western end at the location of the steps but then running south-easterly to Jennycliff Lane rather than along the claimed route.
- 6.3 Most of the user evidence forms refer to the kissing gate at the top of the steps at the western end of the route. One user, Ms Whyte, says that she paid for a new kissing gate to be made and installed in 1996. It would therefore seem appropriate for the kissing gate to be recorded as a limitation on the public's right of passage if an order is made.

7. Summary of the landowners' views and any evidence they provided

- 7.1 Stamford Court Management Company Ltd, which has owned the land crossed by the route since 1981, completed a landowner evidence form. The company claimed to have had signs indicating "Private Property No Admittance" in place since 1981, however this is at variance with the evidence submitted by the applicant of a sign at the eastern end referring to a footpath. The company also claimed to have stopped people using the route, however no details or dates when this occurred were given. The company also said that use of the route had been intermittent.
- 7.2 The chairman of the Hooe and Turnchapel Community Association also completed a landowner evidence form relating to their car park and drive at the eastern end of the route. He also said that use of the route had been intermittent and that they had spoken to unauthorised users of the car park.

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

- 8.1 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.
- 8.2 Archive research undertaken in the Plymouth and West Devon Record Office revealed a publication by the Radford and Hooe Lake Preservation Association. This was first published in 1986, and a revised edition published in 1990. The pamphlet includes a description and map of a walk that appears to use the route the subject of the application.

9. Summary of the views of those consulted as part of informal consultations

- 9.1 Consultations have been undertaken with interested parties, such as the emergency services and user groups, but no comments or further evidence have been received.

10. The date that public rights were brought into question

- 10.1 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.
- 10.2 In this case although there are claims by the landowner that signs had been in place since 1981, this is not supported by the evidence of the applicant, namely that signs were erected in 2009, and that this prompted the submission of the application.
- 10.3 It is considered, therefore, that the date on which the right of the public to use the way was brought into question was 2009, and the relevant period (which, under section 31 of the Highways Act 1980, has to be counted back from the date of challenge) is 1989 - 2009. Evidence of use prior to the earlier date, although not directly relevant for the purposes of section 31, is relevant to the extent that it provides evidence of the reputation of a way used over a long period of time, with the use during the relevant period being seen as a continuation of that use.

11. Analysis of the evidence in support of the application

- 11.1 The applicant relies on the evidence of users of the claimed route to support their case. There is relevant documentary evidence of the publication by the applicant of a pamphlet of walks including the claimed route, the second edition of which was published during the relevant period. However this is evidence of reputation of the route as public, rather than evidence of statutory creation. 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.
- 11.2 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.
- 11.3 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.

- 11.4 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.
- 11.5 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* (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. Sunningwell confirmed that the state of mind of the user is an irrelevant consideration.
- 11.6 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.
- 11.7 Taking the above into account we aid committee by offering our assessment of each of the users evidence in turn: -

Mrs Mickley, 1984-2000, numerous times, 2000-2009 occasionally

Ms Sanchez, 1995-2009, 50 times a year

Mr Skilton, 1967-2009, 10 times a year

Ms Coleman, from childhood to 2009, frequently

Ms Outhwaite, 1950s-2005, approx 100 times a year

Mr Finch, ("most of my life" - born 1925), many times a year

Ms Whyte, 1920s-1999, times a year : "too many to count"

Mr Rossetter, 1958-2009, 2 times a year

Ms Hepworth, 1960s-2000, many times a year

Ms Reed, 1960s-1990s, 3-4 times a week

Mr Bulley, 1969-2009, 3-5 times a year

Ms Murden, 1968-2009, 6-8 times a year

Mrs Earl, 1968-2008, several times a year

Mrs Phillips, approx 1930-2009, 3-4 times a year

Mr Burr ridge, approx 1925-1955, often

Mr Earl, 1960s-2008, many times a year, but didn't always use same route

- 11.8 This is considered to be sufficient evidence to give rise to a presumption of dedication.

12. Analysis of the evidence against the application

- 12.1 Each owner of land over which the claimed route subsists was invited to submit evidence to support their view. In this case responses were received from two owners. Their evidence is set out in section 7 above. It does not appear to be in dispute that the landowner installed signage. The applicant and the landowners disagree on the wording on that signage and the photographic evidence falls in favour of the applicants version of events. The more recently installed and stronger worded signage was the catalyst for the application and therefore its impact is not relevant.
- 12.2 Although the landowner claims to have provided evidence of an intention not to dedicate, officers do not consider that this is sufficient evidence of action on the part of landowners to demonstrate an intention not to dedicate.

13. Officer Recommendation

- 13.1 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 this part of the test has been met in respect of the route.
- 13.2 I further conclude that the landowner has taken insufficient steps to prevent a public right of way accruing and that the application also succeeds in respect of this test.
- 13.3 The officer recommendation to Committee is that an Order be made to add to the definitive map a public footpath along the route applied for, with a limitation of the right of the landowner to erect and maintain a kissing gate at the top of the steps at the western end of the route.

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PLANNING APPLICATION REPORT



Application Number 16/01935/FUL

Date Valid 06/10/2016

Item 04

Ward Plymstock Dunstone

Site Address 6 FINCHES CLOSE, PLYMOUTH

Proposal

Rear extension and replace existing cladding front and rear with cedar cladding (resubmission of 16/01728/FUL)

Applicant

Mr & Mrs Hanley-Wildman

Application Type

Full Application

Target Date

01/12/2016

Committee Date

**Planning Committee: 12
January 2017**

Decision Category

Member Referral

Case Officer

Mike Stone

Recommendation

Grant Conditionally

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This application has been referred to Planning Committee by Cllr Churchill.

1. Description of site

The application property is a detached two storey dwellinghouse with attached side garage on a cul-de-sac and located close to the junction with Hazel Grove. The area is residential in character.

2. Proposal description

Rear extension and replace existing cladding front and rear with cedar cladding (resubmission of 16/01728/FUL). The rear extension would be 4.6 metres deep, and would feature a dog legged section with patio doors and would be 3.0 metres high. Part of the garage roof would be raised by 500mm and a 500mm high light lantern would be placed on the roof. The extension would be 25.5 m² in area and would cover 14% of the total area of the curtilage, excluding the original dwelling. This would leave 158 m² of amenity space, above the figure of 100 m² recommended in the Development Guidelines SPD for detached dwellings.

3. Pre-application enquiry

There was no pre-application enquiry with this proposal.

4. Relevant planning history

16/01728/FUL – Rear extension - Withdrawn.

16/01266/GPD - A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.6m, has a maximum height of 3m, and has an eaves height of 3m - Approval required due to neighbour objections.

5. Consultation responses

None requested.

6. Representations

Five letters of objection have been received from two separate addresses. The letters raise the following issues;

Overshadowing

Loss of light

Loss of privacy

Overbearing

Unsightly appearance

The extension will be used for business purposes

Drainage and flooding problems

Inappropriate materials

Noise

Cooking smells
Procedural matters relating to the plans
Restrictive covenant on development
Party Wall Act.

The Party Wall Act and covenants re not planning issues.

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 development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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.

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

- Development Guidelines Supplementary Planning Document.

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document First Review (2013), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.
3. In July 2016 the applicants applied for a similar development under the Neighbour Consultation Scheme for larger rear extensions but this was not approved after neighbour objections were received.
4. **Impact on neighbour amenity.**

Five letters of objection have been received. The letters raise a number of concerns some of which fall outside of the planning system such as covenants and the Party Wall Act. The issues of drainage would have to be dealt with in a subsequent Building Regulations application if the proposal were to be approved. Neighbour noise or related anti-social behaviour would be the remit of the council's Public Protection Service.
5. The planning related issues revolve around overbearing appearance, loss of light and loss of privacy. The main impact would be on the property to the north no. 4. This property appears to be set slightly lower than the subject property so the impact of the extension would be greater. There is currently a high wooden fence and hedge between the properties. No. 4 is also north of the subject property so there would be some increase in overshadowing of the rear garden.
6. The proposed extension would be 4.6 metres long and 3.0 metres high. Under the applicant's permitted development rights they could build a 4.0 metres long and 3.0 metres high extension without the need for planning permission and it is in this context that the proposal needs to be examined. In addition the rear part of the garage roof would be raised by 500mm to take it up to 3.0 metres to align it with the new extension and a 500mm high light lantern built on top. The top of the light lantern would be 3.5 metres above ground level. The light lantern would be located in the area between the gable walls of the subject property and the neighbour. Case officers consider that in this location the proposed light lantern would not present any significant harm in terms of loss of light or overbearing appearance. The applicant could raise the height of this part of the garage roof up to 4.0 metres under their permitted development rights.
7. In terms of loss of light, while not normally used in matters involving detached properties, the proposal does satisfy the 45 degree guidance set out in the Development Guidelines SPD. No side windows are proposed so there would be no loss of privacy.
8. As originally submitted the plans showed the rear extension having fibre cement cladding on all elevations, including the one facing the neighbour at no. 4. Given that the applicant's garage

is constructed of brick this was felt to be inappropriate and an amendment has been negotiated that sees brick used along the shared boundary. A matching materials condition is recommended. The use of fibre cement cladding as a low maintenance building material has increased greatly in popularity on commercial and domestic buildings and case officers consider it acceptable in this case. Given the relatively minor visual impact of the glass fibre flat roof case officers do not feel that this would result in harm to visual amenity. For clarity no cladding is proposed for the rear elevation of the house.

9. Regarding overbearing appearance at no. 4, as has been stated above the applicant could construct a very similar extension without the need for planning permission and case officers do not consider that the additional 600mm element to this application would result in significant harm to neighbour amenity.
10. Case officers feel that the neighbours at no. 8 are sufficiently distant from the proposed development not be adversely impacted.
11. In letters of objection it has been suggested that the new extension would be used as part of cake making business. Officers have queried this but the applicant has confirmed this is not the case. Operating a business from home can be carried out without planning permission subject to four tests;
 - Is the home no longer be used mainly as a private residence?
 - Will the business result in a marked rise in traffic or people calling?
 - Will the business involve any activities unusual in a residential area?
 - Does the business disturb the neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?

If it were to transpire that any of these tests were being infringed then a planning application would need to be submitted.

12. Impact on the character and appearance of the area.

The application seeks to replace sections of external plastic cladding on the front elevation between the first and ground floor windows and above the garage door. They would be replaced with the fibre cement panels similar to those to be used on the rear extension. Similar plastic panels are found on nos. 4 and 8 but given the relatively small scale of the development case officers consider this acceptable. The raised roof of the extension could be visible from Finches Close and the rear extension could be seen from the street behind but case officers do not feel that this would result in significant harm to the visual amenity of the area.

13. Other matters

A number of procedural matters were raised covering issues such as annotating drawings with the relevant scale, the failure to show the removal of a boundary hedge and to mark an underbuild on the plans. These matters were addressed in an amended set of plans (2759.C) and block plan (Block Plan 25112016).

Officers consider that the proposal complies with Core Strategy Policy CS02 and parts 4 and 6 of Policy CS34 and is recommended for approval with a condition on matching materials for the boundary wall.

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

Not applicable for this development.

12. Equalities and Diversities

There are no equalities and diversities issues.

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 planning policy, supplementary planning guidelines and national guidance and specifically policies CS02 (Design) and CS34 (Planning applications considerations) and paragraph 14 of the NPPF which states that development proposals that accord with the development plan should be approved without delay. The application is recommended for approval.

14. Recommendation

In respect of the application dated **06/10/2016** and the submitted drawings Block Plan 25112016, 2759 Revision C, it is recommended to: **Grant Conditionally**

15. 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: Block Plan 25112016, 2759 Revision C.

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) 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: Brick to used on elevation facing 4 Finches Close. 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 .

Justification:

To ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (WITH 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 with the Applicant and has negotiated amendments to the application 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).

INFORMATIVE: PROPERTY RIGHTS

(3) 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: CODE OF CONDUCT FOR CONSTRUCTION AND DEMOLITION.

(4) All building work should follow the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages.

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PLYMOUTH CITY COUNCIL

Subject: Plymouth City Council – Planning Enforcement Policy

Committee: Planning Committee

Date: 12 January 2017

Report from: Paul Barnard, Assistant Director for Strategic Planning & Infrastructure Service

Reference: DM/BW/PEP

Part: 1

1. Purpose of this report:

- 1.1 To seek the views of Planning Committee Member's regarding the Planning Enforcement Policy and to request approval for it to be formally adopted. This report highlights some key issues identified in the policy, its reason for being created and the expected benefits it will bring.

2. Introduction:

- 2.1 The Planning Enforcement Policy has been produced in direct response to paragraph 207 of the National Planning Policy Framework (NPPF) which states the following –

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so”.

3. Plymouth City Council Planning Enforcement Policy purpose and reason for proposing its adoption

- 3.1 The Planning Enforcement Policy considers policies contained within the Plymouth City Council Development Plan Framework, including the emerging Plymouth Plan, and also takes into account the National Government's Policy in respect of Intentional Unauthorised Development. This was issued in August 2015 and requires weight to be given to the intentional nature of unauthorised development in all planning decisions taken by the Council and Planning Inspectors.
- 3.2 The Enforcement Policy makes a commitment to providing an open and helpful service and clearly sets out a number of specific procedures and timescales for which customers are to expect acknowledgements and updates on the progress of a specific enforcement case.
- 3.3 The policy details what type of enforcement action is available to the Local Planning Authority and concludes with a simplified flow chart of the enforcement investigation process.
- 3.4 Effective enforcement action is important to tackle breaches of planning control which would otherwise have an unacceptable impact on the amenity of an area, to maintain the integrity of the decision-making process and to help ensure that public acceptance of the decision-making process is maintained.

4. Recommendation:

- 4.1 That the Planning Enforcement Policy is noted by Members of the Planning Committee.

Plymouth City Council Planning Enforcement Policy

Tackling unauthorised developments & other planning law offences robustly but fairly

**A concise guide for customers explaining what
action the Council will take where planning
rules have not been complied with.**

Introduction;

- Plymouth City Council is committed to taking the strongest forms of action against unauthorised planning developments.
- Planning rules exist for the benefit of all and to ensure new developments are carried out to an acceptable standard in order to protect the environment and create a vibrant City for all to enjoy.
- Those carrying out developments without the necessary permissions, where required, can expect to face action from the Council which is appropriate and proportionate.
- This document sets out the Council's policy and procedure for tackling unauthorised developments.

Plymouth City Council

The Council's Planning Compliance Service will:

- Robustly and promptly investigate all alleged breaches of planning control that are brought to our attention in writing. Complaints received over the telephone will not be actioned without a follow up in writing. Anonymous complaints will also be registered and investigated where the reported breach is felt to be potentially serious and/or readily noticeable.
- Register and record all written complaints received, and acknowledge receipt as well as appropriately updating complainants of the progress of the investigation.
- Promptly investigate breaches of planning control that cause demonstrable harm to amenity.
- Although pursuing the strongest action wherever necessary, planning enforcement action is a discretionary activity, and may not be pursued in some instances where after very careful consideration this is not considered to be expedient or in the public interest.

We will also deliver this service by:

- Prioritising cases in accordance with the Planning Enforcement Protocol and Priority Schedule.
- Being helpful and open in the way we work; by allocating a named case officer as a contact person; by responding to all contacts as promptly as possible.

Pursuing a breach of planning control to a suitable conclusion where considered expedient to do so.

- Retaining confidentiality of complainants where possible.

Plymouth City Council

Plymouth City Council has introduced this policy to provide the basis for the provision of its Planning Enforcement Services, and as also recommended in Paragraph 207 of the National Planning Policy Framework (NPPF). It has been introduced taking into account:

- The National Planning Policy Framework
- The Government's Planning Policy in respect of Intentional Unauthorised Development, issued in August 2015, which requires weight to be given to the intentional nature of unauthorised development in all planning decisions taken by the Council and Planning Inspectors
- Policies contained within the Plymouth City Council Development Plan Framework, including the emerging Plymouth Plan
- The need to protect, maintain and enhance sites of special control for example Sites of Special Scientific Interest and Plymouth's fourteen valuable Conservation Areas
- The need to protect Plymouth's equally valuable listed buildings and other heritage assets
- The need to ensure compliance with the Council's Article 4 Direction – 'Managing Houses in Multiple Occupation'
- The need to protect the urban and semi-rural environment from unauthorised advertisements
- The need to provide a balance between protecting amenity and enabling good quality acceptable development to take place
- You can find further information on the Strategic Planning & Infrastructure Service's web page on the Plymouth City Council website at <http://www.plymouth.gov.uk> or by telephoning 01752 304366.

Plymouth City Council

Planning Services

Planning Enforcement Protocol

All written complaints we receive that allege a breach of planning control will be investigated – you will have to give us your name and address to enable us to verify the complaint and have a point of contact to update you. Where an allegation is made anonymously we reserve the right not to investigate unless the breach is extremely serious.

When we receive a complaint, we will acknowledge it within 5 working days, using the name and address you provide on your letter of complaint. The letter of acknowledgement will identify the case officer who will investigate your complaint.

Aimed response times you can expect from the Enforcement Team are as follows:

- **Within 2 working days of receipt of the complaint (LEVEL 1 – HIGH PRIORITY):**
 - Unauthorised demolition of buildings
 - Unauthorised works to Listed Buildings
 - Unauthorised works to trees subject of a Tree Preservation Order (TPO), or trees within a designated Conservation Area
 - Breaches of conditions that control the construction hours of development
 - Unauthorised works which are considered to pose imminent danger to life

- **Within 25 working days of receipt of complaint (LEVELS 2 & 3 – MEDIUM & LOW LEVEL COMPLAINTS):**
 - Development causing noise and disturbance to residential occupiers during unsociable hours
 - The display of advertisements
 - Telecommunication apparatus on residential premises
 - Non-compliance with planning conditions or advertisement consents
 - All other complaints alleging a breach of planning control (e.g. unauthorised building works or engineering operations).

Plymouth City Council

Planning Enforcement – Our commitment:

Openness:

- We will comply with the standards contained in our Enforcement Policy
- We will publish these standards and our annual performance against them
- We will provide information and advice in plain, jargon free language on the rules and regulation we will apply
- We will be open and transparent about the way in which we work
- We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

Helpfulness:

- We believe that prevention is better than cure. We will therefore work with business to advise on and assist with compliance
- We will provide a point of contact and telephone number for each complaint
- We will ensure that where practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays

Complaints about service:

Where disputes about service cannot be resolved you have the right to make a complaint using the 'Have Your Say' section of the Council's website

<http://www.plymouth.gov.uk/homepage/newsandviews/haveyoursay/complaint.htm>

Procedures:

- Our advice will be put clearly and simply, will be confirmed in writing with an explanation as to why action is necessary
- Before formal action is taken, we will usually try to provide an opportunity to discuss circumstances of the case, resolve points of difference, unless immediate action is required
- Where immediate action is necessary, we will endeavour to provide an explanation of why such action is required at the time and confirmed in writing within 5 days and in all other cases in 20 -25 days.
- Where there are rights to appeal against formal action these will be clearly set out in any correspondence.

Plymouth City Council

Keeping complainants advised:

- Where we find no breach of planning control you will be informed in writing. In certain instances, you may be referred to alternative services to address the issue.
- Where legal action becomes necessary you will be informed of this in writing and we will endeavour to keep you updated of steps being taken in the case.
- Where a decision has been taken to close an investigation without action, you will be informed in writing of this.

Keeping the contravener advised:

- When a breach of planning control is found, the person(s) concerned will be informed in writing of the action that will be taken.
- When warnings are necessary, there will be issued in writing. There may also be a verbal warning if necessary.
- If no further action is required or if the matter is for another Council department or external body/agency, the contravener will be informed in writing.
- We will maintain an ongoing register of alleged breaches of planning control and a summary of what our investigations have revealed.

Plymouth City Council

Type of enforcement action	Purpose
Planning Contravention Notice (PCN)	Requires persons to divulge information in respect of land and activities. This is often undertaken to determine if there is a breach of control and to inform the appropriate course of action
Breach of Condition Notice (BCN)	To secure compliance with conditions specified within a planning permission.
Enforcement Notice	To require steps to be taken to remedy the breach of planning control.
Stop Notice/Temporary Stop Notice	To require the unauthorised activities to cease.
Section 215 Notice	To secure the proper maintenance of land and buildings.
Injunctions	To prevent unauthorised development and only used in a very limited number of specific circumstances.
Prosecutions	It is an offence not to comply with an enforcement notice, once the period for compliance has elapsed and there is no outstanding appeal. A successful prosecution in the Magistrates Court or Crown Court can result in a fine.

Plymouth City Council

Priority Schedule

<p>Level 1: High Priority Immediate action initiated to address the breach of planning control</p>
<p>A serious and immediate danger to the public or health/safety (e.g. pollution problems/traffic hazards)</p> <p>Permanent damage being caused to the environment (e.g. loss of protected tree, unauthorised works to listed building etc.)</p> <p>Complaints received from elected Councillors</p>
<p>Level 2: Medium Priority Action required promptly, but no immediate harm being caused</p>
<p>Unauthorised development causing significant disturbance to residents or damage to the environment</p> <p>Significant non-compliance with conditions or approved plans taking place</p> <p>Ongoing development unlikely to be granted planning permission without substantial modification</p> <p>Unauthorised uses causing severe nuisance through noise, smells etc.</p>
<p>Level 3: Low Priority Breaches of planning that cause limited or no harm to the environment or residential amenity</p>
<p>Technical PD breaches</p> <p>Neighbour based disputes</p> <p>Minor variations from approved plans</p> <p>Unauthorised advertisements</p> <p>All other minor cases</p>

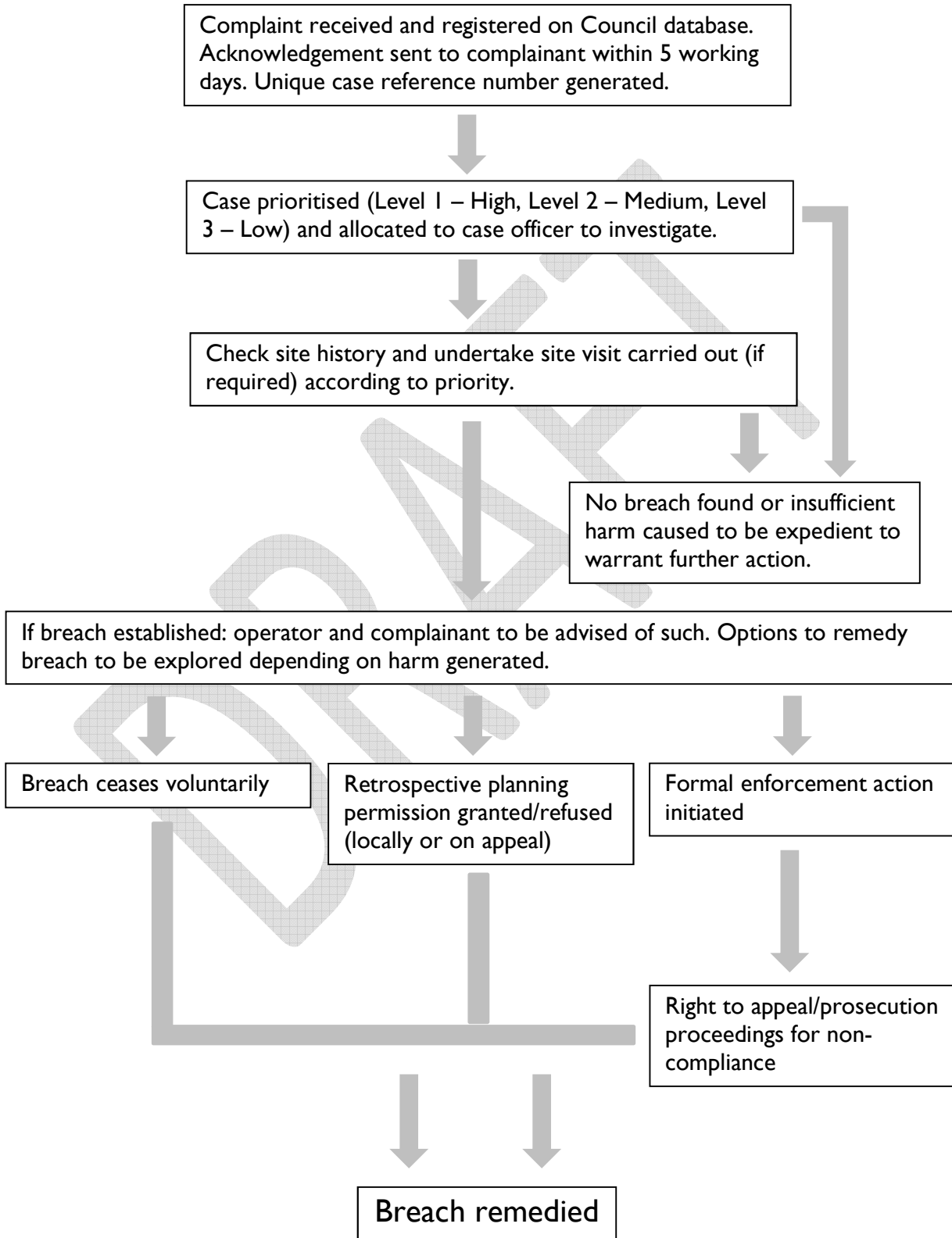
Plymouth City Council

Site visits:

Level 1: High Priority Immediate action initiated to address the breach of planning control
Visit within 2 working days
Level 2: Medium Priority Action required promptly, but no immediate harm being caused
Visit within 25 working days
Level 3: Low Priority Breaches of planning that cause limited or no harm to the environment or residential amenity
Visit within 25 working days

Plymouth City Council

Simplified Flow Chart of Enforcement Investigation Process



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PLANNING COMMITTEE

Decisions issued for the following period: 6 December 2016 to 22 December 2016

Note - This list includes:

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

Item No 1

Application Number: 15/01831/FUL **Applicant:** Duke Properties (Marsh Mills) Li
Application Type: Full Application
Description of Development: Erection of retail unit, associated car parking, landscaping and access
Site Address LAND AT FORMER UNIT J, ST MODWEN ROAD, MARSH MILLS PLYMOUTH
Case Officer: Ali Wagstaff
Decision Date: 14/12/2016
Decision: Grant Subject to S106 Obligation - Full

Item No 2

Application Number: 16/00493/LBC **Applicant:** Mr Daniel Downey
Application Type: Listed Building
Description of Development: Internal refurbishment
Site Address FIRST FLOOR FLAT, 54 SOUTHSIDE STREET PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 15/12/2016
Decision: Grant Conditionally

Item No 3

Application Number: 16/00559/FUL **Applicant:** University of St Mark & St John
Application Type: Full Application
Description of Development: Construction of all-weather sports pitch, fencing, boundary treatment and floodlighting
Site Address UNIVERSITY OF ST MARK & ST JOHN, PLYMBRIDGE LANE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 12/12/2016
Decision: Grant Conditionally

Item No 4

Application Number: 16/00965/ADV **Applicant:** RBS
Application Type: Advertisement
Description of Development: Internally illuminated ATM signage
Site Address NATWEST, 6 ST ANDREWS CROSS PLYMOUTH
Case Officer: Liz Wells
Decision Date: 07/12/2016
Decision: Grant Conditionally

Item No 5

Application Number: 16/01439/FUL **Applicant:** Mrs Elliott
Application Type: Full Application
Description of Development: Front and rear dormer, roof alterations, and single-storey side extension
Site Address 9 BERRY PARK ROAD PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 6

Application Number: 16/01619/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Continued use of temporary staff car park for a further 3 years
Site Address SENDALLS WAY PLYMOUTH
Case Officer: Mike Stone
Decision Date: 21/12/2016
Decision: Grant Conditionally

Item No 7

Application Number: 16/01664/FUL **Applicant:** Mr Robert Fenton
Application Type: Full Application
Description of Development: Extension and change of use from garage to single dwellinghouse (Class C3)
Site Address 861A WOLSELEY ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 12/12/2016
Decision: Refuse

Item No 8

Application Number: 16/01767/FUL **Applicant:** Mr Benico Solomon
Application Type: Full Application
Description of Development: Conversion to 2 flats (C3) and rear extension.
Site Address 73 NORTH ROAD EAST PLYMOUTH
Case Officer: Mike Stone
Decision Date: 06/12/2016
Decision: Refuse

Item No 9

Application Number: 16/01806/FUL **Applicant:** Mr Steven Didymus
Application Type: Full Application
Description of Development: Two storey side and rear extension
Site Address 17 RHODES CLOSE PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 10

Application Number: 16/01828/TPO **Applicant:** Mr Paul Butler
Application Type: Tree Preservation
Description of Development: Veteran Ash - reduce crown by 3-5m to natural growth points.
Site Address LAND R/O CASA SILVA, MILFORD LANE TAMERTON
FOLIOT PLYMOUTH
Case Officer: Jane Turner
Decision Date: 07/12/2016
Decision: Grant Conditionally

Item No 11

Application Number: 16/01834/FUL **Applicant:** Westwood Housing
Application Type: Full Application
Description of Development: Replacement roof, windows and re-paint
Site Address PLYMOUTH HOUSE, 9-13 LOCKYER STREET PLYMOUTH
Case Officer: Liz Wells
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 12

Application Number: 16/01854/FUL **Applicant:** The Co-operative Group
Application Type: Full Application
Description of Development: Erection of secure store, reconfiguration of refrigeration pipework and removal of trees and undergrowth
Site Address 2 AUSTIN CRESCENT PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 13

Application Number: 16/01914/S73 **Applicant:** WM Morrison Supermarket PLC
Application Type: Removal or Variation of Condition
Description of Development: Variation of condition 1 of notice 16/00368/FUL to allow extended opening for the sale of goods between 0700-2200 Mondays - Saturdays and 1000-1600 Sundays and 0600-0000 for 4 days prior to Christmas Eve (excluding Sundays)
Site Address MORRISONS SUPERMARKET, 282 OUTLAND ROAD
PLYMOUTH
Case Officer: Christopher King
Decision Date: 21/12/2016
Decision: Grant Conditionally

Item No 14

Application Number: 16/01938/FUL **Applicant:** Mr John Yiannacou
Application Type: Full Application
Description of Development: Single-storey rear extension, loft conversion with rear dormer and change of use from 6-bed HMO (Class C4) to 8-bed HMO (Sui Generis) (retrospective)
Site Address 7 MAPLE GROVE MUTLEY PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 15

Application Number: 16/01962/TPO **Applicant:** Miss Leigh-Ann Bailey
Application Type: Tree Preservation
Description of Development: Magnolia - reduce crown by 2-3m in height. Rebalance any growth that remains on applicants side to natural growth points.
Site Address 25 TOR ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 16

Application Number: 16/01970/FUL **Applicant:** Mr Christian Dignand
Application Type: Full Application
Description of Development: Change of use to tattoo studio (sui generis)
Site Address UNIT 360-362, FARADAY MILL TRADE PARK,
CATTEWATER ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 15/12/2016
Decision: Grant Conditionally

Item No 17

Application Number: 16/01974/FUL **Applicant:** DIO-ACCN-SD-MOD
Application Type: Full Application
Description of Development: External wall insulation
Site Address 1-132 HUNTER CLOSE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 18

Application Number: 16/01982/TPO **Applicant:** Mr Selwyn Green
Application Type: Tree Preservation
Description of Development: Amendments agreed 7/12/16:
T2 Beech – retain rather than remove to avoid opening up the wooded area to possible storm damage.
T4 Beech with wound where stem removed in past near base - remove this tree rather than T5 as this will benefit the Scots Pines behind and retain the shelter of T5 the outer Beech on the edge of the wooded area.
Thinning of the Beech by 10-15% and removal of the dead Pine.
Site Address 30 COLESDOWN HILL PLYMOUTH
Case Officer: Jane Turner
Decision Date: 07/12/2016
Decision: Grant Conditionally

Item No 19

Application Number: 16/01984/FUL **Applicant:** Mr Paul Jenner
Application Type: Full Application
Description of Development: Convert maisonette to two self-contained flats (Use Class C3).
Site Address 14 MOLESWORTH ROAD MILLBRIDGE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 20

Application Number: 16/01993/FUL **Applicant:** Tamar View Community Centre
Application Type: Full Application
Description of Development: Nursery with external play area canopy and landscaping
Site Address TAMAR VIEW COMMUNITY CENTRE, MIERS CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 21/12/2016
Decision: Grant Conditionally

Item No 21

Application Number: 16/02001/FUL **Applicant:** Boon Brown Architects
Application Type: Full Application
Description of Development: Change of use from Class A2 to tanning salon (Sui Generis) including internal and external alterations
Site Address 53 MUTLEY PLAIN PLYMOUTH
Case Officer: Christopher King
Decision Date: 14/12/2016
Decision: Application Withdrawn

Item No 22

Application Number: 16/02004/FUL **Applicant:** Mr Neil Brinkworth
Application Type: Full Application
Description of Development: Two storey side extension and front extension
Site Address 13 BRADDONS HILL PLYMOUTH
Case Officer: Liz Wells
Decision Date: 08/12/2016
Decision: Application Withdrawn

Item No 23

Application Number: 16/02014/ADV **Applicant:** A Share & Sons Ltd
Application Type: Advertisement
Description of Development: Internally illuminated sign (Sign 5)
Site Address UNIT A, COYPOOL ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 24

Application Number: 16/02016/FUL **Applicant:**
Application Type: Full Application
Description of Development: Replace windows with uPVC double glazed units
Site Address CREMYLL VIEW, 1 DURNFORD STREET OPE PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 09/12/2016
Decision: Grant Conditionally

Item No 25

Application Number: 16/02019/FUL **Applicant:** Eponymous Properties Ltd
Application Type: Full Application
Description of Development: Construction of two detached dwellings and garages
Site Address HORSHAM LANE TAMERTON FOLIOT PLYMOUTH
Case Officer: Jon Fox
Decision Date: 14/12/2016
Decision: Grant Conditionally

Item No 26

Application Number: 16/02026/S73 **Applicant:** Concierge 35 Ltd
Application Type: Removal or Variation of Condition
Description of Development: Variation of condition 2 (plans) and 8 (design details) for minor material amendment to change the window profiles
Site Address CRESCENT POINT, THE CRESCENT THE HOE PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 13/12/2016
Decision: Application Withdrawn

Item No 27

Application Number: 16/02032/TPO **Applicant:** Mr James Croucher
Application Type: Tree Preservation
Description of Development: Cherry over drive, Oak, 2 Plane and Apple - crown raise to 3m above ground level.
Site Address 3 SHERFORD ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 07/12/2016
Decision: Grant Conditionally

Item No 28

Application Number: 16/02034/FUL **Applicant:** Mr Paul Davies
Application Type: Full Application
Description of Development: Rear extension and balcony
Site Address 82 LOOSELEIGH LANE PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 06/12/2016
Decision: Grant Conditionally

Item No 29

Application Number: 16/02040/TPO **Applicant:** Sunnybanks Homes
Application Type: Tree Preservation
Description of Development: Beech - remove low branch and trim back growth over roof of 14a Caradon Close as shown in photo attached to application and to natural growth points.
Site Address 14A CARADON CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 07/12/2016
Decision: Grant Conditionally

Item No 30

Application Number: 16/02047/FUL **Applicant:** Mr & Mrs J Treharne
Application Type: Full Application
Description of Development: First floor extension
Site Address 18 PENLEE WAY PLYMOUTH
Case Officer: Kate Price
Decision Date: 19/12/2016
Decision: Application Withdrawn

Item No 31

Application Number: 16/02051/FUL **Applicant:** Notre Dame School
Application Type: Full Application
Description of Development: Erection of conservatory
Site Address NOTRE DAME ROMAN CATHOLIC SCHOOL, NOTRE DAME CLOSE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 14/12/2016
Decision: Grant Conditionally

Item No 32

Application Number: 16/02056/FUL **Applicant:** Ms Samantha O'Connell
Application Type: Full Application
Description of Development: Alteration to front elevation and new front door
Site Address 1A GARFIELD TERRACE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 33

Application Number: 16/02065/FUL **Applicant:** Mrs Sue Wagstaff
Application Type: Full Application
Description of Development: Erection of one dwelling (as previously approved 13/02016/FUL)
Site Address 110 ALBERT ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 15/12/2016
Decision: Grant Conditionally

Item No 34

Application Number: 16/02068/TPO **Applicant:** Mr Shane Dunstan
Application Type: Tree Preservation
Description of Development: Sycamore - crown lift to clear roof by 1-1.5m
Sycamore - remove
Site Address 1 MARISTOW CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 35

Application Number: 16/02076/LBC **Applicant:** The Ship (Derriford) LTS
Application Type: Listed Building
Description of Development: New internal partition
Site Address 17 BREST ROAD PLYMOUTH
Case Officer: Kate Price
Decision Date: 21/12/2016
Decision: Grant Conditionally

Item No 36

Application Number: 16/02086/ADV **Applicant:** Food Programme Delivery Orchi
Application Type: Advertisement
Description of Development: 2x illuminated fascia signs, 1x illuminated projecting sign and 11x non-illuminated wall mounted signs
Site Address 147 to 149 EGGBUCKLAND ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 07/12/2016
Decision: Grant Conditionally

Item No 37

Application Number: 16/02087/TPO **Applicant:** Mr Matt Chubb
Application Type: Tree Preservation
Description of Development: Silver Birch - fell
Site Address 20 NETTLEHAYES PLYMOUTH
Case Officer: Jane Turner
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 38

Application Number: 16/02090/ADV **Applicant:** Food Delivery Programme Orchi
Application Type: Advertisement
Description of Development: 3no illuminated and 6no non-illuminated advert signs
Site Address 38-42 SPRINGFIELD ROAD PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 39

Application Number: 16/02092/FUL **Applicant:** Mrs Karen Rafferty
Application Type: Full Application
Description of Development: Rear/side extension
Site Address 59 BEAUMARIS ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 40

Application Number: 16/02095/TCO **Applicant:** Carillion Amey
Application Type: Trees in Cons Area
Description of Development: Various tree management works to include crown lifting and minor reduction as detailed in schedule of works dated August 2016.
Site Address ROYAL CITADEL, HOE ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 41

Application Number: 16/02109/TPO **Applicant:** Mrs Jules
Application Type: Tree Preservation
Description of Development: Sycamore - re-pollard to previous points
Site Address 48 WARWICK ORCHARD CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 20/12/2016
Decision: Grant Conditionally

Item No 42

Application Number: 16/02110/TCO **Applicant:** Lang Town and Country
Application Type: Trees in Cons Area
Description of Development: Holm Oak - reduce over roof by 1-1.5m and crown raise to 5m above ground level.
Site Address 23 NELSON AVENUE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 07/12/2016
Decision: Grant Conditionally

Item No 43

Application Number: 16/02113/FUL **Applicant:** Plym Valley Railway Ltd
Application Type: Full Application
Description of Development: Station building and ticket office
Site Address PLYM VALLEY RAILWAY, COYPOOL ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 44

Application Number: 16/02123/FUL **Applicant:** Mount Tamar School
Application Type: Full Application
Description of Development: Change of use of existing storage building into staff area & reception (Class D1)
Site Address MOUNT TAMAR PRIMARY SCHOOL, ROW LANE HIGHER ST BUDEAUX PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 15/12/2016
Decision: Grant Conditionally

Item No 45

Application Number: 16/02128/FUL **Applicant:** Mr & Mrs Brisley
Application Type: Full Application
Description of Development: Two storey rear extension
Site Address 31 CEDARCROFT ROAD PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 46

Application Number: 16/02130/FUL **Applicant:** Mr Renzi
Application Type: Full Application
Description of Development: Creation of bay window
Site Address 165 CROWNHILL ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 15/12/2016
Decision: Grant Conditionally

Item No 47

Application Number: 16/02131/FUL **Applicant:** Mrs Karen Broadway
Application Type: Full Application
Description of Development: Rear extension
Site Address 7 WOOLLCOMBE AVENUE PLYMPTON ST MAURICE
PLYMOUTH
Case Officer: Mike Stone
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 48

Application Number: 16/02132/FUL **Applicant:** College Road Primary School
Application Type: Full Application
Description of Development: Erection of detached building for educational use (Class D1)
Site Address COLLEGE ROAD PRIMARY SCHOOL, COLLEGE ROAD
PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 49

Application Number: 16/02133/FUL **Applicant:** Mrs Heather Yung
Application Type: Full Application
Description of Development: Rear extension and rear roof alteration
Site Address 3 VENN WAY PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 50

Application Number: 16/02137/TPO **Applicant:** Mr Kenneth Herring
Application Type: Tree Preservation
Description of Development: 3x Larch - remove
Reduce side branches of remaining Larch to clear fence.
Remove self-sown Sycamore
Site Address REAR OF 14 SHACKLETON COURT PLYMOUTH
Case Officer: Jane Turner
Decision Date: 07/12/2016
Decision: Grant Conditionally

Item No 51

Application Number: 16/02139/FUL **Applicant:** Mr Paul Bennetton
Application Type: Full Application
Description of Development: Replacement garage extension
Site Address 130 TAVISTOCK ROAD CROWNHILL PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 52

Application Number: 16/02140/FUL **Applicant:** Mrs Anita Ing
Application Type: Full Application
Description of Development: Rear extension
Site Address 33 RIVERSIDE WALK TAMERTON FOLIOT PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 53

Application Number: 16/02144/FUL **Applicant:** Mr & Mrs Cross
Application Type: Full Application
Description of Development: New entrance door and external platform lift
Site Address 19 MARETT ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 15/12/2016
Decision: Grant Conditionally

Item No 54

Application Number: 16/02145/FUL **Applicant:** Mr Stephen Knight
Application Type: Full Application
Description of Development: External platform lift and steps
Site Address 10 HOSFORD CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 15/12/2016
Decision: Grant Conditionally

Item No 55

Application Number: 16/02146/FUL **Applicant:** Mr Matt Hyne
Application Type: Full Application
Description of Development: Front extension
Site Address 15 FOXWOOD GARDENS PLYMSTOCK PLYMOUTH
Case Officer: Liz Wells
Decision Date: 09/12/2016
Decision: Grant Conditionally

Item No 56

Application Number: 16/02150/FUL **Applicant:** Mrs C Rai
Application Type: Full Application
Description of Development: Provision of a new dwelling and a garage for the existing dwelling
Site Address 17 COMPTON PARK ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 15/12/2016
Decision: Grant Conditionally

Item No 57

Application Number: 16/02151/FUL **Applicant:** Mr R Scoble
Application Type: Full Application
Description of Development: Rear extension
Site Address 7 GREATFIELD ROAD PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 58

Application Number: 16/02152/FUL **Applicant:** Plympton Chiropractor
Application Type: Full Application
Description of Development: Change of use to Chiropractor (Use Class D1) (retrospective).
Site Address UNIT 1, LISTER MILL BUSINESS PARK, LISTER CLOSE
PLYMOUTH
Case Officer: Liz Wells
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 59

Application Number: 16/02157/GPD **Applicant:** Mr & Mrs A Reid
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 5.9m, has a maximum height of 3.8m to ridge, and has an eaves height of 2.92m
Site Address 81 VICARAGE GARDENS PLYMOUTH
Case Officer: Liz Wells
Decision Date: 07/12/2016
Decision: Prior approval not req

Item No 60

Application Number: 16/02163/FUL **Applicant:** Mr & Mrs Boosey
Application Type: Full Application
Description of Development: Pitched roof to existing rear extension and rear extension
Site Address 12 GOOSEWELL TERRACE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 61

Application Number: 16/02165/EXUS **Applicant:** Mr and Mrs Legge
Application Type: LDC Existing Use
Description of Development: Establish use as two flats (Use Class C3)
Site Address 19 PASLEY STREET PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 15/12/2016
Decision: Issue Certificate - Lawful Use

Item No 62

Application Number: 16/02167/FUL **Applicant:** Mr & Mrs Staddon
Application Type: Full Application
Description of Development: Side dormer
Site Address 12 ROWLAND CLOSE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 15/12/2016
Decision: Grant Conditionally

Item No 63

Application Number: 16/02168/FUL **Applicant:** Mr Keiron Lonergan
Application Type: Full Application
Description of Development: Two storey rear extension
Site Address 12 WAIN PARK PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 08/12/2016
Decision: Grant Conditionally

Item No 64

Application Number: 16/02171/GPD **Applicant:** B.E. Properties Ltd
Application Type: GPDO Request
Description of Development: Change of use from A1 Shops/A2 Financial and Professional Services to Class C3 Residential (2 no. dwellings created)
Site Address 12 AMITY PLACE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 19/12/2016
Decision: Prior approval not req

Item No 65

Application Number: 16/02175/TPO **Applicant:** Mr Eric Tope
Application Type: Tree Preservation
Description of Development: Oak - remove low branch over school field and reduce branches near home by 1-2m
Beech - reduce branches over conservatory by 1-2m and crown raise over field and over hedge.
Site Address 2 AND 3 ALWIN PARK PLYMOUTH
Case Officer: Jane Turner
Decision Date: 20/12/2016
Decision: Grant Conditionally

Item No 66

Application Number: 16/02176/TCO **Applicant:** Ms Hicks
Application Type: Trees in Cons Area
Description of Development: Apple - fell
Cypress - fell
Eucalyptus - fell
Site Address 36 VALLETORT ROAD PLYMOUTH
Case Officer:
Decision Date: 20/12/2016
Decision: Grant Conditionally

Item No 67

Application Number: 16/02177/LBC **Applicant:** Babcock International Group
Application Type: Listed Building
Description of Development: Fixing of 44 internal notice boards and white boards
Site Address BUILDING S059, HMNB DEVONPORT PLYMOUTH
Case Officer: Kate Price
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 68

Application Number: 16/02178/FUL **Applicant:** Mr & Mrs S Boniface
Application Type: Full Application
Description of Development: Boundary fence
Site Address 17 RIDGE PARK ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 69

Application Number: 16/02180/FUL **Applicant:** Mr Pip Dhariwal
Application Type: Full Application
Description of Development: Change of use to dental practice (Class D1)
Site Address 208 EXETER STREET PLYMOUTH
Case Officer: Liz Wells
Decision Date: 15/12/2016
Decision: Grant Conditionally

Item No 70

Application Number: 16/02184/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Change of use from flat (Class C3) to offices (Class B1)
Site Address 4 WEST HOE ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 71

Application Number: 16/02195/FUL **Applicant:** Mr Essy Kamaie
Application Type: Full Application
Description of Development: Change of use from maisonette to two flats (Use Class C3)
Site Address 5 DEVONPORT ROAD PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 15/12/2016
Decision: Grant Conditionally

Item No 72

Application Number: 16/02197/TCO **Applicant:** CarillionAmey
Application Type: Trees in Cons Area
Description of Development: Various tree management works including repollarding and crown raising detailed in schedule dated August 2016 with the amendment agreed on 13/12/16 to ref:32.001 - remove two suppressed Maple and retain Limes.
Site Address STONEHOUSE BARRACKS, DURNFORD STREET
PLYMOUTH
Case Officer: Jane Turner
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 73

Application Number: 16/02208/FUL **Applicant:** Mr & Mrs Kadoche
Application Type: Full Application
Description of Development: Conversion of vacant ground floor shop (Class A1) to self-contained flat (Class C3)
Site Address 46 MARKET ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 19/12/2016
Decision: Grant Conditionally

Item No 74

Application Number: 16/02211/FUL **Applicant:** Mr Carl Heslop
Application Type: Full Application
Description of Development: Two storey side extension.
Site Address 13 ROCKVILLE PARK PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 20/12/2016
Decision: Grant Conditionally

Item No 75

Application Number: 16/02214/GPD **Applicant:** Mr and Mrs Jackson
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.807m, has a maximum height of 3.85m, and has an eaves height of 2.64m.
Site Address 9 ST DUNSTANS TERRACE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/12/2016
Decision: Prior approval not req

Item No 76

Application Number: 16/02265/ESR10 **Applicant:** EJFP Planning
Application Type: Environmental Ass
Description of Development: Request for an EIA Screening Opinion in respect of the proposed 51 dwellings off Lake View Close
Site Address LAND AT LAKE VIEW CLOSE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 13/12/2016
Decision: ESRI - Completed

Item No 77

Application Number: 16/02308/GPD **Applicant:** James Wells Planning Limited
Application Type: GPDO Request
Description of Development: Change of use from A4 drinking establishments to A1 shops
Site Address CROWN AND COLUMN, 223 KER STREET PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 12/12/2016
Decision: Application Withdrawn

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